



Submitted electronically via regulations.gov

July 10, 2017

The Honorable Ryan Zinke
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, NW
Monument Review, MS-1530
Washington, DC 20240

Re: Notice of Opportunity for Public Comment regarding a Review of Certain National Monuments Established Since 1996

Dear Secretary Zinke:

California Wilderness Coalition (CalWild), Defenders of Wildlife (Defenders) and the Mojave Desert Land Trust respectfully submit the following comments on Mojave Trails National Monument for consideration in the Department of the Interior's "Review of Certain National Monuments Established Since 1996."¹

We urge you to recommend the President support Mojave Trails National Monument and uphold the protections afforded by the monument designation. We firmly believe that none of America's national monuments should be revoked, reduced or subjected to nonconforming uses, with Mojave Trails a prime example of the Antiquities Act intent and purpose.

CalWild protects and restores California's wildest natural landscapes. These important wild places provide clean air and water, refuges for wildlife, and outstanding opportunities for recreation and spiritual renewal for people. Dedicated solely to protecting and restoring the wild places and native biodiversity of California's public lands, CalWild works with local communities to identify wild places that need protection and builds coalitions in support of protecting these special lands.

¹ 82 Fed. Reg. 22016 (May 11, 2017).

Founded in 1947, Defenders is a national non-profit conservation organization focused on conserving and restoring native species, as well as the habitat upon which they depend. Based in Washington D.C., our organization maintains six regional field offices, including a California Regional Office. Our members and supporters live throughout the United States and around the world. Defenders is deeply involved in public lands management and wildlife conservation, including the protection of California's incredible flora and fauna. We submit these comments on behalf of our more than 1.2 million members and supporters nationwide, including 173,373 members in California.

Mojave Desert Land Trust (MDLT) is a nonprofit organization established in 2006 to protect the California Desert ecosystem and its scenic and cultural resource values. MDLT accomplishes its mission by acquiring and stewarding important lands, communicating the value of desert lands through public outreach, and operating a native plant nursery.

President Trump's Executive Order 13792² directed you to "review" national monuments designated or expanded since January 1, 1996, pursuant to the Antiquities Act of 1906.³ Section 1 of the order, "Policy," states in pertinent part: "[d]esignations should be made in accordance with the requirements and original objectives of the Act and appropriately balance the protection of landmarks, structures, and objects against the appropriate use of Federal lands and the effects on surrounding lands and communities."

Section 2 of Executive Order 13792 establishes seven criteria for reviewing national monument designations or expansions since January 1, 1996, either 1) where the designation or the designation after expansion exceeded 100,000 acres or 2) "where the Secretary determines that the designation or expansion was made without adequate public outreach and coordination with relevant stakeholders." The review is to determine whether each designation or expansion "conforms to the policy set forth in section 1 of the order." At the conclusion of this review, you are to "formulate recommendations for Presidential actions, legislative proposals, or other appropriate actions to carry out that policy."⁴

The Mojave Trails National Monument protects invaluable cultural, historic, scientific and recreational resources that provide immeasurable social, economic and ecosystem protection benefits to local communities and our country. The historic Mojave Trail itself was traversed by Native Americans for centuries prior to the signing of the Declaration of Independence. Portions of this trail became known as the "Government Road" in the 1800s. Tracks of the historic Los Angeles and Salt Lake Railroad and the Tonopah and Tidewater Railroad are etched in monument sands. The most pristine,

² 82 Fed. Reg. 20429 (May 1, 2017).

³ Act of June 8, 1906, ch. 3060, 34 Stat. 225, codified at 54 U.S.C. ch. 3203.

⁴ 82 Fed. Reg. 22016 (May 11, 2017).

undeveloped reach of Highway 66, or the “Mother Road” that traverses much of the monument, is also arguably one of the most famous motorized “trails” in America—one that brought thousands of citizens to California as part of the nation’s first system of highways. The monument also commemorates the largest conservation gift in American history, recognizing The Wildlands Conservancy’s donation of 560,000 acres to our country.

These consolidated federal lands provide a landscape linkage connecting Mojave National Preserve and Joshua Tree National Park in the heart of the Mojave Desert. Other treasures protected by the Monument include part of California’s largest cactus garden; Sleeping Beauty Valley – home to rare plants, the Mojave fringed-toed lizard (*Uma scoparia*) and the threatened Agassiz’s desert tortoise (*Gopherus agassizii*); the Cady Mountains and its expanding desert bighorn sheep (*Ovis canadensis nelsoni*) herd; the Pisgah Lava Flow and Amboy Crater National Natural Landmark, two of the most researched areas on volcanism and evolution; the Marble Mountains Fossil Beds, with its 550 million year fossils; the Grand Canyon of the Mojave – Afton Canyon – one of only three locations along the Mojave River where water flows perennially above ground; the Cadiz Dunes, with sand depths of over 100 feet; and the vast Cadiz Valley, an area that was the largest unprotected road-less area prior to its inclusion in the Mojave Trails National Monument.

The monument protects a long list of cultural resources as well, including Native American village sites and culturally significant traditional areas. The Mesquite Hills/Crucero Hills has been recognized as a significant Native American heritage area for teaching traditional learning skills. Here, over 50 scattered archaeological sites contain petroglyphs, milling stations, temporary camps, intaglios, lithic scatters, and pottery have been dated as old as 4,000 years. In the Chemehuevi Valley, archeological sites have been dated to between 10,000-12,000 years and include foliated points, knives and stone flakes. The Sacramento Mountains are known for a unique assemblage of rock art sites associated with east-west trails running from the Colorado River to the desert interior. There are many areas within the monument that remain sacred to local tribes today, including the Ship Mountains, Warner Valley, Sacramento Mountains, Old Woman Mountains, and others.

One of the most unique cultural aspects of the Mojave Trails National Monument is its World War II history. The monument includes Camp Granite, Camp Clipper, Camp Ibis, Camp Essex and the Iron Mountain Divisional Camp. These camps were part of a system of eleven U.S. Army facilities established in 1942 to train American troops to fight in World War II. The camps were under the command of General George S. Patton, Jr., perhaps the most famous American frontline commander of the war.

The Iron Mountain Divisional Camp, located east of the Cadiz Valley, served as a regional training headquarters. Camp Iron Mountain is the most well-known and best preserved Patton camps. Visitors to the camp can readily see two rock alters that were once part of the base’s Catholic

chapel, rock mosaics, evidence of the large relief map, and rock alignments along roads, despite harsh weather conditions and vandalism. Much of the Mojave Trails National Monument, especially the Cadiz Valley, contain scattered reminders of this military training in the form of ammunition belts, spent cartridges, practice tank rounds and ration containers. Even the distinctive tracks of the Sherman tank can still be seen on the desert floor in some areas.

The monument preserves the most pristine, undeveloped remaining stretch of historic Route 66. Known as “The Mother Road,” it is arguably the most famous highway in America and perhaps the world. Constructed in 1926 as part of the nation's first system of federal highways, Route 66 became popular as the shortest, best-weather route across the country. Linking Chicago to Santa Monica, it helped transform America into the automobile-oriented society it is today. Through literature, film, television and song, it became an international icon. In 2008, the World Monuments Fund designated Route 66 as a threatened resource on their Watch List of 100 Most Endangered Sites. The March 2009 *Smithsonian* magazine recognizes Route 66 as one of “15 Must-See Endangered Cultural Treasures.”

Resources preserved within Mojave Trails clearly meet the parameters for designating monuments under the Antiquities Act relative to “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States.” The study of monument “objects” worthy of protection and public input relative to these lands dates to enactment of the of the Federal Land Policy and Management Act of 1976 (FLPMA).

There was also an unprecedented degree of public participation in ensuring the Mojave Trails National Monument designation was “confined to the smallest area compatible with proper care and management of the objects to be protected.” This participation was based on a community-driven initiative informed by years of meetings and planning and robust stakeholder outreach.

There is no question that these public lands warrant the protections provided under the Antiquities Act and that the designation is both consistent with the law as well as the policy set forth in Executive Order 13792.

PROCLAMATION OF MOJAVE TRAILS NATIONAL MONUMENT WAS LEGAL AND APPROPRIATE UNDER THE ANTIQUITIES ACT

The Antiquities Act Imposes Few Requirements Restricting the President's Authority to Designate National Monuments

In the Antiquities Act of 1906, Congress chose to implement the general policy of protecting “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest” on federal lands by affording the president broad power to designate national monuments by proclamation.⁵

In designating national monuments under Antiquities Act, the only limits on the president's authority are that: (1) the area must contain “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest”; (2) the area must be “situated on land owned or controlled by the Federal Government”; and (3) “[t]he limits of the parcels shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.”⁶

Beyond these requirements, the president is afforded extensive discretion to protect federal lands and waters under the Antiquities Act. If Congress had sought to limit the type or size of objects that could be reserved under the Antiquities Act, the text of the statute would have reflected that limitation. Instead, as federal courts have repeatedly held, the plain language of the Antiquities Act bestows vast discretionary authority upon the president to select both the type and size of an object to be protected. For example, in rejecting a challenge to President Clinton's designation of Grand Staircase-Escalante National Monument premised on the argument that the legislative history of the Act demonstrated Congress' intent to protect only man-made objects, the reviewing court stated:

This discussion, while no doubt of interest to the historian, is irrelevant to the legal questions before the Court, since the plain language of the Antiquities Act empowers the President to set aside “objects of historic or scientific interest.” 16 U.S.C. § 431. The Act does not require that the objects so designated be made by man, and its strictures concerning the size of the area set aside are satisfied when the President declares that he has designated the smallest area compatible with the designated objects' protection. There is no occasion for this Court to determine whether the plaintiffs' interpretation of the congressional debates they quote is correct, since a court generally has recourse to congressional intent in the interpretation of a statute *only when the language of a statute is ambiguous*.⁷

⁵ 54 U.S.C. § 320301(a) (2012).

⁶ *Id.* § 320301(a), (b).

⁷ *Utah Ass'n of Citys. v. Bush*, 316 F. Supp. 2d 1172, 1186 n.8 (D. Utah 2004) (emphasis added) (citation

Before passing the Antiquities Act of 1906, Congress had considered other antiquities bills that set forth a clearly defined list of qualifying “antiquities.”⁸ An earlier version of the Antiquities Act—considered immediately before the final Act—also would have made reservations larger than 640 acres only temporary.⁹ Rather than place limitations on the president’s authority, however, the final version of the Act expanded executive discretion by adding the phrase “other objects of historic or scientific interest” to the list of interests that may be protected as national monuments.¹⁰

The addition of this language to the Act has significant implications for how it is administered. Former National Park Service Chief Historian Ronald Lee recognized that “the single word ‘scientific’ in the Antiquities Act proved sufficient basis to establish the entire system of ... national monuments preserving many kinds of natural areas.”¹¹ By the time the Federal Lands Policy and Management Act of 1976 (“FLPMA”) was enacted, 51 of the 88 national monuments that had been established “were set aside by successive Presidents ... primarily though not exclusively for their scientific value.”¹²

“Scientific Interests” Have Included Biological Features Since the Earliest National Monument Designations

The designation of national monuments for scientific interests is not a recent phenomenon. For more than 100 years, national monuments have been established for the “scientific interests” they preserve. These values have included plants, animals, and other ecological concerns. In 1908, for instance, President Theodore Roosevelt designated Muir Woods National Monument because the “extensive growth of redwood trees (*Sequoia sempervirens*) ... is of extraordinary scientific interest and importance because of the primeval character of the forest in which it is located, and of the character, age and size of the trees.”¹³ President Roosevelt also established Mount Olympus National Monument because it “embrace[d] certain objects of unusual scientific interest, including numerous glaciers, and the region which from time immemorial has formed summer range and breeding

omitted); *see also Mt. States Leg. Found. v. Bush*, 306 F.3d 1132, 1137 (D.C. Cir. 2002) (affirming the president’s broad discretionary authority to designate natural, landscape-scale objects of historic or scientific interest).

⁸ H.R. 12447, 58th Cong. § 3 (1904), *reprinted in* National Park Service, *History of Legislation Relating to The National Park System Through the 82d Congress: Antiquities Act App. A* (Edmund B. Rogers, comp., 1958) [hereinafter *History of Legis.*].

⁹ *See* S. 5603, 58th Cong. § 2 (1905), *reprinted in* *History of Legis.*

¹⁰ S. 4698, 59th Cong. § 2 (1906), *reprinted in* *History of Legis.*

¹¹ Ronald F. Lee, *The Antiquities Act of 1906* (1970), *reprinted in* Raymond H. Thompson, *An Old and Reliable Authority*, 42 J. OF THE S.W. 197, 240 (2000).

¹² *Id.*

¹³ Proclamation No. 793, 35 Stat. 2174 (1908).

grounds of the Olympic Elk (*Cervus roosevelti*), a species peculiar to these mountains and rapidly decreasing in numbers.”¹⁴

President Roosevelt was not alone in utilizing the Antiquities Act’s broad authority to protect ecological marvels. For example, Presidents Harding, Roosevelt, Truman, and Eisenhower all subsequently expanded Muir Woods National Monument for the same reasons it was originally designated.¹⁵ Likewise, in designating Papago Saguaro National Monument in 1914, President Wilson’s proclamation highlighted that the “splendid examples of the giant and many other species of cacti and the yucca palm, with many additional forms of characteristic desert flora [that] grow to great size and perfection . . . are of great scientific interest, and should, therefore, be preserved.”¹⁶

Further, in 1925, President Coolidge designated nearly 1.4 million acres as Glacier Bay National Monument because

the region [was] said by the Ecological Society of America to contain a great variety of forest covering consisting of mature areas, bodies of youthful trees which have become established since the retreat of the ice which should be preserved in absolutely natural condition, and great stretches now bare that will become forested in the course of the next century.¹⁷

Similarly, President Hoover enlarged Katmai National Monument “for the purpose of including within said monument additional lands on which there are located features of historical and scientific interest and for the protection of the brown bear, moose, and other wild animals.”¹⁸

President Franklin D. Roosevelt designated Channel Islands National Monument, in part, for the “ancient trees” it contained.¹⁹ President Kennedy expanded Craters of the Moon National Monument to include “an island of vegetation completely surrounded by lava, that is scientifically valuable for ecological studies because it contains a mature, native sagebrush-grassland association which has been undisturbed by man or domestic livestock.”²⁰

¹⁴ Proclamation No. 896, 35 Stat. 2247 (1909).

¹⁵ Proclamation No. 1608, 42 Stat. 2249 (1921); Proclamation No. 2122, 49 Stat. 3443 (1935); Proclamation No. 2932, 65 Stat. c20 (1951); Proclamation No. 3311, 73 Stat. c76 (1959).

¹⁶ Proclamation No. 1262, 38 Stat. 1991 (1914).

¹⁷ Proclamation No. 1733, 43 Stat. 1988 (1925).

¹⁸ Proclamation No. 1950, 47 Stat. 2453 (1931).

¹⁹ Proclamation No. 2281, 52 Stat. 1541 (1938).

²⁰ Proclamation No. 3506, 77 Stat. 960 (1962).

Federal Courts Have Confirmed the President’s Authority to Determine the Meaning of “Scientific Interests”

The broad objectives of the Antiquities Act, coupled with the vast deference afforded to the president in specifying a monument’s purpose, compel courts to uphold presidential determinations of what constitute “objects” and “scientific interests” when those findings are challenged.²¹ Beginning with a challenge to the designation of the Grand Canyon National Monument in 1920, the Supreme Court has promoted an expansive reading of the president’s discretion to determine which “scientific interests” may be protected. In its analysis, the Supreme Court simply quoted from President Roosevelt’s proclamation to uphold the presidential finding that the Canyon “is an object of unusual scientific interest.”²²

In *Cappaert v. United States*, the Supreme Court upheld President Truman’s exercise of authority to add Devil’s Hole to the Death Valley National Monument by relying upon the designation’s objective of preserving a “remarkable underground pool,” which contained “unusual features of scenic, scientific, and educational interest.”²³ In his proclamation, President Truman’s noted “that the pool contains ‘a peculiar race of desert fish ... which is found nowhere else in the world’ and that the ‘pool is of ... outstanding scientific importance ...’”²⁴ In its analysis, the Supreme Court acknowledged that “the language of the Act . . . is not so limited” as to preclude the president from exercising his broad discretion to protect such unique “features of scientific interest.”²⁵ As a result, the Supreme Court ultimately held that “[t]he pool in Devil’s Hole and its rare inhabitants are ‘objects of historic or scientific interest.’”²⁶

Similarly, in upholding the designation of Jackson Hole National Monument, the district court of Wyoming found that

plant life indigenous to the particular area, a biological field for research of wild life in its particular habitat within the area, involving a study of the origin, life, habits and perpetuation of the different species of wild animals ... [all] constitute matters of scientific interest within the scope and contemplation of the Antiquities Act.²⁷

²¹ See *Utah Ass’n of Cty. v. Bush*, 316 F. Supp. 2d 1172, 1179 (D. Utah 2004) (“[I]here have been several legal challenges to presidential monument designations ... Every challenge to date has been unsuccessful.”).

²² *Cameron v. United States*, 252 U.S. 450, 455–56 (1920) (quoting Proclamation No. 794, 34 Stat. 225 (1908)).

²³ *Cappaert v. United States*, 426 U.S. 128, 141 (1976) (internal quotations omitted) (quoting Proclamation No. 2961, 3 C.F.R. § 147 (1949-1953 Comp.)).

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.* at 142 (emphasis added) (citing *Cameron v. U.S.*, 252 U.S. 450, 455–56 (1920)).

²⁷ *Wyoming v. Franke*, 58 F. Supp. 890, 895 (D. Wyo. 1945).

Likewise, when ruling on a challenge to the millions of acres that President Carter set aside as national monuments in Alaska, the district court of Alaska concluded that “[o]bviously, matters of scientific interest which involve geological formations or which may involve plant, animal or fish life are within this reach of the presidential authority under the Antiquities Act.”²⁸ The court also found that the Act protected a broad range of natural features, including the ecosystems of plant and animal communities relied upon by the Western Arctic Caribou herd.²⁹

Recently, Giant Sequoia National Monument was challenged on grounds that it protects objects that do not qualify under the Act.³⁰ In rejecting that argument, the circuit court noted that “other objects of historic or scientific interest may qualify, at the President’s discretion, for protection as monuments. Inclusion of *such items as ecosystems and scenic vistas* in the Proclamation did not contravene the terms of the statute by relying on nonqualifying features.”³¹

In addition, one court found that the designation of the Cascade-Siskiyou National Monument legitimately protects “scientific interests” within the meaning of the Act, because the Monument is

a “biological crossroads” in southwestern Oregon where the Cascade Range intersects with adjacent ecoregions ... the Hanford Reach National Monument, a habitat in southern Washington that is the largest remnant of the shrub-steppe ecosystem that once dominated the Columbia River basin ... and ... the Sonoran Desert National Monument, a desert ecosystem containing an array of biological, scientific, and historic resources.³²

There are No Restrictions on the Size of the Objects that May be Designated as National Monuments

As the court in *Wyoming v. Franke* recognized: “What has been said with reference to the objects of historic and scientific interest applies equally to the discretion of the Executive in defining the area compatible with the proper care and management of the objects to be protected.”³³ In other words, the determination of “the smallest area compatible with the proper care and management of the objects to be protected” is almost entirely within the president’s authority.

The Supreme Court honored this principle in *Cameron v. United States* by finding that President Theodore Roosevelt was authorized to establish the 800,000-acre Grand Canyon National

²⁸ *Anaconda Copper Co. v. Andrus*, 14 Env’t Rep. Cas. (BNA) 1853, 1855 (D. Alaska 1980).

²⁹ *Id.*

³⁰ *Tulare County v. Bush*, 306 F.3d 1138, 1140–41 (D.C. Cir. 2002).

³¹ *Id.* at 1142 (emphasis added) (internal quotations omitted).

³² *Mt. States Leg. Found. v. Bush*, 306 F.3d 1132, 1133–34 (D.C. Cir. 2002) (citations omitted).

³³ 58 F. Supp. 890, 896 (D. Wyo. 1945).

Monument.³⁴ Since then, courts have been exceedingly hesitant to infringe upon the president’s broad discretion in determining the “smallest area” possible encompassed by a monument—including the 1.7 million-acre Grand Staircase-Escalante National Monument.³⁵

Courts, moreover, are even less likely to disturb the president’s factual determinations when a proclamation contains the statement that the monument “is the smallest area compatible with the proper care and management of the objects to be protected.”³⁶ Beginning in 1978, presidents have included this declaration in all proclamations establishing or enlarging national monuments.³⁷ In the proclamation establishing Mojave Trails National Monument, President Obama concluded that the 1.6 million acres “described on the accompanying map are confined to the smallest area compatible with the proper care and management of the objects to be protected.”³⁸

Congress Has Demonstrated Its Approval of Large National Monument Designations

Individual presidential proclamations reserving significant amounts of land in national monuments has received much criticism. Rather than curbing the president’s power to do so, however, Congress has embraced the presidents’ inclusive interpretation and use of the authority of the Antiquities Act with limited exceptions.³⁹ Congress has shown explicit approval for these presidential withdrawals by re-designating national monuments as national parks, preserves, historic sites, or wildlife refuges and passing legislation otherwise approving the boundaries of national monuments. This congressional approval includes at least 69 national monuments, or 44 percent of those established, which

³⁴ 252 U.S. 450, 455–56 (1920).

³⁵ *Utah Ass’n of Cty.s. v. Bush*, 316 F. Supp. 2d 1172, 1183 (D. Utah 2004) (“When the President is given such a broad grant of discretion as in the Antiquities Act, the courts have no authority to determine whether the President abused his discretion.”).

³⁶ See, e.g., *Mt. States Leg. Found.*, 306 F.3d at 1137; *Tulare County v. Bush*, 306 F.3d 1138, 1142 (D.C. Cir. 2002).

³⁷ Including the determination that each national monument is confined to “the smallest area compatible with the proper care and management of the objects to be protected” began with President Carter (Proc. Nos. 4611–4627), and was continued by Presidents Clinton (Proc. Nos. 6920, 7263–66, 7317–20, 7329, 7373–74, 7392–7401), G.W. Bush (Proc. Nos. 7647, 7984, 8031), and Obama (Proc. Nos. 8750, 8803, 8868, 8884, 8943–47, 8089, 9131, 9173, 9194, 9232–34, 9297–99, 9394–96, 9423, 9465, 9476, 9478, 9496, 9558–59, 9563–67).

³⁸ Proclamation No. 9395, 81 Fed. Reg. 8371-8377 (Feb. 18, 2016).

³⁹ The only significant exceptions to the President’s authority passed by Congress has been the restriction on the extension or establishment of new national monuments in Wyoming, Act of Sept. 14, 1950, Pub. L. No. 787, § 1, 64 Stat. 849 (codified as amended at 54 U.S.C. § 320301(d), and the by making all Executive withdrawals of more than 5,000 acres in Alaska subject to congressional approval, 16 U.S.C. §3213(a). In addition, Congress withheld funds from the Chesapeake & Ohio Canal National Monument after it was designated by President Eisenhower in 1961. See Les Blumenthal, *Presidents as Preservationists: Antiquities Act gives Chief Executive Free Hand in Creating National Monuments*, NEWS TRIB. (Tacoma) A1 (May 28, 2000). A decade later, however, Congress re-designated the monument as a national historical park. 16 U.S.C. § 410y.

encompass more than 70 percent of the acreage that has been withdrawn by the President under the Antiquities Act.⁴⁰

Future congressional approval has been more likely, moreover, when considering designations or subsequent expansions that “more than 100,000 acres.”⁴¹ Through 1981 and excluding monuments included Secretary’s current review, Congress explicitly approved of 86 percent, or 25 of the 29, reservations fitting that description.⁴²

On average, these Congressional actions have taken more than 34 years from the time of the original designation or expansion – a figure that jumps to nearly 47 years when excluding the 17 Alaskan monument proclamations incorporated two years later by ANILCA.⁴³ In some cases, such as Craters of the Moon, however, it has taken Congress 78 years to act.⁴⁴ The monuments currently under review, in contrast, have been in existence for only 20 years or less, which is well within the time of typical congressional action regarding national monuments.

Moreover, Congress has established 45 national monuments by statute, including several that were over 100,000 acres in size at the time of enactment: Badlands⁴⁵ (130,000 acres), Biscayne⁴⁶ (172,924 acres), Mount Saint Helens⁴⁷ (110,000 acres), El Malpais⁴⁸ (114,000 acres), and Santa Rosa and San Jacinto Mountains⁴⁹ (272,000 acres). Two of these, Badlands and Biscayne, were subsequently re-designated as national parks.

Only Congress Has the Authority to Revoke or Reduce the Size of a National Monument

Executive Order 13792 instructs the Interior Secretary to “review” national monuments designated or expanded under the Antiquities Act and “include recommendations for Presidential actions.” In a press briefing on the order, Secretary Zinke stated that it “directs the Department of Interior to

⁴⁰ Figures established in spreadsheet created with data from NPS, ARCHEOLOGY PROGRAM, *Antiquities Act 1906-2006: Monuments List*, (updated May 8, 2017 07:53:03), <https://www.nps.gov/archeology/sites/antiquities/monumentslist.htm>, as well as presidential proclamations and acts of Congress not included in therein (hereinafter “MONUMENTS LIST DATA”).

⁴¹ Exec. Order No. 13792 § 2.

⁴² MONUMENTS LIST DATA.

⁴³ *Id.* See Alaska National Interest Lands Conservation Act (ANILCA), Pub. L. 96-487, Title II, § 201, Dec. 2, 1980 (codified at 16 U.S.C. § 410hh).

⁴⁴ MONUMENTS LIST DATA (Craters of the Moon is the longest time it took for Congress to act on a monument larger than 100,000 acres, but it took 105 years for Pinnacles National Monument to be re-designated as a National Park).

⁴⁵ P.L. 70-1021; 45 Stat. 1553.

⁴⁶ P.L. 90-606; 82 Stat. 1188.

⁴⁷ P.L. 97-243; 96 Stat. 301.

⁴⁸ P.L. 100-225; 101 Stat. 1539.

⁴⁹ P.L. 106-351; 114 Stat. 1362.

make recommendations to the President on whether a monument should be rescinded, resized, [or] modified.”⁵⁰ However, any such actions taken by the president would be unlawful: only Congress has the authority to rescind, reduce, or substantially modify a national monument.

The president’s powers regarding management of public lands are limited to those delegated to him by Congress. While the Antiquities Act of 1906 provides the president the power to “declare” and “reserve” national monuments, it does not grant him authority to rescind, resize, modify, or otherwise diminish designated national monuments.⁵¹

The Property Clause of the U.S. Constitution⁵² gives Congress “exclusive” authority over federal property,⁵³ in effect making “Congress[] trustee of public lands for all the people.”⁵⁴ “The Clause must be given an expansive reading, for ‘(t)he power over the public lands thus entrusted to Congress is without limitations.’”⁵⁵ Congress may, of course, delegate its authority to manage these lands to executive agencies or the president,⁵⁶ as it did in the Antiquities Act.

In the Antiquities Act, Congress only delegated to the president the broad authority to *designate* as national monuments “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest”—an authority limited only by the requirement that such reservations be “confined to the smallest area compatible with the proper care and management of the objects to be protected.”⁵⁷ Conspicuously absent from the Act, however, is language authorizing *any* substantive changes to national monuments once they have been established.

The omission of language granting the president the authority to rescind, reduce, or modify national monuments is intentional. Without it, an implicit congressional grant of these authorities cannot be read into the Antiquities Act.⁵⁸ If Congress intended to allow future presidents to rescind or reduce

⁵⁰ Press Briefing on the Executive Order to Review Designations Under the Antiquities Act, Ryan Zinke, Sec’y of the Interior (Apr. 25, 2017), <https://www.whitehouse.gov/the-press-office/2017/04/25/press-briefing-secretary-interior-ryan-zinke-executive-order-review>.

⁵¹ 54 U.S.C. § 320301(a), (b).

⁵² U.S. Const. art. IV, § 3, cl. 2.

⁵³ See, e.g., *Utah Power & Light Co. v. United States*, 243 U.S. 389, 404 (1917).

⁵⁴ *United States v. City & Cty. of San Francisco*, 310 U.S. 16, 28 (1940).

⁵⁵ *Kleppe v. New Mexico*, 426 U.S. 529, 539–40 (1976) (quoting *San Francisco*, 310 U.S. at 29).

⁵⁶ *United States v. Grimaud*, 220 U.S. 506, 517 (1911); *Cameron v. United States*, 252 U.S. 450, 459–60 (1920); *Utah Ass’n of Cty. v. Bush*, 316 F. Supp. 2d 1172, 1191 (D. Utah 2004) (upholding Grand Staircase–Escalante National Monument) (citing *Yakus v. United States*, 321 U.S. 414 (1944)).

⁵⁷ 54 U.S.C. § 320301(a)–(b) (2012).

⁵⁸ *Ethyl Corp. v. EPA*, 51 F.3d 1053, 1060 (D.C. Cir. 1995) (refusing “once again, to presume a delegation of power merely because Congress has not expressly withheld such power.”).

existing national monument designations, it would have included express language to that effect in the Act. Congress had done just that in many of the other public land reservation bills of the era.⁵⁹

Furthermore, Congress considered a bill that would have authorized the president to restore future national monuments to the public domain, which passed the House in 1925, but was never enacted.⁶⁰ Logically, that effort would have been redundant if such authority already existed under the Act. The Antiquities Act thus demonstrates that Congress chose to constrain the president's authority not by limiting his ability to designate or expand national monuments, but by withholding the power to rescind, reduce, or modify monuments once designated or expanded. In every case where a monument has been eliminated, it has taken an act of Congress to do so, even in the case of New York's Father Millet Cross National Monument, which was only 320 square feet in size.⁶¹

For nearly eighty years, the federal government's position has been that the president lacks the authority to rescind, repeal, or revoke national monuments. Of course, if the president lacks such authority, it follows that the secretary lacks the authority to rescind, repeal, or revoke national monuments as well.⁶² In 1938, U.S. Attorney General Homer Cummings concluded that "[t]he Antiquities Act ... authorizing the President to establish national monuments, does not authorize him to abolish them after they have been established."⁶³ The Attorney General Opinion went on to state:

The grant of power to execute a trust, even discretionally, *by no means* implies the further power to undo it when it has been completed. A duty properly performed by the Executive under statutory authority has the validity and sanctity which belong to the statute itself, and, unless it be within the terms of the power conferred by that statute, the Executive can no more destroy his own authorized work, without some

⁵⁹ See National Forest Organic Act of 1897, Act of June 4, 1897, 30 Stat. 1, 34, 36 (authorizing President "to *modify* any Executive order that has been or may hereafter be made establishing any forest reserve, and by such modification may *reduce* the area or *change the boundary lines* of such reserve, or *may vacate altogether* any order creating such reserve.") (emphasis added) (repealed in part by Federal Land Policy and Management Act of 1976 (FLPMA), Pub. L. 94-579, Title VII, § 704(a), Oct. 21, 1976; National Forest Management Act of 1976, 16 U.S.C. § 1609(a)); Pickett Act, Act of June 25, 1910, c. 421, § 1, 36 Stat. 847 (executive withdrawals were "temporary," only to "remain in effect until revoked by him or by an Act of Congress.") (repealed by FLPMA § 704(a)).

⁶⁰ H.R. 11357, 68th Cong. (1925).

⁶¹ 28 H.R. 4073, Pub. L. 81-292, 63 Stat. 691.

⁶² Cf. *Utah Ass'n of Chys. v. Bush*, 316 F. Supp. 2d 1172, 1197 (D. Utah 2004) ("Because Congress only authorized the withdrawal of land for national monuments to be done in the president's discretion, it follows that the President is the only individual who can exercise this authority because only the President can exercise his own discretion.").

⁶³ Proposed Abolishment of Castle Pickney National Monument, 39 Op. Atty. Gen. 185, 185.

other legislative sanction, than any other person can. To assert such a principle is to claim for the Executive the power to repeal or alter an act of Congress at will.⁶⁴

Despite the apparent contradiction to this passage, and without addressing its legality or providing much discussion, this Attorney General's Opinion also recognized that "the President from time to time has diminished the area of national monuments established under the Antiquities Act."⁶⁵ However, none of these Presidential actions that reduced the size of national monuments has ever been challenged in court. Perhaps more importantly, President Kennedy was the last to diminish a national monument⁶⁶ (adding to Bandelier National Monument 2,882 acres formerly controlled by the Atomic Energy Agency and removing the 3,925-acre Otwi Section containing "limited archaeological values"), and there have been no attempts by the President or the Secretary to rescind, resize, modify, or otherwise diminish designated national monuments since the enactment of FLPMA.⁶⁷

In FLPMA, Congress not only repealed nearly all sources of executive authority to make withdrawals except for the Antiquities Act,⁶⁸ but also overturned the implied executive authority to withdraw public lands that the Supreme Court had recognized in 1915 as well.⁶⁹ FLPMA's treatment of the Antiquities Act was designed, moreover, to "specifically *reserve to the Congress the authority to modify and revoke withdrawals* for national monuments created under the Antiquities Act."⁷⁰

Consequently, the authority Congress delegated to the president in the Antiquities Act is limited to the designation or expansion of national monuments. Where a President acts in accordance with that power, the designation is "in effect a reservation by Congress itself, and . . . the President thereafter [i]s without power to revoke or rescind the reservation . . ."⁷¹ Thus, as the district court in *Wyoming v. Franke* summarized, where "Congress presumes to delegate its inherent authority to [the president], . . . the burden is on the Congress to pass such remedial legislation as may obviate any injustice brought about [because] the power and control over and disposition of government lands inherently rests in its Legislative branch."⁷²

⁶⁴ *Id.* at 187 (emphasis added) (quoting 10 Op. Atty. Gen. at 364).

⁶⁵ *Id.* at 188. *See also* National Monuments, 60 Interior Dec. 9 (1947) (concluding that the president is authorized to reduce the area of national monuments by virtue of the same provision of Act).

⁶⁶ Proclamation 3539, May 27, 1963.

⁶⁷ Pub. L. 94-579 (Oct. 21, 1976), codified at 43 U.S.C. § 1701 *et seq.*

⁶⁸ *Id.* at Title II, § 204, Title VII, §704(a).

⁶⁹ *Id.*; *United States v. Midwest Oil Co.*, 236 U.S. 459 (1915).

⁷⁰ H.R. REP. 94-1163, 9, 1976 U.S.C.C.A.N. 6175, 6183 (emphasis added).

⁷¹ Proposed Abolishment of Castle Pickney National Monument, 39 Op. Atty. Gen. 185, 187 (1938) (citing 10 Op. Atty. Gen. 359, 364 (1862)).

⁷² 58 F. Supp. 890, 896 (D. Wyo. 1945).

MOJAVE TRAILS NATIONAL MONUMENT

Direction in Executive Order 13792 implies that Mojave Trails National Monument inappropriately protects cultural, historic and scientific resources and that the monument perhaps includes more area than is necessary to protect these historic and scientific objects. There is simply no legal basis nor facts supporting this suggestion. In fact, a review of the record and resources protected within Mojave Trails clearly demonstrate that President Obama did not abuse his discretion under the Act in designating this monument.

Mojave Trails National Monument Represents a Significant Historic and Cultural Landscape within the United States

Mojave Trails National Monument represents a truly significant historic and cultural landscape within the United States. As discussed with great detail within the monument's Proclamation,⁷³ the archeological and historical record of the significance of the Mojave Trails landscape is extremely clear. There is no disputing the fact that the Mojave Trail has been used for centuries and is important to Native American tribes. The more recent, historic use of the Government Road (aka Mojave Road) and Highway 66 through the Monument also testifies to its significance. The facts demonstrate that President Obama was well within his discretion in designating the land necessary to protect the unique historic and cultural values and resources found within the Mojave Trails landscape. In fact, this Monument represents a mere sliver of historic and cultural resources that were once present throughout a region, but have been lost; protection of these historic and cultural values is therefore of paramount importance.

In addition, Mojave Trails National Monument is appropriately sized to protect natural resources and scientific objects as authorized under the Antiquities Act. This includes remote and intact ecosystems, watersheds, vegetation and community types, and habitat for fish and wildlife, including rare, endemic, sensitive and imperiled species.

The Designation of Mojave Trails National Monument Protects and Provides for the Proper Care and Management of Significant Landscape and Ecosystem Values

Mojave Trails National Monument protects and provides for the proper care and management of exceptionally important and unique ecosystem and landscape conservation values. The area contained within the monument boundaries exhibits a high and increasingly rare level of ecological integrity compared to other western lands. These ecological values have been assessed and extensively

⁷³ Proclamation No. 9395, 81 Fed. Reg. 8371 (2016).

planned for through the 1994-2005 West Mojave Coordinated Resource Management Plan and the 2008-2016 Desert Renewable Energy Conservation Plan (DRECP) efforts.

The designation of Mojave Trails National Monument appropriately recognized and protected a scientifically unique landscape: a relatively intact and functional western landscape. Remote landscapes relatively unmodified by human intrusion and development are increasingly rare within the region and nation as a whole. The Mojave Trails National Monument also provides for regionally significant landscape-level connectivity, a significant and rare ecological feature in western landscapes. Connectivity is one of the most crucial factors in the conservation of fish and wildlife populations. The recognition and protection of wildlife connectivity corridors facilitates migration, dispersal, and gene flow between Mojave Trails National Monument and surrounding protected areas, including 13 wilderness areas, the Mojave National Preserve and Joshua Tree National Park.

The Mojave Trails National Monument also appropriately protects a highly resilient landscape. Resilient landscapes are best able to provide conservation values and other key ecosystem services to society into the future. The importance of Mojave Trails National Monument for wildlife species is not limited to its present value. Much of this Monument is projected to experience low to moderate potential for impacts from climate change; making it a key investment.

Designation of the Mojave Trails National Monument provides for an increased emphasis on the proper care and management of a diversity of terrestrial, aquatic and riparian ecosystems, vegetation and plant community types, including an inordinate level of rare ecosystem types compared to other lands within the region. These features have incredibly high scientific value due to their diversity, intactness and rarity. Vegetation diversity is higher within the boundaries of the Monument compared to adjacent public lands. The monument's Proclamation describes in significant factual detail the types of ecosystems, plant communities and vegetation types found within the monument. The extent of the monument is necessary to protect these appropriately recognized unique and irreplaceable scientific ecological features.

Courts have upheld that the Act provides the President with the discretion to protect ecosystems, ecosystem features and large landscapes. In *Tulare vs. Bush* the Court found that inclusion of ecosystems within the Proclamation “did not contravene the terms of the statute by relying on non-qualifying features.”⁷⁴ Indeed, the Mojave Trails Proclamation describes in great factual detail the diversity of qualifying ecosystem types and natural and scientific features found within the monument. The facts demonstrate that President Obama designated the land necessary to protect the diversity of ecosystems found within the Mojave Trails National Monument.

⁷⁴ *Tulare Cnty. v. Bush*, 306 F.3d at 1142.

The Designation of Mojave Trails National Monument Protects and Provides for the Proper Care and Management of Significant and Rare Wildlife Habitat Values

Wildlife habitat qualifies for protection as a scientific object under the Antiquities Act. The Monument provides essential habitat for a variety of wildlife, including rare and at-risk species. This includes key habitat for species listed under the Endangered Species Act (ESA) and those identified as sensitive by the United States Bureau of Land Management (BLM; Table 1). Altering the configuration of the monument would remove protections for many of these species. The Monument provides habitat values that are significant to the region, and the current configuration of the monument is necessary for the proper care and management of these habitat values. The monument supports high species richness compared to other California Desert lands; including critical habitat designated for California’s state reptile, the threatened Agassiz’s desert tortoise (*Gopherus agassizii*); and the increasingly at-risk Desert bighorn sheep (*Ovis canadensis nelsoni*).

Table 1. Rare & Protected Species of the Mojave Trails National Monument

Common Name	Scientific Name	Status
Agassiz’s desert tortoise	<i>Gopherus agassizii</i>	State/federally Threatened
Desert bighorn sheep	<i>Ovis canadensis nelsoni</i>	State Protected/BLM
Western pond turtle	<i>Emys marmorata</i>	State Protected/BLM
Mojave fringed-toed lizard	<i>Uma scoparia</i>	BLM Sensitive
Least Bell’s vireo	<i>Vireo bellii pusillus</i>	State/federally Endangered
Southwestern Willow	<i>Empidonax traillii extimus</i>	State/federally Endangered
Golden eagle	<i>Aquila chrysaetos</i>	State/federally Protected
White-margined beardtongue	<i>Penstemon albomarginatus</i>	BLM Sensitive

The Designation of Mojave Trails National Monument Protects and Provides for Current Uses and Appropriate Access

As described by the BLM⁷⁵, Mojave Trails National Monument is “a stunning mosaic of rugged mountain ranges, ancient lava flows, and spectacular sand dunes. Protection of this area will preserve its natural, cultural and historic legacy while preserving traditional uses of the area.” BLM has also informed the public that the Presidential Proclamation designating the Monument provides latitude for existing uses and activities. Livestock grazing in the authorized Lazy Daisy allotment can continue according to BLM guidelines. Rock-hounding opportunities too, will continue under BLM’s rock collecting guidelines. Vehicle access will also continue according to previous travel management planning efforts. A planning effort is even underway to ensure uses and activities occurring within the monument continue in a manner which safeguards Monument objects in need

⁷⁵ Bureau of Land Management (BLM). 2017a. “Mojave Trails National Monument: Recreation Opportunities” (webpage), https://www.blm.gov/nlcs_web/sites/ca/st/en/prog/nlcs/Mojave_Trails/recreation.html.

of careful management. The public has been provided assurances that BLM will complete this planning in an open and transparent manner; with a specific advisory subgroup selection process initiated in February,⁷⁶ but delayed by the administration.

Administration of Mojave Trails National Monument Continues to be Consistent with Multiple-use Policy and Provides for Significant Social and Economic Benefits to the Region and Local Communities

Mojave Trails monument designation is consistent with the multiple-use policies of the BLM; the federal agency which managed these public lands prior to monument designation and who will continue to manage these public lands into the future. Natural resource values managed under Monument designation and planning processes will best meet the present and future needs of the American people. Recreation, range, watershed, wildlife, natural scenic, scientific and historical values are all protected in the Monument. Boundary designation was judicious, encompassing the smallest possible acreage to adequately protect namesake natural resources; while allowing for the continuation of primary existing uses cherished by local communities. The current and future management of these public lands must be viewed in a broad context, with the acknowledgement that not every use must occur on every acre. Further, the many uses and opportunities provided within and adjacent to the Monument will not be affected by its previous designation. This is a “settled” designation that needs no re-visitation; as it has incorporated local concerns.

Notably, economic growth in the California Desert communities surrounding the Monument are expected to expand⁷⁷ and such growth is welcome. National monument status appears to convey sufficient importance to inspire visitation on a level nearly equivalent to national park status. A recent report, “*West Is Best: How Public Lands in the West Create a Competitive Economic Advantage*”⁷⁸ has found that the West’s national monuments offer growing high-tech and services industries a competitive advantage, which is a major reason why the western economy has outperformed the rest of the United States economy in key measures of growth—employment, population, and personal income—during the last four decades. As the West’s economy shifts toward a knowledge-based economy, research shows that protected federal public lands support faster rates of job growth and are correlated with higher levels of per capita income.

⁷⁶ BLM. 2017b. “Desert Advisory Council Seeks Applications for Mojave Trails National Monument Subgroup” (press release) (Feb. 22, 2017). Washington, DC, <https://www.blm.gov/press-release/desert-advisory-council-seeks-applications-mojave-trails-national-monument-subgroup>.

⁷⁷ Headwaters Economics. 2017. Updated Summary: The Economic Importance of National Monuments to Local Communities. Bozeman, MT, <https://headwaterseconomics.org/wp-content/uploads/monuments-summary.pdf>.

⁷⁸ Headwaters Economics. 2012. *West is Best How Public Lands in the West Create a Competitive Economic Advantage*. Bozeman, MT.

Leading economists, including three Nobel laureates, even previously urged President Obama to create new protected areas such as national parks, wilderness, and monuments. In a 2016 letter,⁷⁹ signed by more than 100 economists and academics in related fields from across the country, the President was urged to “create jobs and support businesses by investing in our public lands infrastructure and establishing new protected areas such as parks, wilderness, and monuments.” Numerous studies by Headwaters Economics and others—carefully scrutinized to pass scientific muster and credibility—have concluded that protected federal public lands in the West, including lands in non-metro counties, can be an important economic asset that extends beyond tourism and recreation to attract people and businesses.

Mojave Trails National Monument is Supported by Californians

The California State Senate on 8 June 2017, as well as California States Assembly on 26 May 2017, have passed Assembly Joint Resolution 15 (AJR 15),⁸⁰ which expressed California support for the presidential use of the United States Antiquities Act and the previous designation of all 22 National Monuments in the California. This joint resolution underscored that America’s protected federal public lands are a national treasure that belong to all Americans, which should be maintained for future generations; and that those protected federal public lands in the State of California are integral to the history, culture, economy, natural environment, and values of the state and for which California is globally renowned.

These legislative bodies, on behalf of all Californians, noted that protected federal public lands and waters support thousands of jobs in gateway communities. Supporting studies were cited documenting increased per capita personal incomes, expanded tourism opportunities and furthered economic development throughout the state following monument designation.

Associated outdoor recreation was found to generate \$85 billion in annual consumer spending and over 730,000 jobs in the State of California and approximately \$6.7 billion in state and local tax revenue; much of which is directly related to the opportunities these protected federal lands provide for hikers, campers, equestrians, mountain bikers, legal off-highway vehicle users, skiers, hunters, anglers, birders, rock collectors, botanists, and others. Designated monuments in the state were also found to encompass sites, artifacts, and landscapes of great cultural and religious significance to

⁷⁹ Arrow, K.J. et al. 2011. Economists Letter Urging President Obama to Protect Federal Public Lands. Stanford University. Stanford, CA, https://headwaterseconomics.org/wp-content/uploads/Pres_Letter_Economics_Protected_Lands.pdf.

⁸⁰ California Assembly Joint Resolution 15 (introduced by California Assembly Member Aguiar-Curry and California Senator McGuire, May 26, 2017). Sacramento, CA, http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AJR15.

Native Americans such as ancestral villages, lands that supply traditional foods/medicines, and historic travel-ways such as the Mojave Trail.

Notably, these national monuments were found to maintain healthy ecosystems and preserve invaluable habitat for plants and wildlife, including habitat for sensitive species recognized by the State of California and the United States government. They were also found to provide for greater water/air quality, and climate resilience and adaptability, which are vital priorities for California. These beneficial uses of land, water, and wildlife resources are essential to the long-term economy of this state. Their proper management was found to be efficiently guided by plans developed with input from state, local, and tribal governments, members of the public, and other stakeholders. Californians care deeply for and support their national monuments.

The California State Legislature in their joint resolution urged the President of the United States, Secretary of the United States Department of the Interior, and the Secretary of the United States Department of Agriculture to protect federal public lands and the economic, historical, cultural, and ecological values that they provide for all Americans. They also urged support for the use of the Antiquities Act as a critical tool for protecting the public good by authorizing the designation of national monuments.

Lastly, they urged involved parties to honor and protect the integrity of all national monuments as they have been designated by Presidents since 1906. Copies of this resolution have been submitted to the President and Vice President of the United State, as well as to the Secretaries of the United States Departments of the Interior and Agriculture.

Senator Dianne Feinstein first introduced legislation (S.2921) to protect what is now the Mojave Trails National Monument on December 21, 2009. The Senate Energy and Natural Resources Committee held a hearing on the legislation on May 20, 2010. On January 25, 2011, she reintroduced the bill as S.138, and on October 8, 2015, she reintroduced the measure once more as S.414.

A public meeting was subsequently convened on October 12, 2015 at the Whitewater Ecological Reserve north of Palm Springs where the more than 800 attendees were encouraged to share their concerns about the proposed Mojave Trails National Monument. Public support for the proposed boundaries and increased protection of Mojave Trails National Monument was overwhelming at this event.

CONCLUSION

Mojave Trails National Monument protects invaluable cultural, historic, landscape, wildlife, ecosystem and scientific resources. The latter scientific value has been attested to by thirty scientists who penned a letter in support of the 2016 designation of this monument.⁸¹ It provides immeasurable social and economic benefits to local communities in California and citizens across the United States.

The designation of this monument was achieved through hard work and collaboration between federal agencies, local communities, tribes, and a multitude of interested stakeholders. It is overwhelmingly supported by Californians.⁸² There is no question that these public lands warrant the protections provided under the Antiquities Act and that the designation is consistent with law as well as the policy set forth in section 1 of Executive Order 13792.⁸³

Monument boundaries were carefully selected based on substantial information provided by the BLM and local community input. Encompassed lands were confined to the smallest area compatible with the proper care and management of objects named in the Presidential Proclamation. Monument designation protects and provides for current uses and appropriate access.

⁸¹ Sinervo, B., F.W. Davis, W.D. Spencer, W. McIntyre, S. Sweet, P. Schiffman, R.D. Evans, S. Cashen, R. Kobaly, J.M. Andre, P. Beier, T. Krantz, D. Bell, T. Root, D.S. Wilcove, G.R. Stewart, M.S. Dietz, R.T. Belote, G.H. Aplet, P. Brown, W. Rainey, C. Barrows, A. Muth, D. Klooster, J. Malcolm, T. La Doux, E.B. Allen, and M. Allen. 2016. Re: Scientific Value of California Desert National Monument Proposals. Letter Submitted to President Obama, Senator D. Feinstein, Senator B. Boxer, Representative P. Cook, Representative R. Ruiz, Secretary of the Interior S. Jewell, Secretary of Agriculture T. Vilsack and C. Goldfuss, Managing Director, White House Council on Environmental Quality. Washington, DC

⁸² Feinstein, D., and K. Harris. 2017. Letter of Support for California's National Monuments. Washington, DC, https://www.feinstein.senate.gov/public/_cache/files/6/b/6b617c72-2898-4f7c-beae-695a02f129fa/7E0102ACEC4FC43525B9570EE5508713.2017.06.09-zinke-letter-on-national-monuments.pdf.

⁸³ Becerra, X. Attorney General, State of California. 2017. Letter Opposing Attempts to Revoke or Weaken Protections on National Monuments in California and Elsewhere. Sacramento, CA, <https://oag.ca.gov/news/press-releases/attorney-general-becerra-trump-administration-protect-california%E2%80%99s-national>.

We look forward to your review results affirming that this settled monument designation adhered to the intent and all parameters of the Antiquities Act, and your continued support for the Mojave Trails National Monument.

Respectfully,



Robert G. Dreher
Senior Vice President, Conservation Programs
Defenders of Wildlife



Ryan Henson
Policy Director
California Wilderness Coalition



Danielle Segura
Executive Director
Mojave Desert Land Trust