



STATE OF CALIFORNIA
OFFICE OF THE ATTORNEY GENERAL
XAVIER BECERRA
ATTORNEY GENERAL

June 8, 2017

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

Dear Secretary Zinke:

I write to strongly oppose any attempt by President Trump to revoke or weaken the existing protections on national monuments in California and elsewhere. National monument designations protect the irreplaceable natural and cultural heritage belonging to all Americans, ensuring that the haste or greed of one generation does not squander those gifts at the expense of future generations. And, these designations invite recreational and other preservation-friendly uses of these lands, attracting visitors from near and far, and bringing lasting economic opportunity to gateway communities and surrounding areas. Any attempt by President's Trump Administration to reverse decisions past Presidents have made to safeguard our most treasured public lands is as unwise as it is unlawful. As the Attorney General of California, I am determined to take any and all legal action necessary to protect the American heritage contained in our monument lands.

Throughout its long history, Presidents from both political parties have used the Antiquities Act of 1906 to protect America's most magnificent natural resources. President Theodore Roosevelt was the first to use the Act to designate 15 national monuments, including the 818,000-acre Grand Canyon National Monument. Over the following decades, subsequent Presidents used the Act to establish dozens of national monuments on existing federal land, including many that Congress later saw fit to turn into some of America's most iconic national parks.¹ These Presidents understood that exploitation of these lands for short-term profit or expediency would permanently scar these national treasures in a way that no amount of later

¹ Among many others, Grand Teton, Grand Canyon, Bryce, Zion, Acadia, Olympic, and Arches National Parks all were first National Monuments.

Under President Trump's Executive Order 13792, the Department of Interior has targeted six national monuments located within California: Berryessa Snow Mountain, Carrizo Plain, Giant Sequoia, Mojave Trails, Sand to Snow, and San Gabriel Mountains. Each of these monument designations was made after diligent consultation with local communities and state agencies. Each monument brings valuable economic, cultural, religious, environmental, public health, and recreational benefits to Californians. It is no surprise that undoing the protections now afforded to our monuments would be extremely unpopular with the American people.²

Tellingly, no President has ever attempted to undo preservation of America's historic, cultural, and scientifically valuable landscapes by revoking a monument designation. This is also no surprise: The President simply has no legal authority to alter the monument designations made by a predecessor under the Antiquities Act. The power to revoke or modify existing national monument designations rests exclusively with the Congress, which has not delegated this power to either the President or the Secretary of Interior.

The Department of Interior's announced "review" of the monument designations made by prior presidents is based on two premises, both of which are false. First, President Trump has no legal authority to undo the protections prior Presidents have seen fit to impose on our most cherished natural places. Second, the evidentiary record is clear that the California monuments "under review" were established with wide public support that continues to this day.

I. The President Lacks Authority to Revoke or Modify National Monuments.

Article IV of the Constitution gives Congress the power to make rules and regulations regarding the territory and property of the United States. Any power a President has to revoke or modify a national monument therefore must be based on a delegation from Congress.

The Antiquities Act, now codified at 54 U.S.C. §§ 320301-320303 (the "Act"), is one of the various statutes through which Congress has delegated certain land-management authority to the President. When Congress adopted the Act, it was concerned that historical, archaeological, and other natural or scenic resources could be damaged or lost before Congress could act to protect them. The Act gave the President the power to move quickly in order to preserve those resources so that Congress could have time to determine the long-term solution. In this way, the Act gave the President a one-way ratchet in favor of conservation.³ If Congress disagrees with

² According to a recent poll, 80 percent of voters from the Mountain West (Arizona, Colorado, Nevada, New Mexico, Utah, Idaho, Wyoming, and Montana) support maintaining existing protections for national monuments. Likewise, here in California, there is no appetite for jeopardizing the protections now afforded to the national monuments in our state. *See, e.g.*, Assembly Joint Resolution, AJR 15, introduced on May 15, 2017 (urging President Trump's Administration to protect federal lands, support the enactment and use of the Antiquities Act as a critical tool for protecting the public good, and honor and protect the integrity of all national monuments as they have been designated by Presidents since 1906).

³ The courts have upheld similar statutes where Congress has granted the executive the authority to take a certain action, but not the authority to reverse that action. *See, e.g., New Jersey v. EPA*, 517 F.3d 574, 583 (D.C. Cir. 2008) ("Congress, undoubtedly can limit an agency's discretion to reverse itself, and in section 112(c)(9) [of the Clean Air Act], Congress did just that . . .").

the President’s monument designation, it can pass a law overruling him, and it has done so 10 times.

In the Act, Congress delegated to the President the authority to reserve tracts of land by designating them as national monuments. The Act provides:

(a) Presidential Declaration.— The President may, in the President’s discretion, declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government to be national monuments.

(b) Reservation of Land.— The President may reserve parcels of land as part of the national monuments. The limits of the parcels shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.⁴

From the plain text of the Act, it is clear that while Congress expressly gave the President the authority to create national monuments, it did not expressly give him the authority to revoke or modify monuments already designated. Thus, for the President to have authority to revoke or modify national monuments, that power must have been implicitly delegated by Congress. The historical context and statutory background of the Antiquities Act, however, make it quite apparent that Congress intended no such implicit delegation.

Two other statutes relating to federal-land protection that Congress adopted around the same time as the Antiquities Act—the Forest Service Act of 1897 and the Pickett Act of 1910—make clear that, if Congress intended for the President to have authority to revoke a national monument designation, it would have said so expressly. In each of these two Acts, Congress expressly gave the President the authority to set-aside or reserve public land for special management or protection,⁵ such as for national forest or hydro-power production. These Acts also gave the President the express authority to revoke or modify that set-aside or reservation. Against this backdrop, the absence of express authorization in the Antiquities Act for the President to revoke or modify a national monument designation indicates that Congress intended the President to have no such power.

Nor does the President have any inherent power to revoke or modify national monument designations that derives from his authority to undo executive actions in other contexts. An argument recently advanced to that effect relies on a fundamental misunderstanding of the source of the President’s power to administer federally-owned land.⁶ The Constitution grants the President no authority to administer federally-owned land. Instead, it states that “[t]he Congress

⁴ 54 U.S.C. § 320301.

⁵ Under the federal land management statutes, the set-aside of an area of public land for inclusion in a land management system, such as the National Forest or National Park system, is called a “withdrawal.”

⁶ See John Yoo and Todd Gaziano, AMERICAN ENTERPRISE INSTITUTE, “Presidential Authority to Revoke or Reduce National Monument Designations” (March 2017), <https://www.aei.org/wp-content/uploads/2017/03/Presidential-Authority-to-Revoke-or-Reduce-National-Monument-Designations.pdf>.

shall have power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.”⁷ Thus, when the President acts in the administration of federal lands, he may exercise only the authority that has been delegated to him by Congress. As noted, Congress delegated the President only the authority to create national monuments, not the power to revoke or modify them.

The President’s lack of authority to undo national monuments has been long settled. No President has ever attempted to revoke a national monument, and the one President who formally considered doing so ultimately abandoned the idea when he learned he lacked legal authority. In 1938, President Franklin Roosevelt expressed interest in eliminating the Castle-Pinckney National Monument in South Carolina. The issue of whether he had authority to do so under the Antiquities Act was referred to the Attorney General. In a formal Legal Opinion, the Attorney General advised President Roosevelt that he lacked such authority.⁸ The Attorney General reasoned that the “statute does not in terms authorize the President to abolish national monuments, and no other statute containing such authority has been suggested. If the President had such authority, therefore, it exists by implication.”⁹ Citing earlier attorney general opinions, the Attorney General then concluded that the President did not have implied authority to abolish national monuments.

Even if the text of the Antiquities Act, its historical context, and the 1938 formal Legal Opinion from the Attorney General leave any ambiguity regarding the President’s authority to revoke or modify national monument designations—which they do not—Congress removed all doubt when it enacted the Federal Land Policy and Management Act of 1976 (FLPMA). FLPMA was enacted after a Congressional commission conducted a lengthy examination of the laws governing management of federal lands and recommended that “large scale withdrawals and reservations for the purpose [among other things] of establishing or enlarging” national monuments “should be reserved to congressional action” and that “[d]elegation of the congressional authority should be specific, not implied”¹⁰ In enacting FLPMA, Congress largely embraced the commission’s recommendations that set-asides, or withdrawals, of federal land be reserved to congressional action and that congressional delegation to the President should be specific. Thus, through FLPMA, Congress repealed a large number of statutes expressly authorizing the President to withdraw federal land under other set-aside programs, including for example, the statute that gave the President authority to reserve land for national forests. In FLPMA, Congress also overturned a Supreme Court decision holding that, by its inaction to reverse a Presidential withdrawal, Congress had impliedly granted power to the President to make the withdrawal.

In FLPMA, Congress deliberately left intact the Antiquities Act provisions that authorize the President to set-aside lands by designating them as national monuments. And while FLPMA

⁷ Property Clause, Art. IV, § 3.

⁸ 39 Op. Att’y Gen. 185, 187 (1938).

⁹ *Id.*

¹⁰ Public Land Law Review Commission, “One Third of the Nation’s Land: A Report to the President and the Congress” at 54 (1970).

gave the Secretary of the Interior some powers to make, modify, or revoke withdrawals under some federal land programs, it expressly prohibited the Secretary from revoking or modifying any Antiquities Act monument designation.¹¹

Further, FLPMA's legislative history confirms that Congress intended to reserve the power to revoke monument designations for itself. The House Report states:

With certain exceptions [including under the Antiquities Act], [FLPMA] will repeal all existing law relating to executive authority to create, modify, and terminate withdrawal and reservations. It would reserve to the Congress the authority to create, modify, and terminate withdrawals for national parks, national forests, the Wilderness System, . . . *It would also specifically reserve to the Congress the authority to modify and revoke withdrawals for national monuments created under the Antiquities Act.* . . . These provisions will insure that the integrity of the great national resource management systems will remain under the control of the Congress.¹²

FLPMA removes any trace of ambiguity that the President does not have authority to revoke national monuments. This conclusion is shared by the vast majority of academics and preeminent legal scholars who have considered this issue.¹³

II. California's National Monuments Were Established With Broad Public Input and Enjoy Widespread Support Today.

As the Presidents who designated them recognized, the six national monuments in California listed as "under review" deserve the special protection afforded by monument status. These monuments were designated with extensive input from state and local stakeholders including, but not limited to, county governments, local business owners and chambers of

¹¹ When considered in its historical context, the FLPMA provision that prohibits the Secretary of the Interior from modifying or revoking monument designations under the Antiquities Act must be understood to also apply to the President. At the time of FLPMA's adoption, the President had delegated to the Secretary of the Interior all of the President's "authority . . . vested in him to withdraw or reserve lands of the public domain and other lands owned or controlled by the United States . . . including authority to modify or revoke withdrawals and reservations of such lands heretofore or hereafter made . . ." under all public lands reservation programs. *Delegating to the Secretary of the Interior the Authority of the President to Withdraw or Reserve Lands of the United States for Public Purposes*, Exec. Order 10355, 17 Fed. Reg. 4,831 (May 28, 1952); see Charles F. Wheatley, Jr., "Study of Withdrawals and Reservations of Public Domain Lands" (Public Land Law Review Commission 1969), at 379 (noting that the executive order delegating President's power to the Secretary of the Interior "[was] now the controlling authority.").
¹² House Report at 9 (emphasis added).

¹³ See, e.g., Mark Squillace, *The Monumental Legacy of the Antiquities Act of 1906*, 37 GA. L. REV. 473 (2003); Arnold & Porter Kaye Scholer, *The President Has No Power Unilaterally to Abolish or Materially Change a National Monument Under the Antiquities Act of 1906*, NATIONAL PARKS CONSERVATION ASSOCIATION, (February 8, 2017), <https://www.npca.org/resources/3197-legal-analysis-of-presidential-ability-to-revoke-national-monuments#sm.0001fusr65gmcftpsylx2dygl30p>; Letter from Bob Ferguson, Attorney General of Washington, to the Honorable Ryan Zinke, Secretary, U.S. Department of the Interior (May 11, 2017), available at http://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/Press_Releases/Sec.%20Zinke%20Letter-05112017113105.pdf.

commerce, local Indian tribes, and outdoor sports enthusiasts. These monuments retain broad support with local stakeholders today.

Berryessa Snow Mountain National Monument

Located at the convergence of two tectonic plates, Berryessa Snow Mountain National Monument is widely recognized for its history of “dramatic geology.”¹⁴ During the Jurassic period, several of Berryessa’s peaks, including Snow and Goat Mountains, were “seamounts,” undersea mountains that didn’t quite reach the surface of the ocean.¹⁵ Over millions of years, tectonic forces slowly pushed the mountains to the earth’s surface, creating the spectacular vistas we enjoy today.

Berryessa Snow Mountain is one of the most biologically important areas of California: the region is home to the American bald eagle and the California Chinook salmon. The Monument’s snow-capped peaks feed vital water to the Sacramento River, supporting robust agriculture throughout the San Joaquin Valley. Over the course of 11,000 years, numerous Native American tribes – such as the Yuki, Nomlaki, and Wappo – have called Berryessa home, and the region is one of the most linguistically diverse in California.¹⁶

President Obama’s designation of Berryessa Snow Mountain National Monument received widespread support. Environmentalists, hunters, all-terrain vehicle enthusiasts, and other members of the public submitted more than 80,000 comments in favor of the Monument.¹⁷ And because the Monument was expected to stimulate the local economy,¹⁸ two hundred local businesses and all five counties bordering the Monument also voiced their support.¹⁹

Carrizo Plain National Monument

The Carrizo Plain National Monument, established in 2001 with significant support from the local community, is famous for its spectacular biodiversity and stunning geological features.

Hundreds of years ago, the San Joaquin Valley was a vast grassland where elk and antelope grazed in fields containing wildflower blooms. Much of the Valley is now the foundation of California’s thriving agricultural industry and the home to millions of people, but the Carrizo Plain remains one of California’s greatest natural wonders and an oasis for many animals that make their habitat there. The Plain boasts one of the largest concentrations of

¹⁴ *Berryessa Snow Mountain National Monument*, U.S. Forest Service, <https://www.fs.fed.us/visit/berryessa-snow-mountain-national-monument>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *80,000 Public Comments Support for Berryessa Snow Mountain National Monument*, Salmon River Mountain Press News, Dec. 28, 2014, <http://salmonrivermountainpress.weebly.com/salmon-river-mountain-press-news/category/berryessa-snow-mountain-national-monument-proposal>.

¹⁸ The Chamber of Commerce for Winters, California, located just east of the Monument, commissioned a report which concluded that designation could generate \$50 million in revenue for the local economy over 5 years. *Id.*

¹⁹ Julie Cart, *Activists Choose Broad Path to Preserve Berryessa-Snow Mountain Area*, Los Angeles Times, Jan. 10, 2015, <http://www.latimes.com/science/la-me-snow-mountain-monument-20150111-story.html>.

threatened animals in California, including the California condor, the San Joaquin kit fox, and the pronghorn antelope—the fastest land mammal in North America. This hotbed of biodiversity is also a center of great geological intrigue, as the active San Andreas Fault continually reshapes the landscape.

The Carrizo Plain has long been home to the Chumash, as well as Yokut, and Salinan Indian tribes, and it possesses numerous sites sacred to these tribes and of great cultural and anthropological importance. For example, Painted Rock is a ceremonial site used by the Chumash for thousands of years featuring ancient pictographs painted for religious ceremonies.

President Clinton designated the Carrizo Plain National Monument after years of outreach and public debate regarding how to best conserve and manage the land. The Secretary of the Interior personally toured the area and held an open meeting attended by local officials and members of the public—including flag-waving students from Carrisa Plains Elementary School who wanted the area protected as a National Conservation Area.

The Carrizo Plain National Monument offers numerous recreational opportunities to thousands of visitors each year including birding, camping, hiking, horseback riding, and hunting and has been a key source of growth for the local economy. This year's spring wildflower blooms were particularly vibrant, and the Plain welcomed a record number of visitors to the "super bloom."²⁰ Bureau of Land Management wilderness specialist Bob Wick said that the "swaths of orange, yellow, and purple [were] like something out of a storybook."²¹ Indeed, a recent study by Headwaters Economics, a nonprofit research firm, found that since the designation of the Monument in 2001, the communities neighboring the Carrizo Plain National Monument experienced "increases in population, jobs, personal income, and per capita income [which mirrors] other western communities with national monuments or other protected lands."²²

Giant Sequoia

Majestic sequoia trees have been a part of California's landscape since time immemorial. These soaring giants can live for more than 3,000 years and can reach as high as a football field is long. They provide rich habitat for many sensitive animals including the endangered Pacific fisher and the great gray owl.²³ But due to extensive logging in the nineteenth century, few giant

²⁰ Mary Forgione, *What You Need to Know About the "Super Bloom" at Carrizo Plain National Monument*, LA Times, Apr. 7, 2017, <http://www.latimes.com/travel/deals/la-tr-california-wildflowers-carrizo-plain-national-monument-20170406-story.html>.

²¹ *Id.*; see <https://www.flickr.com/photos/blmcalifornia/sets/72157628100900985/>.

²² Ben Alexander, *Carrizo Plain National Monument: A Summary of Economic Performance in the Surrounding Communities*, Headwaters Economics, Spring 2017, <https://headwaterseconomics.org/wp-content/uploads/Carrizo.pdf>.

²³ Marilee Enge, *Redwood Safeguard Upheld by Court*, San Jose Mercury News, Oct. 3, 2001, at A15; *Giant Sequoia National Monument Proposal*, NRDC & Sequoia Task Force, <http://vault.sierraclub.org/ca/sequoia/Monument/Proposal.html>.

sequoia groves remain today. Approximately two-thirds of all the giant sequoia trees still standing in the world are located in Giant Sequoia National Monument.²⁴

Recognizing the magnificence of these trees and their importance to biodiversity, President Clinton designated the Giant Sequoia National Monument in 2000 after a lengthy public discussion and with significant support from the local community. Groups of environmentalists, outdoor recreation enthusiasts, and business owners provided their input at public meetings. Federal officials also consulted with state officials, members of California's Congressional delegation, local governments, and the Tule River Tribal Counsel.

Federal officials placed significant weight on public input, designing the Giant Sequoia National Monument Management Plan with comments from local stakeholders in mind. For example, the Pyles Boys Camp uses forest grounds within the Monument to operate a summer leadership camp for disadvantaged boys. The Camp, which teaches boys about environmental stewardship and personal responsibility, supported additional protections for the giant sequoia trees but was concerned that the Monument's Management Plan might foreclose operations. Appreciating public demand, officials made sure that the Monument's Management Plan included camping as one of its many permitted recreational activities.

Support for designation of the Monument was widespread. Californians sent 600,000 postcards voicing their support for the Monument, and at the time of the designation, polling showed that 80 percent of the public favored the establishment of the Monument.²⁵ In the neighboring counties most affected by the designation, supporters outnumbered opponents two to one.²⁶ Today, the Giant Sequoia National Monument offers unmatched opportunities for hiking, horseback riding, mountain biking, and camping, and the communities surrounding the Monument are thriving.²⁷

Mojave Trails

Located in the heart of the Mojave Desert, Mojave Trails National Monument is a "stunning mosaic of rugged mountain ranges, ancient lava flows, and spectacular sand dunes."²⁸ The Monument's designation protects historic resources including ancient Native American trading routes, World War II-era training camps,²⁹ and the longest remaining undeveloped

²⁴ *Giant Sequoia National Monument Report*, Sierra Forest Legacy, December 3, 2010, https://www.sierraforestlegacy.org/FC_ProjectsPlans/PPP_GiantSequoiaNationalMonument.php.

²⁵ Press Briefing on Clinton's Trip to Sequoia National Forest, U.S. Newswire, April 15, 2000.

²⁶ *Id.*

²⁷ Ben Alexander, *Giant Sequoia National Monument: A Summary of Economic Performance in the Surrounding Communities*, Spring 2017, <https://headwaterseconomics.org/wp-content/uploads/Sequoia.pdf>.

²⁸ *Mojave Trails National Monument*, Bureau of Land Management, https://www.blm.gov/nlcs_web/sites/ca/st/en/prog/nlcs/Mojave_Trails.html.

²⁹ In 1942, faced with the need to train troops for combat in North Africa, the U.S. Army established the Desert Training Center under the command of Major General George S. Patton. The remains of two camps that were part of the Desert Training Center, Camp Iron Mountain and Camp Ibis, are located within Mojave Trails National Monument. Because its relative isolation protected it from vandalism, Camp Iron Mountain is likely the best preserved of all Desert Training Center camps.

segment of Route 66—the most famous highway in America and a symbol of American wanderlust. Mojave Trails is also home to some of the most important scientific research sites in the country, including the Amboy Crater—North America’s youngest volcano and the 550 million-year-old Marble Mountains Fossil Bed.

The Monument connects Mojave National Preserve to Joshua Tree National Park, providing vital habitat for sensitive wildlife including bighorn sheep, the golden eagle, desert tortoises, and fringe-toed lizards. The Monument also offers recreation opportunities for visitors from all over the world including hiking, hunting, and ATV touring.

Before President Obama designated the Monument, federal officials carefully considered the range of views expressed by the public and local stakeholders. The Deputy Secretary of the Interior and a Department of Agriculture Under Secretary visited the proposed Monument alongside members of the state and local community. They also held a public meeting, which included speakers from local Indian tribes, local government agencies, off-road vehicle enthusiasts, and conservation organizations.³⁰

Sand to Snow

The topography of Sand to Snow National Monument is unlike anything else in California, stretching from the floor of the Sonoran Desert and ascending rapidly to the towering 11,500-foot peak of San Geronio Mountain. The Monument’s dramatically diverse landscape is home to 12 federally listed threatened and endangered animal species and more than 240 species of birds.

In addition to its breathtaking vistas and biological diversity, Sand to Snow is rich in human history. Both the Cahuilla and Luiseño Indian tribes consider San Geronio Mountain to be among their most sacred sites. In the late 1700’s, Spanish missionaries built outposts in the area, and the Holcomb Valley experienced the boom and bust of a gold rush in 1860.³¹

Sand to Snow National Monument is a year-round recreational wonderland for 24 million people who live within a two-hour drive. Recreational opportunities include cross-country skiing on the icy fields of Mount San Geronio, fly fishing the headwaters of the Santa Ana River, and hiking dozens of rugged and well-maintained trails, 24 miles of which are part of the Pacific Crest National Scenic Trail.

Federal officials considered input of local stakeholders before the Monument’s designation. At the same public meeting where they heard from the local community regarding

³⁰ U.S. Department of Agriculture, Press Release, *Interior, USDA Officials Join U.S. Senator Dianne Feinstein for Public Meeting on Conservation of Mojave Desert*, Oct. 13, 2015, <https://www.usda.gov/media/press-releases/2015/10/13/interior-usda-officials-join-us-senator-dianne-feinstein-public>.

³¹ *Sand to Snow National Monument*, U.S. Forest Service, <https://www.fs.fed.us/visit/sand-to-snow-national-monument>.

the Mojave Trails National Monument, high-ranking federal officials heard opinions regarding the Sand to Snow National Monument.³²

San Gabriel Mountains

Known as the “crown” on the Valley of Angels, the San Gabriel Mountains frame the Los Angeles skyline. These rugged peaks and canyons of chaparral are home to numerous species of trees such as white alder, canyon oak, sycamore, and eucalyptus,³³ and animals such as mountain lions, Nelson’s bighorn sheep, mountain yellow-legged frogs, Santa Ana suckers and Pacific pond turtles.³⁴

Located within a 90-minute drive for 17 million people and providing 70 percent of Los Angeles County’s open space and 35 percent of its drinking water, the San Gabriel Mountains provide access to outdoor recreation such as hiking, fishing, mountain biking, horseback riding, camping and stargazing for millions of visitors each year—including many children from urban neighborhoods who have limited access to places where they can play and explore the natural world.³⁵

The designation of the San Gabriel Mountains as a national monument involved extensive public outreach over the course of many years. In 2002, the National Park Service began a 10-year study, involving 66 stakeholder meetings, and 16,800 public comments—most overwhelmingly in support of more resources for the San Gabriel Mountains.³⁶ After release of the study, over the next two years, U.S. Congresswoman Judy Chu continued holding meetings with stakeholders, gaining support for protection from the San Gabriel Council of Governments and the San Gabriel Valley Water Association.³⁷ In August 2014, a U.S. Department of Agriculture Undersecretary and the Forest Service Chief hosted more than 600 people at a town hall meeting to discuss a potential monument designation.³⁸

The majority of local stakeholders—including local government officials, local business owners, water agency officials, and a group of military veterans who sponsored paid advertisements urging permanent protections of the San Gabriel Mountains—supported the

³² U.S. Department of Agriculture, Press Release, *Interior, USDA Officials Join U.S. Senator Dianne Feinstein for Public Meeting on Conservation of Mojave Desert*, Oct. 13, 2015, <https://www.usda.gov/media/press-releases/2015/10/13/interior-usda-officials-join-us-senator-dianne-feinstein-public>.

³³ Thomas Curwen, *Imperfect, but a Treasure*, L.A. Times, Oct. 9, 2014, at A10.

³⁴ Louis Sahagun, *Saving grace; President Obama weighs national monument status for the San Gabriel Mountains*, L.A. Times, Aug. 26, 2014, at AA1.

³⁵ *Obama Will Declare The Majestic Yet Neglected San Gabriel Mountains A National Monument*, Federal NewsFeed, Oct. 9, 2014.

³⁶ *Rep. Chu Continues to Invite Stakeholders to Offer Input on National Monument*, Targeted News Service, Oct. 6, 2014.

³⁷ *Id.*

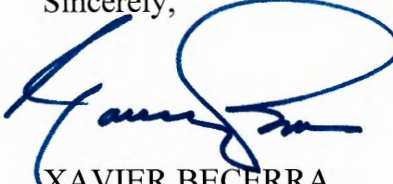
³⁸ Steve Scauzillo, *Hundreds jam meeting on San Gabriel Mountains national monument proposal*, Inland Valley Daily Bulletin, Aug. 27, 2014.

The majority of local stakeholders—including local government officials, local business owners, water agency officials, and a group of military veterans who sponsored paid advertisements urging permanent protections of the San Gabriel Mountains—supported the designation.³⁹ Indeed, a contemporaneous poll conducted by Public Opinion Strategists showed that four out of five Los Angeles County voters were in favor of protection for the San Gabriel Mountains.⁴⁰

III. Conclusion

I respectfully request that the federal government maintain national monuments in California and throughout the United States just as they are. The designation of these monuments established critical safeguards for some of our country's most treasured lands, and to attempt to undermine those protections would be not only illegal but also a short-sighted and misguided betrayal of the interests of future generations of Americans. I expect that I will be joined by many of this country's state attorneys general in using all of the legal tools at our disposal to ensure that the rule of law is followed.

Sincerely,



XAVIER BECERRA
California Attorney General

³⁹ *National Monuments: USDA officials' trip stokes talk of designation for San Gabriel Mountains*, Greenwire, Aug. 26, 2014.

⁴⁰ *The Wilderness Society, Poll: L.A. County wants San Gabriel Mountains protected. You can help!*, Aug. 18, 2014, <http://wilderness.org/blog/poll-la-county-wants-san-gabriel-mountains-protected-you-can-help>.



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June 14, 2017

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

RE: Errata: Technical Corrections to Footnotes 3 and 13 in letter from California Attorney General Xavier Becerra dated June 8, 2017 Regarding National Monument Review

We submit this letter to correct inadvertent technical errors in two footnotes in Attorney General Becerra's letter of June 8, 2017, to Secretary Zinke, expressing opposition to proposals to revoke or weaken existing protections on national monuments in California and elsewhere. The June 8th letter was submitted via this same on-line comment portal.

Specifically, footnotes 3 and 13 should read as follows:

³ Nicholas Bryner, UCLA Law, <http://legal-planet.org/2017/04/10/national-monuments-under-trump/>). The courts have upheld similar statutes where Congress has granted the executive the authority to take a certain action, but not the authority to reverse that action. *See, e.g., New Jersey v. EPA*, 517 F.3d 574, 583 (D.C. Cir. 2008) ("Congress, undoubtedly can limit an agency's discretion to reverse itself, and in section 112(c)(9) [of the Clean Air Act], Congress did just that . . .").

¹³ *See, e.g.,* Mark Squillace, Eric Biber, Nicholas S. Bryner, & Sean B. Hecht, *Presidents Lack the Authority to Abolish or Diminish National Monuments*, 103 Va. L.Rev. Online 55 (2017), <http://www.virginialawreview.org/volumes/content/presidents-lack-authority-abolish-or-diminish-national-monuments>; Mark Squillace, *The Monumental Legacy of the Antiquities Act of 1906*, 37 GA. L. REV. 473 (2003); Arnold & Porter Kaye Scholer, *The President Has No Power Unilaterally to Abolish or Materially Change a National Monument Under the Antiquities Act of 1906*, NATIONAL PARKS CONSERVATION ASSOCIATION, (February 8, 2017), <https://www.npca.org/resources/3197-legal-analysis-of-presidential-ability-to-revoke-national-monuments#sm.0001fusr65gmcfjtpsylx2dygl30p>; Letter from Bob Ferguson, Attorney General of Washington, to the Honorable Ryan Zinke, Secretary, U.S. Department of the Interior (May 11, 2017), available at

The Hon. Ryan Zinke
June 14, 2017
Page 2

s3bucket.s3.amazonaws.com/uploadedfiles/Another/News/Press_Releases/Sec.%20Zinke%20Letter-05112017113105.pdf.

Please incorporate these corrected footnotes into the June 8, 2017 comment letter from Attorney General Becerra, and attach this letter to the June 8th letter in the agency administrative record.

Sincerely,



SALLY MAGNANI
Senior Assistant Attorney General

For XAVIER BECERRA
Attorney General