



May 2, 2017

Secretary Ryan Zinke
Department of the Interior
1849 C Street, N. W.
Washington, D.C. 20240

Re: Executive Order on the Review of Designations Under the Antiquities Act

Dear Secretary Zinke:

On behalf of the American Forest Resource Council (AFRC), congratulations on your nomination and confirmation as Secretary of the Interior. AFRC represents the forest products industry in Montana, Idaho, Washington, Oregon, and California, and we are eager to work with you and your team on federal land management issues. As you know, our federal forests provide tremendous potential to support rural jobs and communities if they are responsibly and actively managed.

We write to urge you to include the Cascade-Siskiyou National Monument in your upcoming review of designations under the Antiquities Act.¹

We support President Trump's Executive Order because of our concerns regarding President Obama's 48,000-acre expansion of the Cascade-Siskiyou National Monument located in Southern Oregon and Northern California. The monument was initially established by President Clinton in 2000 using the Antiquities Act. These designations epitomize the lack of public outreach and public coordination that has been all too common with Presidential use of Antiquities Act authority. The designation and expansion of the Cascade-Siskiyou National Monument is also unique because it raises serious legal questions about the conflict between a clear congressional mandate for the lands in question and the administration authorities of the Antiquities Act.

Currently, there are three separate lawsuits challenging this midnight monument expansion, including one filed by AFRC.² While the Antiquities Act gives the President some discretion to designate national monuments under the specific guidelines of the Act, it clearly does not give the President power to override congressional mandates and intent. Unfortunately, the designation and expansion of the Cascade-Siskiyou National Monument does exactly that by

¹ Executive Order 13792 of April 26, 2017, "Review of Designations Under the Antiquities Act." 82 Fed. Reg. 20,429 (May 1, 2017).

² *AFRC v. United States*, No. 1:17-cv-00441-RJL (D.D.C. filed on March 10, 2017); *Ass'n of O&C Counties. v. Trump*, No. 1:17-cv-00280-RJL (D.D.C. filed on February 13, 2017); *Murphy Co. v. Trump*, No. 1:17-cv-00285-CL (D. Or. filed on February 17, 2017).

unlawfully repurposing more than 40,000 acres of statutorily unique O&C Lands that have already been reserved by Congress for the explicit purpose of “permanent forest production . . . in conformity with the princip[le] of sustained yield,” under the O&C Act of 1937.

Some media reports have indicated the Cascade-Siskiyou National Monument is not on the list of designations to be reviewed because it does not meet the Executive Order’s review criterion. The Cascade-Siskiyou National Monument, however, meets the Executive Order’s threshold requirements and should be evaluated in the Department of the Interior’s interim and final report to the President. For your reference, we have included written comments from AFRC and Knox Marshall (Vice President of the Resources Division for Murphy Company) to the U.S. House Committee on Natural Resources Subcommittee on Federal Lands for the May 2, 2017 hearing on “Consequences of Executive Branch Overreach of the Antiquities Act.” Those written comments highlight the legal, ecological, economic, and social controversies of the monument expansion and how it is a quintessential example of the very abuse of power made by the previous administration that this Executive Order seeks to redress.

The Cascade-Siskiyou National Monument Meets the Executive Order’s Acreage Threshold

The Executive Order applies to monuments that were designated or expanded since 1996 that cover more than 100,000 acres of federal land. On June 9, 2000, President Clinton issued Presidential Proclamation 7318 creating the original Cascade-Siskiyou National Monument by repurposing approximately 52,000 acres of federal land. Seventeen years later, on January 12, 2017, President Obama issued Proclamation 9564, titled Boundary Enlargement of the Cascade-Siskiyou National Monument. The area covered by President Obama’s proclamation was approximately 48,000 acres – nearly doubling the monument’s size – and included over 40,000 acres of O&C Lands expressly designated by Congress for sustained-yield timber production. The total acreage for the monument is 100,000 acres but could be larger. In fact, there is some debate over the total acreage of the Cascade-Siskiyou National Monument. Some sources have determined that President Obama expanded the Cascade-Siskiyou Monument from 65,000 acres to 113,000 acres, clearly over the Executive Order’s 100,000-acre threshold.³ The lack of certainty on the exact size of the monument provides even more reason for the Department of the Interior to take a hard look at the original designation and expansion.

The Cascade-Siskiyou National Monument Was Expanded Without Adequate Public Outreach

When the expansion was announced in January 2017 (just eight days before President Obama’s second term expired), the Oregon BLM – the agency responsible for managing the monument – did not know the exact boundaries of the expansion and could not produce a map when asked by the press. That is because the final decision was made in Washington, D.C., not driven by the local experts and agency scientists. I strongly encourage you and your team to interview the

³ See <http://www.opb.org/news/article/trump-order-national-monuments-could-affect-hanford-cascade-siskiyou/> (last visited May 1, 2017); http://www.oregonlive.com/environment/index.ssf/2017/04/trumps_national_monument_revie_2.html (last visited May 1, 2017) (noting that “Merkley’s office believed the monument was larger than 100,000 acres”).

local BLM staff to get their on-the-ground perspective about how the expansion will impact the Department's ability to responsibly manage these lands to respond to real threats like catastrophic fire, insect infestations, disease, and climate change.

Despite claims that extensive public input was considered in the 2017 monument expansion, President Obama's decision was made with almost no public outreach and coordination with relevant stakeholders – namely the surrounding counties whose economic vitality is directly implicated by the expansion.

The first public meeting regarding the proposed monument expansion was in October 2016, only a few months before Obama's proclamation. Neither the President nor Secretary of the Interior Sally Jewell visited or attended that public meeting. In an October 13, 2016 letter sent to Oregon Senators Ron Wyden and Jeff Merkley, AFRC outlined its concerns about the proposed expansion and the legal precedent of using the Antiquities Act to administratively withdraw productive timberlands from the statutory mandate of the O&C Act. The same letter was sent to Department of the Interior Deputy Secretary Michael Connor and Oregon Governor Kate Brown. No response was ever received and none of AFRC's concerns were addressed in the final designation.

For every supporter listed by proponents of the expansion, there is an extensive list of opponents, including Oregon and California U.S. Representatives, Oregon state representatives and state senators, and the Association of O&C Counties – which collectively represent hundreds of thousands of individuals who are directly and indirectly impacted by the designation. The full list of opponents is identified in AFRC's attached written comments.

If the expansion had provided adequate public involvement, the administration would have evaluated the environmental, economic and social impacts of the designation and disclosed that information to the public. If the expansion had proper coordination with location officials and other relevant stakeholders, the administration would have worked to ensure the designation balanced environmental conservation priorities with the economic and social needs of the surrounding rural communities, which suffer from chronic unemployment and lack of funding for public services. Instead, the administration ignored the concerns about the impacts to local communities, forest products infrastructure, and workers in its so-called "public process" and ultimately made a decision that will negatively impact the economic condition of communities that are already suffering significant hardship.

A Better Way Forward

AFRC and its members care deeply about the health and sustainability of public forestlands. In fact, the business model and future success of AFRC members is *dependent* upon the responsible management, ecological health, and long-term sustainability of our national forests and BLM lands. No one appreciates the uniqueness of Southwest Oregon's forests – the forests in our backyard – more than our local members and the need to protect them for future generations.

A better approach to protecting these lands for current and future generations would be through an inclusive, transparent, public process that results in comprehensive legislation to tackle the ecological, economic, and social crises in Southwest Oregon. Only by taking a holistic approach

to land management and involving diverse stakeholders will we be successful in creating a durable, sustainable solution for these at-risk lands.

For the reasons articulated above, AFRC strongly supports executive review of the designation and expansion of the Cascade-Siskiyou National Monument to help restore trust between local communities and the federal government. Again, AFRC and its members remain committed to working with you, the Oregon and California congressional delegations, and local stakeholders to craft a scientifically-sound and broadly supported plan for the O&C Lands in Southwest Oregon.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Joseph". The signature is written in a cursive, flowing style with a prominent horizontal line at the top.

Travis Joseph
President, AFRC

Enclosures (2)