

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

March 29, 2021

The Honorable Debra Haaland
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Haaland,

Despite repeated requests for a briefing about the national monuments review prescribed by Executive Order (EO) 13990, the Department of the Interior (DOI) continues to deny the Committee Minority information.¹ I applaud your recognition of the concerns I outlined in my March 8, 2021 letter to DOI that national monument boundary reviews should incorporate engagement with stakeholders and provide the utmost transparency. Your delay of the arbitrary deadline set in President Biden's EO to make recommendations on millions of acres of land until after you actually visit these areas² is commendable. Several transparency concerns surrounding the review process, however, remain.

Through EO 13792, the Trump Administration explicitly stated the factors that would be considered during the evaluation of national monument designations.³ In addition, DOI held a comment period from May 5, 2017 to July 10, 2017.⁴ This was the first time a comment period was provided during the review of decisions made under the Antiquities Act, and nearly three million comments were submitted.⁵ Then-Secretary Zinke also personally visited eight sites, in

¹ Letter from Rep. Bruce Westerman, Ranking Member, H. Comm. on Nat. Res. to Scott de la Vega, Acting Sec'y, Dept. of the Interior (Mar. 8, 2021) (on file with Comm.); Email from H. Comm. on Nat. Res. Republican Staff to Dep't of the Interior Congressional Affairs Staff (Mar. 10, 2021 at 7:53 P.M) (on file with Comm.); Email from H. Comm. on Nat. Res. Republican Staff to Dep't of the Interior Congressional Affairs Staff (Mar. 12, 2021 at 4:43 P.M) (on file with Comm.); Email from H. Comm. on Nat. Res. Republican Staff to Dep't of the Interior Congressional Affairs Staff (Mar. 16, 2021 at 4:42 P.M) (on file with Comm.); Exec. Order No. 13990, 86 Fed. Reg. 14, 7037 (Jan. 20, 2021).

² Jennifer Yachnin, *Haaland to visit Utah, delay monuments recommendation*, E&E NEWS (Mar. 17, 2021), https://www.eenews.net/eenewspm/2021/03/17/stories/1063727755?utm_campaign=edition&utm_medium=email&utm_source=eenews%3Aeenewspm.

³ Exec. Order No. 13792, 82 Fed. Reg. 82, 20429 (Apr. 26, 2017).

⁴ U.S. DEP'T OF THE INTERIOR, FINAL REPORT SUMMARIZING FINDINGS OF THE REVIEW OF DESIGNATIONS UNDER THE ANTIQUITIES ACT (2017) at 6 *available at* https://www.doi.gov/sites/doi.gov/files/uploads/revised_final_report.pdf.

⁵ *Id.*

six states, and held dozens of meetings with stakeholders.⁶

In contrast, President Biden did not provide any criteria by which monuments should be evaluated nor did he require consultation with state or local governments or members of the public.⁷ Instead of building upon the Trump Administration's transparent practices, this Administration opted to issue an opaque order, with half of the time available for a formal review.⁸ Furthermore, the EO presumed the outcome of this review by labeling it "Restoring National Monuments." In contrast, the Trump Administration evaluated national monuments on a case-by-case basis and did not pre-determine any outcomes. While the planned visit to Utah, as well as reports of DOI aides meeting with stakeholders,⁹ are encouraging steps, many matters remain unclear. For example, there is uncertainty whether DOI plans to initiate a formal, public comment period and how local support for the Trump Administration's decision¹⁰ will factor into future analysis. Additionally, given the lack of direction provided by EO 13990, it is unknown how you will conduct your evaluation, whether you will follow the same analysis as then-Secretary Zinke, and whether you will comply with the Antiquities Act of 1906.

Given the uncertainty surrounding the review process, the Committee Minority seeks to understand how the national monuments are evaluated. To assist with our oversight activities, please schedule a briefing on the progress of the review as soon as possible, but no later than 5:00 p.m., April 5, 2021. Additionally, please produce the following documents and information as soon as possible, but no later than 5:00 p.m., April 12, 2021:

1. The date on which DOI will submit recommendations to President Biden regarding Bears Ears National Monument, Grand Staircase-Escalante National Monument, and the Northeast Canyons and Seamounts National Marine Monument.
2. A document sufficient to describe the progress of the report on the recommendations required under EO 13990.
3. A document sufficient to describe the criteria by which DOI will evaluate Bears Ears National Monument, Grand Staircase-Escalante National Monument, and the Northeast Canyons and Seamounts National Marine Monument.

⁶ *Id.* (Then-Secretary Zinke met with individuals and organizations, including tribal, local, and state government officials, local stakeholders, and advocates from conservation, agriculture, tourism, and historic preservation organizations).

⁷ Exec. Order No. 13990, 86 Fed. Reg. 14, 7037 (Jan. 20, 2021).

⁸ *Id.*, see also Exec. Order No. 13792, 82 Fed. Reg. 82, 20429 (Apr. 26, 2017). (EO 13990 required a report be submitted to the President within 60 days, whereas EO 13792 required a final report within 120 days).

⁹ Jennifer Yachnin, *Haaland to visit Utah, delay monuments recommendation*, E&E NEWS (Mar. 17, 2021), https://www.eenews.net/eenewspm/2021/03/17/stories/1063727755?utm_campaign=edition&utm_medium=email&utm_source=eenews%3Aeenewspm.

¹⁰ Charlie Ban, *Locals Cheer Utah Monument Reduction*, NATIONAL ASSOCIATION OF COUNTIES (Dec. 11, 2017), <https://www.naco.org/articles/locals-cheer-utah-monument-reduction>; *Poll: Only 17% of Utahns Want Obama to Designate Bears Ears as National Monument*, UTAHPOLICY (May 18, 2016), <https://utahpolicy.com/index.php/features/today-at-utah-policy/9551-poll-only-17-of-utahns-want-obama-to-designate-bears-ears-as-a-national-monument>.

4. A document sufficient to describe DOI's plan to comply with the Antiquities Act of 1906's requirement that national monuments "be confined to the smallest area compatible with proper care and management of the objects to be protected" during the review required by EO 13990.
5. A document sufficient to describe DOI's plans to initiate a formal public comment period during the review of Bears Ears National Monument, Grand Staircase-Escalante National Monument, and the Northeast Canyons and Seamounts National Marine Monument.
6. A document sufficient to describe how DOI will make its report on the recommendations required under EO 13990 publicly available.
7. A document listing all of the stakeholders DOI has met with to discuss the review of Bears Ears National Monument, Grand Staircase-Escalante National Monument, and the Northeast Canyons and Seamounts National Marine Monument.
8. A document sufficient to describe the agenda and dates for Secretary Haaland's April 2021 travel plans to Utah.
9. A document listing the stakeholders, including but not limited to federal, state, local, and tribal officials, Secretary Haaland will meet with during her April 2021 trip to Utah.
10. A document listing the stakeholders, including but not limited to federal, state, local, and tribal officials, Secretary Haaland plans to meet with to review the Northeast Canyons and Seamounts National Marine Monument.
11. A document sufficient to describe the Secretary Haaland's plans to conduct any travel related to the Northeast Canyons and Seamounts National Marine Monument.

Please deliver your response to room 1329 of the Longworth House Office Building. An attachment contains additional instructions for responding to this request.

Please contact the Oversight and Investigations Subcommittee Minority staff and National Parks, Forests, and Public Lands Subcommittee Minority staff at (202) 225-2761 with any questions about this request. Thank you for your prompt attention to this matter.

Sincerely,



Bruce Westerman
Ranking Member
Natural Resources Committee

cc: The Honorable Raúl Grijalva, Chair, House Committee on Natural Resources

Enclosure