



**NATURAL  
RESOURCES**  
COMMITTEE DEMOCRATS  
RANKING MEMBER  
**RAÚL M. GRIJALVA**

# Fossil Apostles

## Fossil Fuels, the GOP, and the Fate of Our National Monuments



**A report by the Democratic Staff of the  
House Natural Resources Committee**

**NOTE:** This report has not been officially adopted by the Committee on Natural Resources and may not necessarily reflect the views of its members

Released: August 22, 2017

## Overview

On April 26, 2017, President Trump signed Executive Order 13792 requiring the Department of the Interior to review

all Presidential designations or expansions of designations under the Antiquities Act made since January 1, 1996, where the designation covers more than 100,000 acres, where the designation after expansion covers more than 100,000 acres, or where the Secretary determines that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders, to determine whether each designation or expansion conforms to the policy set forth in section 1 of this order.

The Interior Department identified 22 terrestrial and five marine monuments subject to review pursuant to the Executive Order.<sup>1</sup> Sixteen of the listed monuments were designated or expanded by President Obama.

The Executive Order decried monument designations “that result from a lack of public outreach and proper coordination with State, tribal, and local officials and other relevant stakeholders.”<sup>2</sup> In a press release, Interior Secretary Zinke proclaimed that, “initiating a formal public comment process finally gives a voice to local communities and states when it comes to Antiquities Act monument designations.” House Natural Resources Committee Chairman Rob Bishop said, “I applaud the Trump administration’s clear commitment to do what past administrations refused to do, actually talk to real people who live in the area.”<sup>3</sup>

This report demonstrates that the justification provided for the review – a desire for robust public input – is a diversion meant to obscure the review’s true aim: the development by private companies of fossil fuel resources currently off-limits due to monument designations. The report documents extensive Republican efforts to undermine or eliminate public review of federal land management decisions, in direct contravention of the monument review’s stated goal.

The report goes on to show the enormous influence the fossil fuel industry has over the Trump administration and their Congressional allies, as well as the expansive benefits already provided to that industry this year. Finally, the report describes the relatively small amount of fossil fuel resources placed off-limits by the monument designations under review.

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<sup>1</sup> “Interior Department Releases List of Monuments Under Review, Announces First-Ever Formal Public Comment Period for Antiquities Act Monuments,” *U.S. Department of the Interior Office of the Secretary*. May 5, 2017. Web. <<https://www.doi.gov/pressreleases/interior-department-releases-list-monuments-under-review-announces-first-ever-formal>>

<sup>2</sup> 82 FR 20429 (May 1, 2017)

<sup>3</sup> “Bishop Statement on Antiquities Act Executive Order.” *House Committee on Natural Resources*. April 26, 2017. Web. <<https://naturalresources.house.gov/newsroom/documentsingle.aspx?DocumentID=401859>>

## **Pattern of Republican Efforts to Limit Public Input in Federal Land Management**

Republican talking points praising the value of public input on federal decision-making contrast sharply with actual policy proposals from the Trump administration, as well as the years-long legislative and voting record of Congressional Republicans.

The National Environmental Policy Act (NEPA),<sup>4</sup> a foundational environmental law, requires federal agencies to solicit public input for actions that may impact the environment.

On May 5, 2017, the same day of the Department of the Interior (DOI) press release announcing which national monuments would be reviewed, news broke that Secretary Zinke quietly suspended the work of the Bureau of Land Management's (BLM) primary mechanism for gathering local input about monuments and other BLM decisions, the Resource Advisory Councils (RAC).<sup>5</sup> The RACs

are sounding boards for BLM initiatives, regulatory proposals and policy changes. Each citizen-based council consists of 10 to 15 members from diverse interests in local communities, including ranchers, environmental groups, Tribes, state and local government officials, academics, and other public land users. The Department of the Interior established the RACs in 1995. RAC members vote on recommendations related to public land management and provide those recommendations to the designated federal official who serves as liaison to the RAC.<sup>6</sup>

It is impossible to reconcile these attempts to silence members of the public with the Trump administration's claim that the motivation for its review of national monuments is a desire to foster such input.

House Republican efforts to block the public from participating in federal decision-making are even more extensive. The chart below documents only a partial list of recent Republican attacks on NEPA in the Natural Resources Committee and on the House floor.

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<sup>4</sup>The National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.)

<sup>5</sup> Streater, Scott. "Agency suspends advisory panels even as decisions loom." *E&E News*. May 5, 2017. Web. <<https://www.eenews.net/stories/1060054139>>

<sup>6</sup> "Resource Advisory Council – About RAC." *Bureau of Land Management*. Web. <<https://www.blm.gov/get-involved/resource-advisory-council/about-rac>>

Bill Overview	Description	Impact on NEPA	Committee Votes	House Floor Votes
<b>H.R. 2083, Endangered Salmon and Fisheries Predation Prevention Act, July 25, 2017</b>				
<a href="#">H.R. 2083 - Bill Text</a> Sponsor: Jaime Herrera Beutler (R)	The bill would allow three states and four tribes to kill up to 92 sea lions in the Columbia River system without any evidence that the animals killed were having an impact on fish populations. In addition, the bill would exempt sea lion killing from review under NEPA and allow killing of sea lions for eating not only threatened and endangered salmon and steelhead, but also other fish, including non-native predators like striped bass and pike that harm salmon stocks.	This bill is BAD for public input	<b>Passed</b>  <b>21-14</b>  <a href="#">Roll Call Link</a>	
<b>Amendment No. 1</b> Sponsor: Jared Huffman (D)	This amendment would have given states and tribes limited authority to address predation of threatened and endangered salmon and steelhead populations at the Bonneville Dam on the Columbia River, while ensuring that sea lions could not be killed at random as the underlying bill would allow. This amendment also would have removed language from the bill that would exempt sea lion killing programs from review under NEPA.	This amendment is GOOD for public input	<b>Failed</b>  <b>14-20</b>  <a href="#">Roll Call Link</a>	

Bill Overview	Description	Impact on NEPA	Committee Votes	House Floor Votes
<b>H.R. 2936, Resilient Federal Forests Act of 2017, June 27, 2017</b>				
<a href="#">H.R. 2936 - Bill Text</a>  Sponsor: Bruce Westerman (R)	This bill claims to promote forest health and reduce wildfire risk on public lands by providing broad exemptions from environmental analyses required under the National Environmental Policy Act, restricting judicial review of certain forest management activities, limit payment of attorney’s fees when non-profits sue the government and win, and scaling back the wildlife conservation efforts of the Endangered Species Act. The bill includes a provision that seeks to undermine the management of a national monument.	This bill is BAD for public input	<b>Passed</b>  <b>23 – 12</b>  <a href="#">Roll Call Link</a>	
<b>Amendment No. 1</b> Sponsor: Colleen Hanabusa (D)	This amendment would delete the primary provision in the bill dedicated to weakening NEPA.	This amendment is GOOD for public input	<b>Failed</b>  <b>23 – 12</b>  <a href="#">Roll Call Link</a>	
<b>Amendment No. 7</b> Sponsor: Donald McEachin (D)	This amendment would delete the section of the bill that says Forest Management Plans will not get NEPA review.	This amendment is GOOD for public input	<b>Failed</b>  <b>22 - 11</b>  <a href="#">Roll Call Link</a>	

Bill Overview	Description	Impact on NEPA	Committee Votes	House Floor Votes
<b>H.R. 1654, Water Supply Permitting Coordination Act (House floor), June 22, 2017</b>				
<a href="#">H.R. 1654 - Bill Text</a> Sponsor: Tom McClintock (R)	This bill would impose arbitrary deadlines for completing key environmental reviews for new dams and creates an ill-conceived new review process that fails to overlap with the existing review process established under key laws such as the National Environmental Policy Act.	This bill is BAD for public input	<b>Passed</b>  <b>24-16</b>  <a href="#">Roll Call Link</a>	<b>Passed</b>  <b>233-180</b>  <a href="#">Roll Call Link</a>
<b>Amendment No. 2</b>  Sponsor: Alan Lowenthal (D)	This amendment would have limited the reach of the bill for projects that could harm commercial fisheries	This amendment is GOOD for public input		<b>Failed</b>  <b>179-232</b>  <a href="#">Roll Call Link</a>
<b>H.R. 1873, Electric Reliability and Forest Protection Act (House Floor), June 21, 2017</b>				
<a href="#">H.R. 1873 - Bill Text</a>  Sponsor: Doug LaMalfa (R)	This bill would allow state and local governments and private organizations to override federal management of U.S. public lands. In addition, it would weaken environmental safeguards under the National Environmental Policy Act for forest thinning projects and shift liability for wildfire damages from utility corporations to taxpayers. The sponsor claims the bill addresses the threat of wildfires posed by dying trees and overgrown vegetation on and adjacent to electricity transmission rights-of-way (ROWs), but the bill would do little to address the threat because the ROW maintenance	This bill is BAD for public input	<b>Passed</b>  <b>24-14</b>  <a href="#">Roll Call Link</a>	<b>Passed</b>  <b>300-118</b>  <a href="#">Roll Call Link</a>

Bill Overview	Description	Impact on NEPA	Committee Votes	House Floor Votes
	plans described in the bill are voluntary and owners of transmission lines can already work with Federal land managers to develop such plans.			
<b>H.J. Res. 44, Repeal of the Public Lands Planning Rule, February 7, 2017</b>				
<a href="#">H.J.Res 44 - Bill Text</a> Sponsor: Liz Cheney (R)	This Congressional Review Act resolution abolishes a 2016 Bureau of Land Management rule known as Planning 2.0 that updates a 30-year-old public lands planning process. Planning 2.0 facilitates public participation, requires the best available science, and directs a landscape level approach to plan design, in order to better respond to climate change. These reforms make the planning process more nimble, transparent, and efficient. Planning 2.0 was developed with significant public input, including 3,354 public comments to the draft proposal. Scrapping this planning process will cost taxpayers money, and allows special interests like the oil and gas industry to continue to benefit from closed door deals and an antiquated decision-making process.	This resolution is BAD for public input		<b>Passed</b>  <b>234-186</b>  <a href="#">Roll Call Link</a>

Bill Overview	Description	Impact on NEPA	Committee Votes	House Floor Votes
<b>H.R. 5780, Utah Public Lands Initiative Act (Federal Lands), September 22, 2016</b>				
<a href="#">H.R. 5780 - Bill Text</a> Sponsor: Rob Bishop (R)	H.R. 5780 covers the administration of public land in seven counties -- Summit, Duchesne, Carbon, Uintah, Grand, Emery, and San Juan -- in Eastern Utah. All told, the bill impacts approximately 18 million acres, an area roughly the size of Massachusetts and New Jersey combined. This so-called Utah Public Lands Initiative rolls back bedrock environmental laws and could lead to dirty energy extraction in ecologically sensitive areas. A vote for H.R. 5780 is a vote to upset the balance of the multiple-use principle that guides the management of public lands and tips the scale in favor of special interests.	This bill is BAD for public input	<b>Passed</b>  <b>21-13</b>  <a href="#">Roll Call Link</a>	
<b>Amendment No. 4</b>  Sponsor: Jared Polis (D)	This amendment would have added standard public review and appraisal practices, including a public interest determination by the Secretary of Interior, for a massive land exchange authorized by the bill. Without these protections, land owned by all Americans could be traded away without proper oversight. This amendment was rejected by the majority.	This amendment is GOOD for public input	<b>Failed</b>  <b>13-19</b>  <a href="#">Roll Call Link</a>	



Bill Overview	Description	Impact on NEPA	Committee Votes	House Floor Votes
<b>H.R. 5538, Department of the Interior, Environment, and Related Agencies Appropriations Act, July 14, 2016</b>				
<a href="#">H.R. 5538 - Bill Text</a> Sponsor: Ken Calvert (R)	The 2016 Interior and Environment Appropriations bill would place the health and safety of the American people at risk by slashing critical funding for drinking water and sanitary sewer infrastructure, climate change, and environmental enforcement. Ideological policy riders continue the assault on our environment by undermining the Administration's ability to keep our land, water, and air clean and protect threatened species.	This bill is BAD for public input		<b>Passed</b>  <b>231-196</b>  <a href="#">Roll Call Link</a>
<b>Amendment No. 21</b>  Sponsor: Debbie Dingell (D)	Strikes language in the underlying bill that would exempt certain activities in National Forests from public notice and comment and alternatives analysis under the National Environmental Policy Act.	This amendment is GOOD for public input		<b>Failed</b>  <b>170-256</b>  <a href="#">Roll Call Link</a>
<b>H.R. 2316, Self-Sufficient Community Lands Act (Federal Lands), June 15, 2016</b>				
<a href="#">H.R. 2316 - Bill Text</a> Sponsor: Raul Labrador (R)	H.R. 2316 sets up a process to transfer the management of millions of acres of national forest to unelected advisory boards with the primary mandate of increasing revenue from timber sales. Federal public participation and environmental review standards would not apply to the sections of national	This bill is BAD for public input	<b>Passed</b>  <b>25-13</b>  <a href="#">Roll Call Link</a>	

Bill Overview	Description	Impact on NEPA	Committee Votes	House Floor Votes
	<p>forest managed under this new authority, meaning the American public would no longer have an opportunity to participate in management decisions or even be guaranteed access. To make matters worse, the bill authorizes the use of funds from Secure Rural Schools, a federal program that distributes money to support education and roads in rural counties, to facilitate this takeover of American public land.</p>			
<p><b>H.R. 2295, National Energy Security Corridors Act (Energy &amp; Mineral Resources; Water Power and Oceans), December 3, 2015</b></p>				
<p><a href="#">H.R. 2295 - Bill Text</a></p> <p>Sponsor: Thomas MacArthur (R)</p>	<p>H.R. 2295 would make it easier to put natural gas pipelines through National Parks, establish new infrastructure corridors without public input for streamlined pipeline siting in the Eastern United States.</p>	<p>This bill is BAD for public input</p>	<p><b>Passed</b></p> <p><b>21-15</b></p> <p><a href="#">Roll Call Link</a></p>	<p><b>Passed as part of House energy package (H.R.8)</b></p> <p><b>249-174</b></p> <p><a href="#">Roll Call Link</a></p>
<p><b>H.R. 1937, National Strategic and Critical Minerals Production Act (Energy and Mineral Resources), October 22, 2015</b></p>				
<p><a href="#">H.R. 1937 - Bill Text</a></p> <p>Sponsor: Mark Amodei (R)</p>	<p>The bill weakens environmental reviews and blocks access to the courts by the public for all substances mined in the United States under the guise of labeling them "strategic and critical." It allows mining projects to avoid NEPA requirements for public participation and for the agencies to respond to public comments</p>	<p>This bill is BAD for public input</p>	<p><b>Passed</b></p> <p><b>23-14</b></p> <p><a href="#">Roll Call Link</a></p>	<p><b>Passed</b></p> <p><b>254-177</b></p> <p><a href="#">Roll Call Link</a></p>

Bill Overview	Description	Impact on NEPA	Committee Votes	House Floor Votes
<b>Amendment No. 1</b> Sponsor: Alan Lowenthal (D)	This would have limited the bill to only apply to truly strategic and critical minerals, according to the definition of the National Research Council. A vote against this amendment supported waiving NEPA reviews for all minerals, including sand and gravel.	This amendment is GOOD for public input		<b>Failed</b>  <b>176-253</b>  <a href="#">Roll Call Link</a>
<b>Amendment No. 2</b> Sponsor: Debbie Dingell (D)	This amendment would have ensured that a full NEPA review was conducted for all proposed mining projects.	This amendment is GOOD for public input		<b>Failed</b>  <b>181-248</b>  <a href="#">Roll Call Link</a>
<b>H.R. 538, Native American Energy Act (Indian, Insular and Alaska Native Affairs; Energy and Mineral Resources) October 8, 2015</b>				
<a href="#">H.R. 538 - Bill Text</a> Sponsor: Don Young (R)	H.R. 538 would contravene existing environmental protections, curtail the application of the National Environmental Policy Act, and keep legitimate claims from being brought by victims of environmental disasters on Tribal lands.	This bill is BAD for public input	<b>Passed</b>  <b>23-12</b>  <a href="#">Roll Call Link</a>	<b>Passed</b>  <b>254-173</b>  <a href="#">Roll Call Link</a>
<b>H.R. 348, RAPID Act (Natural Resources Committee and Judiciary Committee) September 25, 2015</b>				
<a href="#">H.R. 348 - Bill Text</a> Sponsor: Tom Marino (R)	H.R. 348 would force agencies to prioritize private interests over public health and safety. By amending the Administrative Procedure Act, the bill intends to override the National Environmental Policy Act review process, limit public input, and, consequently, undermine the quality and integrity of federal agency decisions.	This bill is BAD for public input		<b>Passed</b>  <b>233-170</b>  <a href="#">Roll Call Link</a>

Bill Overview	Description	Impact on NEPA	Committee Votes	House Floor Votes
<b>Amendment No. 4</b> Sponsor: Ruben Gallego (D)	Would grant extensions to the bill's arbitrary deadlines for permitting decisions if requested by a state or local elected official or a local tribal official. This would ensure that state, local and tribal officials are given a voice in NEPA permitting decisions.	This amendment is GOOD for public input		<b>Failed</b>  <b>179-230</b>  <a href="#">Roll Call Link</a>
<b>Amendment No. 10</b> Sponsor: Henry C. "Hank" Johnson (D)	Ensures that nothing in the bill will change or limit any law or regulation that allows for public comment or participation in an agency decision making process. It would curtail the harmful cumulative effects of the bill which would be to limit the right of the public to comment on construction projects that may have an environmental impact.	This amendment is GOOD for public input		<b>Failed</b>  <b>176-232</b>  <a href="#">Roll Call Link</a>
<b>H.R. 1335, Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (Water, Power and Oceans), June 1, 2015</b>				
<a href="#">H.R.1335 -Bill Text</a> Sponsor: Don Young (R)	Would reauthorize and amend the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the law governing fishing in the U.S. Exclusive Economic Zone (EEZ). This Republican re-write rolls back elements of the law critical to making fisheries and the fishing industry in the United States economically and environmentally sustainable.	This bill is BAD for public input	<b>Passed</b>  <b>21-14</b>  <a href="#">Roll Call Link</a>	<b>Passed</b>  <b>225-152</b>  <a href="#">Roll Call Link</a>
<b>Amendment No. 1</b> Sponsor: Debbie Dingell (D)	Eliminates language that would short-circuit public review and participation under the National Environmental Policy Act.	This amendment is GOOD for public input		<b>Failed</b>  <b>155-223</b>  <a href="#">Roll Call Link</a>

## A Black Box Process

Further undermining the Trump administration's contention that the goal of the national monument review is to foster public input is the lack of transparency plaguing the process itself.

Secretary Zinke has toured various sites under review and has claimed to be meeting with all relevant stakeholders and listening to local input.<sup>7,8,9</sup> However, media and other reports from the Secretary's trips have been critical of the selective meetings he has chosen to take and the brevity of those meetings.<sup>10,11,12,13,14,15</sup>

House Natural Resources Committee Democrats requested a list of the Secretary's meetings, as well as an accounting of the public comments submitted as part of the review process.<sup>16</sup> The administration has not responded to the letter.

A review process supposedly intended to include and educate the American public that includes selective, secretive meetings and hides the results of public comments is an obvious sham.

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<sup>7</sup> Press Release. "Secretary Zinke Submits 45-Day Interim Report on Bears Ears National Monument and Extends Public Comment Period." Jun 12, 2017. Web. <<https://www.doi.gov/pressreleases/secretary-zinke-submits-45-day-interim-report-bears-ears-national-monument-and-extends>>

<sup>8</sup> Press Release. "Interior Secretary Ryan Zinke's Statement on the End of the Monuments Review Public Comment Period." Jul 11, 2017. Web. <<https://www.doi.gov/pressreleases/interior-secretary-ryan-zinkes-statement-end-monuments-review-public-comment-period>>

<sup>9</sup> Press Release. "Readout of Day-2 of Secretary Zinke's Visit to Katahdin Woods and Waters National Monument." Jun 14, 2017. Web. <<https://www.doi.gov/pressreleases/readout-day-2-secretary-zinkes-visit-katahdin-woods-and-waters-national-monument>>

<sup>10</sup> Yachnin, Jennifer. "Zinke, Trump admin blasted as 'big bullies' in Nev. Tour." *E&E News*. August 1, 2017. Web. <<https://www.eenews.net/eedaily/stories/1060058191>>

<sup>11</sup> McKay, Dan. "Zinke says he's 'open-minded' on NM monuments." *Albuquerque Journal*. July 27, 2017. Web. <<https://www.abqjournal.com/1039573/zinke-openminded-on-nm-monuments-2.html>>

<sup>12</sup> O'Reilly, Andrew. "Bears Ears National Monument: Zinke gets mixed reactions during visit." *Fox News*. May 10, 2017. <<http://www.foxnews.com/politics/2017/05/10/bears-ears-national-monument-zinke-gets-mixed-reactions-during-visit.html>>

<sup>13</sup> Fahys, Judy. "National Monuments: lots of talk, but many still feel unheard." *KUER1*. May 23, 2017. Web. <<http://kuer.org/post/national-monuments-lots-talk-many-still-feel-unheard#stream/0>>

<sup>14</sup> "Statement on emerging Interior Department pattern of ignoring public input." *Center for Western Priorities*. May 7, 2017. Web. <<http://westernpriorities.org/2017/05/07/statement-on-emerging-interior-department-pattern-of-ignoring-public-input/>>

<sup>15</sup> "Statement: Interior Secretary meets with extremist politicians while ignoring tribes on monument rollbacks." *Center for Western Priorities*. May 2, 2017. Web <<http://westernpriorities.org/2017/05/02/statement-interior-secretary-meets-with-extremist-politicians-while-ignoring-tribes-on-monument-rollbacks/>>

<sup>16</sup> Letter from Rep. Raúl Grijalva, Ranking Member, H. Comm. on Natural Res., to Ryan Zinke, U.S. Secretary of the Interior. June 13, 2017. Web. <<http://democrats-naturalresources.house.gov/imo/media/doc/Grijalva%20Letter%20to%20Zinke%20Requesting%20Info%20on%20National%20Monuments%20Review%20June%2013.pdf>>

## What the Public Actually Thinks



Figure 1: Answers from residents in all 7 states polled to "Do you think that existing national monument designations for some public lands protected over the last decade should be kept in place or should they be removed?"

in opposing national monuments, 60% wanted to keep the monuments in place and 30% wanted them removed. In fact, it is hard to find groups of people in Utah that want them removed. Hunters, anglers, conservationists and non-conservationists, low-income and middle class, all given educational categories, and those living in the city, suburbs, or towns all support keeping the monuments in place.

Even Utahans that identify as conservatives (45% keep to 46% remove) and members of the GOP (43%-43%) are split on the question. When Utahans were asked more specifically whether they supported the newly proclaimed Bears Ears National Monument, 47% supported keeping it and 32% wanted to roll it back.

A sampling of the public comments on Secretary Zinke's review of national monuments shows similar results. A random sampling of the comments submitted showed that 98% of commenters supported keeping or expanding the existing national monuments.<sup>18</sup> A random sample of the comments from self-identified Utahans found that 88% supported protecting the two monuments on the list for review: Bears Ears and Grand Staircase-Escalante.<sup>19</sup>

If the Trump administration were truly interested in gauging public opinion regarding national monuments, that information is not difficult to find.

In a January 2017 poll covering Arizona, Colorado, Montana, Nevada, New Mexico and Wyoming, respondents were asked "Do you think that existing national monument designations for some public lands protected over the last decade should be kept in place or should they be removed?" Across all 7 states, 80% wanted to keep them in place.<sup>17</sup>

In Utah, home to the Congressional delegation that has been the most vocal

<sup>17</sup> "2017 Conservation in the West Poll," *Colorado College and Public Opinion Strategies*. January 2017. Web. <<https://www.coloradocollege.edu/stateoftherockies/conservationinthewest/>>

<sup>18</sup> Weiss, Aaron. "America to Trump and Zinke: don't touch national monument." *Medium*. July 10, 2017. Web. <<https://medium.com/westwise/america-to-trump-and-zinke-dont-touch-national-monuments-8f4b40c43599>>

<sup>19</sup> *Ibid.*

## Who is the Administration Really Listening To?

President Trump and Congressional Republicans have a consistent anti-public input agenda, have engaged in a secret process to review monuments, and are ignoring overwhelming public sentiment regarding conservation of those monuments. So which opinions are they listening to?

The release of Secretary Zinke's daily schedule for his first two months on the job demonstrates the role played by the fossil fuel industry in shaping the Trump agenda. According to *The Washington Post*,<sup>20</sup>

Zinke held more than a half-dozen meetings with executives from nearly two dozen oil and gas firms during the period, including BP America, Chevron and ExxonMobil. He also spent time with the American Petroleum Institute, the Western Energy Alliance and Continental Resources chief executive Harold Hamm. Several of these discussions covered executive actions the administration would later take in an effort to reverse President Barack Obama's policies...

On March 23, 2017, Secretary Zinke met with the Board of Directors of the American Petroleum Institute. Instead of meeting at DOI offices as might be expected, they met at the Trump Hotel in Washington D.C.,<sup>21</sup> which is still owned by President Trump. One day later, the Office of Natural Resources Revenue at the Department of the Interior announced it would be rescinding a rule that would require fossil fuel companies to pay their fair share of royalties for the fossil fuel they extract from public lands.<sup>22</sup>

On April 28, 2017, President Trump formally nominated David Bernhardt for Deputy Secretary of the Department of the Interior, the agency's second highest position. Mr. Bernhardt spent years as a lobbyist and lawyer for energy companies, including Halliburton, Statoil, and Cobalt International Energy.<sup>23,24,25,26</sup>

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<sup>20</sup> Eilperin, Juliet. "Interior secretary's personal schedule shows industry chiefs have frequent access." *The Washington Post*. 19 May 2017. Web. <[https://www.washingtonpost.com/news/energy-environment/wp/2017/05/19/personal-schedule-shows-industry-ceos-frequent-access-to-interior-secretary/?utm\\_term=.dd0be60e0cdf](https://www.washingtonpost.com/news/energy-environment/wp/2017/05/19/personal-schedule-shows-industry-ceos-frequent-access-to-interior-secretary/?utm_term=.dd0be60e0cdf)>

<sup>21</sup> Egan, Matt. "Oil lobby met with interior secretary at Trump hotel." *CNN*. June 6, 2017. Web. <<http://money.cnn.com/2017/06/06/investing/oil-lobby-trump-hotel-api/index.html>>

<sup>22</sup> Kovski, Alan. "Interior to kill rule on value of federal oil, gas, coal." *Bloomberg BNA*. March 28, 2017. Web. <<https://www.bna.com/interior-kill-rule-n57982085863/>>

<sup>23</sup> Bernhardt, David. *U.S. Office of Government Ethics Public Disclosure Report (OGE Form 278e)*. May 2017. Web. <<http://westernpriorities.org/wp-content/uploads/2017/05/bernhardt-oge-278.pdf>>

<sup>24</sup> Bernhardt, David. *United States Senate Committee on Energy and Natural Resources Statement for Completion by Presidential Nominees*. May 2017. Web. <<http://westernpriorities.org/wp-content/uploads/2017/05/bernhardt-enr-ethics.pdf>>

<sup>25</sup> Brownstein Hyatt Farber Schreck, LLP. *Lobbying Report: 2011 Q3*. 2011. Web <<https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=C4831978-B5F4-4B84-B073-BC391E2B217F&filingTypeID=69>>

<sup>26</sup> Brownstein Hyatt Farber Schreck, LLP. *Lobbying Report: 2011 Q4*. 2011. Web <<https://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=EF25391B-761F-4C1C-BDB0-E650F2E46D92&filingTypeID=78>>

The fossil fuel industry's enormous influence over the administration is already yielding benefits. Below is only a partial list of Trump administration policies benefitting the fossil fuel industry.

### *Presidential Actions*

**Keystone XL Memorandum:** Signed by the President on January 24, 2017, this memo invited Keystone to resubmit its pipeline application and directed the State Department to expeditiously review it. The pipeline was approved on March 24.

**Dakota Access Memorandum:** Also signed by the President on January 24, this memo directed the Army Corps to approve the Dakota Access pipeline in an expedited manner, which it did on February 7.

**Regulatory Executive Orders:** Although not strictly an energy issue, Executive Order 13771 (January 30, 2017) instituted limits on rulemaking and created the two-for-one policy that will have uncertain impacts in the years to come. Executive Order 13777 directed each agency to put together a Regulatory Task Force to identify regulations that “inhibit job creation” or “are outdated, unnecessary, or ineffective,” for possible repeal.

**Stream Protection Rule Repeal:** On February 16, President Trump signed a Congressional Review Act resolution that repealed the Office of Surface Mining Reclamation and Enforcement's Stream Protection Rule, which was designed to provide additional protection to rivers and streams in Appalachia from the impacts of mountaintop removal mining.

**Planning 2.0 Repeal:** On March 27, President Trump signed a Congressional Review Act resolution that repealed the BLM's Planning 2.0 Rule. While not an energy-specific rule, oil and gas organizations supported the repeal.

**Energy Independence Executive Order** (EO 13783; March 28, 2017): Directed all agencies to begin a review of all agency actions “that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources.” Also rescinded: the CEQ August 2016 guidance on the social cost of carbon and how to incorporate the expected impacts of climate change into NEPA reviews; a November 2013 executive order on preparing for the impacts of climate change; and a November 2015 executive order on mitigation, among others.

**Offshore Energy Executive Order** (EO 13795; April 28, 2017): Lifted the protections placed on the Arctic Ocean and the Atlantic Canyons by President Obama, and effectively mandated the creation of a new 5-year offshore oil and gas leasing program. This order also ordered the review of: the Bureau of Ocean Energy Management's (BOEM) Financial Assurance Rule and proposed Offshore Air Rule; the Bureau of Safety and Environmental Enforcement's (BSEE) Well



Control and Arctic Drilling rules; and all new marine sanctuaries created in the preceding 10 years, and blocked the designation of new marine sanctuaries unless the areas have been assessed for energy potential.

### *Secretarial Orders*

**Coal Moratorium** (SO 3348; March 29, 2017): Secretary Zinke ended the pause on federal coal leasing and cancelled the Programmatic Environmental Impact Statement ordered by Secretary Jewell.

**Energy Independence** (SO 3349; March 29, 2017): This carried out much of the direction from EO 13783, revoking Secretary Jewell's order on mitigation, directing all agencies to review their mitigation and climate change policies to make sure they are consistent with the new administration's policies, and ordering reviews of the BLM fracking rule, the BLM Methane Waste Rule, the National Park Service Oil and Gas Rule, the Fish and Wildlife Service Oil and Gas Rule, and all other actions that "potentially burden" oil and gas development.

**Offshore Energy** (SO 3350; May 1, 2017): This implements EO 13795, directing BOEM to begin a new 5-year oil and gas leasing plan; work with the National Marine Fisheries Service to expedite the necessary permits for seismic exploration in the Atlantic; extend the timelines for companies to meet additional bonding requirements (BOEM Notice to Lessees No. 2016-N01); and stop the development of the offshore air rule. It also directs BSEE to review the well control rule and the Arctic drilling safety rule.

**Energy Counselor to the Secretary** (SO 3351; May 1, 2017): Creates the position of Energy Counselor to the Secretary within the Secretary's immediate office, with the charge to "identify burdens that unnecessarily encumber energy exploration development, [sic] production, transportation; and developing strategies to eliminate or minimize these burdens."

**National Petroleum Reserve – Alaska** (NPR-A; SO 3352; May 31, 2017): Directed the review of the Integrated Activity Plan for the NPR-A, which is only four years old and was an attempt to balance conservation with development in the reserve. This SO also directed an update to the resource assessment for the Arctic National Wildlife Refuge coastal plain.

## *Other Actions*

**Regulatory Task Force:** Created on March 15, 2017, as directed by EO 13777, to identify rules that should be modified or repealed. A request for public comment for information on rules that should be repealed, replaced, or modified, with no expiration date on the comment period, was published on June 22.<sup>27</sup>

**Hydraulic Fracturing Rule:** The Trump administration has stopped attempting to defend the rule before the 10<sup>th</sup> Circuit while it prepares to rescind the rule.

**BLM Methane Rule:** DOI announced that it would delay compliance dates in this rule while it prepares to rescind it, in likely contravention of the Administrative Procedures Act (APA). A similar delay was also announced for the EPA methane rules that covered the oil and gas sector on private lands.

**Offshore Supplemental Bonding:** BOEM has repeatedly delayed requiring companies to meet supplemental bonding requirements that were originally published in 2016. BOEM also rescinded orders to companies that hold “sole liability” properties, which are considered the highest risk to the taxpayers.

**Atlantic Seismic:** In May, BOEM announced that it would continue processing applications for seismic surveys in the Atlantic Ocean, despite previously rejecting those applications.

**Valuation Rule:** The Office of Natural Resources Revenue announced that it would suspend enforcement of this rule after it had already gone into effect, in likely violation of the APA. The rule was formally repealed through a notice in the Federal Register on August 7, 2017 – an action that will result in a roughly \$75 million annual gift to the oil, gas, and coal industries.

While much of President Trump’s agenda has been stymied by successful legal challenges or internal Republican infighting, the fossil fuel industry has enjoyed remarkable and lucrative success in shaping President Trump’s policies.

Weaker protection for national monuments is next on the industry’s wish list. A January 2017 letter from a variety of industry groups, including the American Exploration & Mining Association, the Independent Petroleum Association of America, and the Western Energy Alliance urged President Trump to “work with Congress to pass legislation to improve accountability and transparency in the designation of national monuments.”<sup>28</sup>

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<sup>27</sup> The docket for this notice is available at <http://bit.ly/2saHp6F>, although each agency has its own sub-docket within that where comments would be posted.

<sup>28</sup> Coalition Letter to President-Elect Trump on “The Antiquities Act” and National Monument Designations. Independent Petroleum Association of America. January 9, 2017. Web. <<http://www.ipaa.org/2017/01/09/coalition-letter-to-president-elect-trump-on-the-antiquities-act-and-national-monument-designations/>>

Following President Trump's April Executive Order that initiated the review of national monuments, the Institute for Energy Research, a non-profit advocacy group with links to the fossil fuel industry and the Koch brothers,<sup>29</sup> released the following statement:<sup>30</sup>

President Trump's executive order shows that his administration remains committed to unleashing America's energy potential...Today's executive action highlights a more pressing issue, which is the need for Congress to revisit the Antiquities Act. Congress can no longer sit on the sidelines and must take action to limit the executive branch's authority when it comes to designating monuments.

While the administration has claimed a deep desire to know what the American public thinks about our national monuments as the motivation for its review, there is ample evidence that the real purpose is to satisfy the apparently boundless demand for access to drill and mine on all public lands.

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<sup>29</sup> Sheppard, Kate. "Charles Koch Linked To Creation of Fossil Fuel-Defending Nonprofit: Report." *The Huffington Post*. 30 Aug 2014. Web.

< [http://www.huffingtonpost.com/2014/08/29/charles-koch-institute-for-energy-research\\_n\\_5738868.html](http://www.huffingtonpost.com/2014/08/29/charles-koch-institute-for-energy-research_n_5738868.html) >

<sup>30</sup> "IER Applauds National Monuments Executive Order." *The Institute for Energy Research*. April 26, 2017. Web.  
<<http://instituteforenergyresearch.org/press/ier-applauds-monuments-executive-order/>>

## Why the Ruse?

The Trump administration and its Republican Congressional allies have provided misleading justifications for the review of national monuments because the true goal – increasing access for fossil fuel extraction – makes for a particularly weak and unpopular case.

Oil and coal companies are already awash in access to public land. According to a detailed review of Resource Management Plans, the oil and gas industry already has access to 90% of the public land managed by the Bureau of Land Management,<sup>31</sup> the federal agency that manages the most federal land.<sup>32</sup> In fact, oil companies are not bothering to produce oil and gas on the public land they have already leased. Fifty-three percent of public land acreage that has been leased to oil and gas companies across the US is not in production as of fiscal year 2016. In Utah, that number is 61%. In addition, oil and gas companies are hoarding nearly 8,000 approved drilling permits that they are not using.

What's more, much of that existing access for drilling and mining is inside national monuments included in the review. A review of the monument proclamations shows that drilling and mining activities within the national monuments that existed at the time of the declaration are generally allowed to continue. The relevant passages are summarized in Table 1.<sup>33</sup>

The current glut of access to energy resources on public lands, including within national monuments, is apparently not enough to satisfy industry demand. Companies want new leases and permits in these protected areas, which would destroy natural and cultural resources they were set aside to protect.

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<sup>31</sup> Report. The Wilderness Society. "Open for Business (and not Much Else)" Web.  
<[http://wilderness.org/sites/default/files/TWS%20--%20BLM%20report\\_0.pdf](http://wilderness.org/sites/default/files/TWS%20--%20BLM%20report_0.pdf)>

<sup>32</sup> The BLM manages the largest share of federal land of all federal agencies; roughly 250 million acres out of a total of approximately 640 million.

<sup>33</sup> Vincent-Hardy, Carol and Hanson, Laura. *Monumental Proclamations Under Executive Order Review: Comparison of Selected Provisions*. Congressional Research Service. 11 July 2017.  
<<http://www.crs.gov/Reports/R44886?source=search&guid=11a51591688f41c693a145d5d8d764b0&index=0>>

**Table I. Energy Related Provisions in Proclamations of National Monuments Under Review**

National Monuments	Energy Related Provisions (Taken Directly from Proclamations)
Basin and Range National Monument (Proc. #9297 – established)	<p>The establishment of the monument is subject to valid existing rights.</p> <p>All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.</p> <p>Except as necessary for the care and management of the objects identified above or for the purpose of permitted livestock grazing, no new rights-of-way for electric transmission or transportation shall be authorized within the monument. Other rights-of-way may be authorized only if consistent with the care and management of the objects identified above.</p>
Bears Ears National Monument (Proc. #9558 – established)	<p>The establishment of the monument is subject to valid existing rights . . . .<sup>a</sup></p> <p>All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws or laws applicable to the U.S. Forest Service, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.</p> <p>Nothing in this proclamation shall be construed to interfere with the operation or maintenance, or the replacement or modification within the current authorization boundary, of existing utility, pipeline, or telecommunications facilities located within the monument in a manner consistent with the care and management of the objects identified above.</p>
Berryessa Snow Mountain National Monument (Proc. #9298 – established)	<p>The establishment of the monument is subject to valid existing rights.</p> <p>All Federal lands and interests in lands within the boundaries described on the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws or laws applicable to the U.S. Forest Service, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that facilitates the remediation, monitoring, or reclamation of historic mining operations under applicable law or otherwise furthers the protective purposes of the monument.</p>

National Monuments	Energy Related Provisions (Taken Directly from Proclamations)
<p>Canyons of the Ancients National Monument (Proc. #7317 – established)</p>	<p>The establishment of this monument is subject to valid existing rights.</p> <p>All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral leasing, other than by exchange that furthers the protective purposes of the monument, and except for oil and gas leasing as prescribed herein.</p> <p>Because most of the Federal lands have already been leased for oil and gas, which includes carbon dioxide, and development is already occurring, the monument shall remain open to oil and gas leasing and development; provided, the Secretary of the Interior shall manage the development, subject to valid existing rights, so as not to create any new impacts that interfere with the proper care and management of the objects protected by this proclamation; and provided further, the Secretary may issue new leases only for the purpose of promoting conservation of oil and gas resources in any common reservoir now being produced under existing leases, or to protect against drainage.</p>
<p>Carrizo Plain National Monument (Proc. #7393 – established)</p>	<p>The establishment of this monument is subject to valid existing rights.</p> <p>All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.</p>
<p>Cascade-Siskiyou National Monument (Proc. #7318 – established, Proc. #9564 - enlarged)</p>	<p><b>#7318:</b> The establishment of this monument is subject to valid existing rights.</p> <p>All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.</p> <p><b>#9564:</b> The enlargement of the boundary is subject to valid existing rights.</p> <p>All Federal lands and interests in lands within the boundaries described on the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.</p>

National Monuments	Energy Related Provisions (Taken Directly from Proclamations)
Craters of the Moon National Monument (Proc. #7373 – enlarged)	<p>The establishment of this monument is subject to valid existing rights.</p> <p>All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.</p>
Giant Sequoia National Monument (Proc. #7295 – established)	<p>The establishment of this monument is subject to valid existing rights.</p> <p>All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale, leasing, or other disposition under the public land laws including, but not limited to, withdrawal from locating, entry, and patent under the mining laws and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.</p>
Gold Butte National Monument (Proc. #9559 – established)	<p>The establishment of the monument is subject to valid existing rights . . . .<sup>a</sup></p> <p>All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.</p> <p>Consistent with the care and management of the objects identified above, nothing in this proclamation shall be construed to preclude the renewal or assignment of, or interfere with the operation, maintenance, replacement, modification, or upgrade within the physical authorization boundary of existing flood control, pipeline, and telecommunications facilities, or other water infrastructure, including wildlife water catchments or water district facilities, that are located within the monument. Except as necessary for the care and management of the objects identified above, no new rights-of-way shall be authorized within the monument.</p>
Grand Canyon-Parashant National Monument (Proc. #7265 – established)	<p>The establishment of this monument is subject to valid existing rights.</p> <p>All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.</p>

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**National Monuments****Energy Related Provisions (Taken Directly from Proclamations)**

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Grand Staircase-Escalante  
National Monument  
(Proc. #6920 – established)

The establishment of this monument is subject to valid existing rights.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale, leasing, or other disposition under the public land laws, other than by exchange that furthers the protective purposes of the monument.

Hanford Reach National  
Monument  
(Proc. #7319 – established)

The establishment of this monument is subject to valid existing rights.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

Nothing in this proclamation shall interfere with the operation and maintenance of existing facilities of the Columbia Basin Reclamation Project, the Federal Columbia River Transmission System, or other existing utility services that are located within the monument. Existing Federal Columbia River Transmission System facilities located within the monument may be replaced, modified and expanded, and new facilities constructed within the monument, as authorized by other applicable law. Such replacement, modification, expansion, or construction of new facilities shall be carried out in a manner consistent with proper care and management of the objects of this proclamation, to be determined in accordance with the management arrangements previously set out in this proclamation.

Ironwood Forest National  
Monument  
(Proc. # 7320 – established)

The establishment of this monument is subject to valid existing rights.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.



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**National Monuments****Energy Related Provisions (Taken Directly from Proclamations)**

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Mojave Trails National Monument  
(Proc. #9395 – established)

The establishment of the monument is subject to valid existing rights.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument or disposal for the limited purpose of providing materials for repairing or maintaining roads and bridges within the monument consistent with care and management of the objects identified above.

Nothing in this proclamation shall be construed to preclude the renewal or assignment of, or interfere with the operation or maintenance of, or with the replacement, modification, or upgrade within or adjacent to an existing authorization boundary of, existing flood control, utility, pipeline, or telecommunications facilities that are located within the monument in a manner consistent with the care and management of the objects identified above. Existing flood control, utility, pipeline, or telecommunications facilities located within the monument may be expanded, and new facilities may be constructed within the monument, but only to the extent consistent with the care and management of the objects identified above.

Organ Mountains-Desert Peaks  
National Monument  
(Proc. #9131 – established)

The establishment of the monument is subject to valid existing rights.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, leasing, or other disposition under the public land laws, including withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

Nothing in this proclamation shall be construed to preclude the Secretary from renewing or authorizing the upgrading of existing utility line rights-of-way within the physical scope of each such right-of-way that exists on the date of this proclamation. Other rights-of-way shall be authorized only if they are necessary for the care and management of the objects identified above. However, watershed restoration projects and small-scale flood prevention projects may be authorized if they are consistent with the care and management of such objects.

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**National Monuments****Energy Related Provisions (Taken Directly from Proclamations)**

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Rio Grande del Norte National Monument  
(Proc. #8946 – established)

The establishment of this monument is subject to valid existing rights.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, leasing, or other disposition under the public land laws, including withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of this proclamation.

Nothing in this proclamation shall be construed to preclude the Secretary from renewing or authorizing the upgrading of existing utility line rights-of-way within the physical scope of each such right-of-way that exists on the date of this proclamation. Additional utility line rights-of-way or upgrades outside the existing utility line rights-of-way may only be authorized if consistent with the care and management of the objects identified above.

Sand to Snow National Monument  
(Proc. #9396 – established)

The establishment of the monument is subject to valid existing rights.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws or laws applicable to the U.S. Forest Service, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

Nothing in this proclamation shall be construed to interfere with the operation or maintenance, or with the replacement or modification within the existing authorization boundary, of existing water resource, flood control, utility, pipeline, or telecommunications facilities that are located within the monument. Existing water resource, flood control, utility, pipeline, or telecommunications facilities located within the monument may be expanded, and new facilities may be constructed within the monument, to the extent consistent with the proper care and management of the objects identified above.

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**National Monuments****Energy Related Provisions (Taken Directly from Proclamations)**

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San Gabriel Mountains National Monument  
(Proc. #9194 – established)

The establishment of this monument is subject to valid existing rights. . . . To the extent allowed by applicable law, the Secretaries of Agriculture and the Interior shall manage valid Federal mineral rights existing within the monument as of the date of this proclamation in a manner consistent with the proper care and management of the objects protected by this proclamation.

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, leasing, or other disposition under the public land or other Federal laws, including location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument, or disposition of materials under the Materials Act of 1947 in a manner that is consistent with the proper care and management of the objects protected by this proclamation.

Nothing in this proclamation shall be construed to interfere with the operation or maintenance, nor with the replacement or modification within the existing authorization boundary, of existing water resource, flood control, utility, pipeline, or telecommunications facilities that are located within the monument, subject to the Secretary of Agriculture's special uses authorities and other applicable laws. Existing water resource, flood control, utility, pipeline, or telecommunications facilities located within the monument may be expanded, and new facilities may be constructed within the monument, to the extent consistent with the proper care and management of the objects protected by this proclamation, subject to the Secretary of Agriculture's special uses authorities and other applicable law.

Sonoran Desert National Monument  
(Proc. #7397 – established)

The establishment of this monument is subject to valid existing rights.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

Upper Missouri River Breaks National Monument  
(Proc. #7398 – established)

The establishment of this monument is subject to valid existing rights. The Secretary of the Interior shall manage development on existing oil and gas leases within the monument, subject to valid existing rights, so as not to create any new impacts that would interfere with the proper care and management of the objects protected by this proclamation.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

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**National Monuments****Energy Related Provisions (Taken Directly from Proclamations)**

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Vermilion Cliffs National Monument  
(Proc. #7374 – established)

The establishment of this monument is subject to valid existing rights.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including but not limited to withdrawal from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

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**Source:** The monuments in this table are identified in the May 5, 2017, press release of the Department of the Interior as exceeding the 100,000-acre threshold for review under the President’s April 26, 2017, executive order. The press release also identifies an additional monument not reflected here, Katahdin Woods and Waters National Monument, under review as to the adequacy of public outreach and coordination with stakeholders in establishing the monument.

**Notes:** The text in this table is taken verbatim from the pertinent proclamations. Consulting the entire text of the proclamations may provide a broader perspective of the provisions identified here.

The proclamations usually establish the monuments subject to valid existing rights. Valid existing rights generally are determined with reference to the law under which the rights are alleged to have arisen, such as mining and mineral leasing laws.

References in tables in this memorandum to “Secretary” refer to the head of the department(s) that manages the monument, to USFS refer to the U.S. Forest Service, to BLM refers to the Bureau of Land Management, and to n/a refer to not applicable to indicate that no relevant provision was identified.

a. The use of “. . .” reflects the omission here of text as not directly pertinent.

## **Conclusion**

In the next few days, the Trump administration is expected to release the results of a months-long “review” of national monuments designated on federal land pursuant to the Antiquities Act. The vast majority of the monuments subject to the review were designated by President Obama.

The national monuments being reviewed were designated on existing federal land after extensive planning and public review processes. National monuments protect significant historic and scientific resources. Where appropriate, drilling and mining are already authorized inside national monuments.

The stated purpose of the current review was to solicit valuable public input regarding monument designations. The report produced from this review is expected to call for shrinking or eliminating national monuments allegedly in response to public input.

This justification for the review is intentionally misleading.

The true aim of this process is to grant access for some of the most profitable energy companies in the world to the last remaining protected corners of some of our most special places.