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United States Senate

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December 1, 2017

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20006

Dear President Trump,

We write today with concerns regarding your Administration's review, led by Secretary Zinke, of national monuments designated under the Antiquities Act of 1906 under Executive Order 13792. Yesterday's Washington Post reported that you plan to reduce the size of two monuments by unprecedented amounts – a reduction of Bears Ears National Monument by 85% and Grand Staircase-Escalante National Monument by 50%.

In advance of any decision to attempt to modify the boundaries of national monuments, we write to seek specific details regarding your plans for treatment of certain acres within five national monuments that are managed by the U.S. Department of Agriculture's (USDA) Forest Service.

We have previously written Secretary Perdue and raised questions regarding the USDA's role in the national monument review led by Secretary Zinke. In response to our letter Secretary Perdue indicated that National Forest System lands could be affected by the review. During the course of the Agriculture, Nutrition, and Forestry Committee's consideration of Stephen Vaden's nomination to be General Counsel of the Agriculture Department, Mr. Vaden stated that USDA had provided data and information regarding Forest Service lands to Secretary Zinke's Department of Interior (DOI) during the national monument review. Mr. Vaden indicated that USDA's submissions to DOI were sent *without a recommendation for removing Forest Service acreage from the monuments under review*. In response to questioning about what specific Forest Service acres USDA recommended removing from national monuments, Mr. Vaden reiterated that, "No specific acres were recommended for removal."

Because of the implications for USDA Forest Service land stemming from any future executive actions regarding national monuments, please promptly respond to the following questions:

1. Do you plan to recommend removal of Forest Service acres from the current boundary of the Bears Ears National Monument in Utah?
2. Do you plan to recommend removal of Forest Service acres from the current boundaries of any of the four California national monuments under review containing Forest Service acres?

3. If the answer to question one or two was yes, please explain why you plan to recommend removal of Forest Service acres where USDA did not recommend removal of Forest Service acres from these monuments.
4. If the answer to question one or two was yes, indicate which specific acres are recommended for removal in each of the national forests.
5. It has been reported that you plan shrink two national moments by significant amounts – 85% and 50% respectively. This is unprecedented. Legal scholars have disputed that Presidents have the authority to reduce national monuments. If you plan to recommend reduction of any national monuments, do you plan to seek legal authority to reduce any such national monuments? If not, do you believe that the President has the authority to shrink, diminish, rescind, modify, or revoke the acreage that comprises an existing national monument? If your response is yes, please provide a citation for any such legal authority.
6. Do you believe that the Federal Land Policy Management Act of 1976 made clear that only Congress has the authority to modify and revoke withdrawals for national monuments created under the Antiquities Act? If not, why not? Explain.

Please respond to the above questions no later than December 15, 2017. Thank you for your attention to this important matter.

Sincerely,



Debbie Stabenow
Ranking Member



Michael F. Bennet
Ranking Member, Subcommittee on
Conservation, Forestry, and Natural Resources

cc: The Honorable Sonny Perdue, Secretary of Agriculture
The Honorable Ryan Zinke, Secretary of the Interior