

NATIONAL MONUMENTS

Angry greens promise lawsuits if Trump acts on Zinke memo

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Bears Ears National Monument in southeastern Utah. Bureau of Land Management/Flickr

Conservation advocates roundly condemned Interior Secretary Ryan Zinke's proposed cuts today to a half-dozen national monuments, asserting his advice to President Trump ignored the bulk of public comments in favor of opening more federal lands to industrial development.

In a private report submitted to President Trump late last month, Zinke called for reducing the boundaries of both the Grand Staircase-Escalante and Bears Ears national monuments in Utah, Gold Butte National Monument in Nevada and the Cascade-Siskiyou National Monument, which straddles Oregon and California.

He also proposed cuts to both the Rose Atoll and the Pacific Remote Islands marine national monuments ([Greenwire](#), Sept. 18).

Other proposed changes would retain monument boundaries but alter management plans to allow commercial fishing, protect grazing rights or provide access for timber harvesting.

"It's now clear why the White House has been keeping this memo under lock and key — Secretary Zinke tried to toss the White House a political hot potato," said Center for Western Priorities Executive Director Jennifer Rokala.

She added, "This so-called 'final report' is embarrassingly thin on substance but is filled with politically motivated suggestions sure to please anti-park members of Congress and their friends in the oil, gas and coal industries. The report takes a cudgel to America's public lands legacy, encouraging President Trump to make an unprecedented attack that would close off national monuments for future generations."

Trump mandated the Interior Department review the national monuments in an April executive order. The 120-day assessment included 27 monuments designated since 1996, all but one of which encompass more than 100,000 acres.

Although the final report was submitted to the White House nearly four weeks ago, neither the president nor Interior have commented publicly on its details. A White House spokeswoman told E&E News today there is no deadline for the president to act on Zinke's recommendations.

In his 19-page memorandum, a **copy** of which was provided to E&E News by **Public Employees for Environmental Responsibility**, Zinke also slammed nongovernmental organizations (NGOs) that have previously supported new monument designations.

"Too often it is the local stakeholders who lack the organization, funding and institutional support to compete with well-funded NGOs," Zinke wrote. "As a result, the public consultation processes that have occurred prior to monument designations have often not adequately accounted for the local voice."

He added, "This is concerning, as these are the communities and stakeholders affected the most by the land-use restrictions associated with these designation."

Echoing remarks Interior made in a public summary of the report last month, Zinke also dismissed the bulk of commentary collected at Regulations.gov, noting that 2.6 million comments were "associated with NGO-organized campaigns."

The New Mexico Wildlife Federation slammed Zinke for a review "in name only," asserting Interior effectively ignored the majority of public comments.

"Secretary Zinke considers himself a sportsman, today he has betrayed the sportsmen and women who were the driving force behind the monuments he has suggested changing," said NMWF Executive Director Garrett VeneKlasen.

Numerous conservation groups also reiterated their vows to sue the Trump administration if the president attempts to reduce the boundaries of any monuments without congressional action.

Although presidents have reduced the size of some monuments — Zinke notes in his report that chief executives have used their power to do so 18 times since the

Antiquities Act went into effect in 1906 — President Kennedy was the last to do so when he modified the Bandelier National Monument in New Mexico. No president has attempted to test his ability to shrink a monument since Congress authored the Federal Land Policy and Management Act of 1976.

"Zinke claims he wants to perpetuate traditional uses, but he's actually promoting traditional abuses," said Randi Spivak, the Center for Biological Diversity's public lands program director.

"Logging, mining, grazing, fracking and drilling destroy wildlife habitat and objects of scientific and cultural importance," she added. "Zinke and Trump are displaying their disdain for these magnificent public lands and the millions of people who demanded they remain protected. Trump has no authority to make any of the changes that Zinke's recommending. If he tries to, we'll see him in court."

Both the Wilderness Society and the Southern Utah Wilderness Alliance also suggested legal action would follow any attempt to alter the monument's boundaries.

"This is a sweeping attack on America's National Monuments, not only by eliminating some of the lands that have been designated for protection, but by fundamentally repurposing National Monuments from protection of resources and public enjoyment to commercial exploitation and industrial development," Western Watersheds Project's Erik Molvar said in a press release. "Only Congress has the authority to reduce the size of National Monuments or otherwise tamper with their proclaimed purpose and protections, and it is absolutely illegal for any president to do so."

House Natural Resources Chairman Rob Bishop (R-Utah) and conservative legal scholars have argued that the president does retain the authority to alter monuments, but no such actions have ever been tested in court, all but guaranteeing a legal battle should Trump act on Zinke's recommendations.

"The president simply does not have the authority to modify these land and ocean treasures," Conservation Law Foundation senior counsel Peter Shelley said in a statement. "More than 120 legal scholars agree that the purpose of the Antiquities Act is clear: to protect areas of scientific, cultural, or historic value — not to decimate them."

Still, Zinke's recommendation to reopen marine monuments to commercial fishing drew praise from the National Coalition for Fishing Communities, which advocates for the industry.

"There seems to be a huge misconception that there are limitless areas where displaced fishermen can go," said Atlantic Offshore Lobstermen's Association President Grant Moore. "Basically with the stroke of a pen, President Obama put fishermen and their crews out of work and harmed all the shore-side businesses that support the fishing industry."

Utah lawsuit

One lawsuit related to Zinke's review of the 27 national monuments is already in court.

The Southern Utah Wilderness Alliance filed a lawsuit in Utah last week over allegations that San Juan County's commissioners violated the state's open meetings act by holding a private session with Zinke to discuss the future of the Bears Ears monument.

Zinke met with local officials both in the Beehive State and in Washington, D.C., but SUWA notes that the meetings violated state laws that require both public notification and open attendance.

"The San Juan County Commission's repeated closed-door meetings are blatant violations of Utah's Open and Public Meetings Act. County commissioners are required to conduct public business out in the open, not in secret," said SUWA staff attorney Laura Peterson.

The conservation group previously filed a similar suit against local governments in Kane and Garfield counties for holding meetings with Zinke related to the Grand Staircase-Escalante monument.

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