

## MEMORANDUM

To: Utah Citizens for Public Lands

From: Sam Ressin, Vice President of the Natural Resources Defense Council

SUBJ: Briefing Memo to Define the Problem: President Trump's Executive Order Threatens Hard-fought Conservation Protections for National Monuments

Date: July 31, 2018

cc: Secretary of the Interior Ryan Zinke

### OVERVIEW

According to the National Parks Conservation Association, national monuments "are nationally significant lands and waters set aside for permanent protection" ("What is a National Monument?"). National monuments differ from national parks and other sites worthy of preservation in the way they are established. The president may create a national monument to protect lands of interest by using the authority given to him under the American Antiquities Act of 1906 ("American Antiquities Act of 1906"). Former presidents Bill Clinton and Barack Obama used the Antiquities Act to designate the Grand Staircase-Escalante National Monument and Bears Ears National Monument in 1996 and 2016, respectively.

Unfortunately, controversy around how both presidents created these monuments has led to a reexamination of their existence. The controversy stems from the wide powers the Antiquities Act gives to the president. On one hand, the president may unilaterally create a national monument from public lands, giving millions of Americans access to often beautiful landscapes or historically significant sites. On the other hand, this access may come at a cost to local populations who must give up existing economic development and tax revenue. Tension resulting from the loss of local control as a result of the creation of both monuments has led to

the creation of a coalition of conservative lawmakers and industry groups. This coalition is pressuring the administration to review past national monument designations, which may result in the erosion of protections currently enjoyed by the Grand Staircase-Escalante and Bears Ears National Monuments.

#### CURRENT POLICY

On April 26<sup>th</sup>, 2017, President Donald Trump signed an executive order instructing Secretary of the Interior Ryan Zinke to conduct a review of a select number of national monuments. The monuments in question are those that were created since January 1<sup>st</sup>, 1996 and that span at least 100,000 acres (Eilperin 2017). Both the Grand Staircase-Escalante and Bears Ears National Monuments fit these criteria (Turkewitz et. al. 2017). In announcing his executive order, the president framed his decision as one born out of collaboration and a concern for protecting public lands. The president said that he has "spoken with many state and local leaders, a number of them here today, who care very much about preserving our land." He acknowledged the "tremendously positive things are going to happen on that incredible land" as a result of his decision to "free it up" (Eilperin).

Although the president's rhetoric indicates concern for conservation, his desire to preserve public lands must be evaluated in relation to his actions. After Secretary Zinke's review, President Trump may decide to leave the existing monuments unchanged, or he may alter the boundaries of the monuments. Revoking the protections given to national monuments is likely to result in the degradation, not preservation, of public lands. When government terminates protections given to national monuments, various industries may extract its natural resources, therefore removing access to natural monuments by the general public.

## POLICY OUTCOMES

*Tribal Relations:* The elimination of national monument protections would fracture the relationship between tribes and the federal government. The Wilderness Society has said that "looting and grave robbing" have damaged and may continue to damage over 100,000 archaeological and cultural sites in the Bears Ears region significant to Native Americans (Greenberg 2016). Because so many sites in the area are sacred, Native American populations are strong supporters of federal land protections. Shaun Champoos of the Ute Indian Tribe said in a statement that "we will gather ourselves together to continue the fight to save our lands for the future of not just Native people, but all people who connect with these lands" (Eilperin).

*Wildlife:* Public acres opened up to commercial activities such as oil and gas extraction, mining, and logging could negatively impact wildlife (Schlossberg 2017). Species that had previously inhabited protected lands could suffer habitat loss and potential population decline. John Gale, conservation director for the Montana-based Backcountry Hunters & Anglers, said in a statement that the opening of public lands to industrial processes "could create unintended consequences that jeopardize important fish and wildlife habitat" (Eilperin).

*Economic Development:* While new forms of economic activity may occur as a result of the removal of national monument protections, it is well documented that increases in economic activity often follow the designation of national monuments. Nicole Croft, who represents local businesses and supporters of the Grand Staircase-Escalante National Monument as the Grand Staircase-Escalante Partners Executive Director, has cited tourism as the reason for positive economic growth. She said that "tourism is the anchor of the economy" (Eilperin). If the current presidential administration were to shrink the monument, tourism may decrease, which would negatively impact the local population.

Other industries that rely on citizens being able to enjoy public lands would see a reduction in economic activity due to the revocation of protections. The Outdoor Industry Association ended its history of holding its major trade show in Utah to protest the state government's opposition to the Bears Ears National Monument. The group's executive director, Amy Roberts, said that her members were "concerned" about efforts to remove protections and that her group will "make the argument for why these monuments have supported local communities and their economic vitality" (Eilperin).

## CONCLUSION

Utahns have enjoyed access to public lands for decades. Attempts to roll back national monument designations would benefit a small number of industries at the expense of the general public. The administration would be wise to reevaluate its actions given the possible consequences on tribal relations, wildlife, and economic development. Revoking conservation protections would set an alarming precedent that the demands of industry, not the need to preserve public lands for all Americans, should be a deciding factor in any decision to establish a national monument.

## Works Cited

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