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June 15, 2017

The Honorable Sonny Perdue
Secretary of Agriculture
United States Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

Dear Secretary Perdue,

We write to seek information regarding USDA's involvement in the Department of Interior's review of national monuments whose boundaries include acreage managed by the U.S. Forest Service (USFS). On April 26, 2017 President Trump signed Executive Order 13792, requiring a review of certain national monuments established since January 1, 1996. The Executive Order gives USDA a coordinating role in this review. The review, which is being led by Secretary of Interior Zinke, includes several national monuments that are partially or wholly comprised of acreage managed by the USFS. Secretary Zinke issued an interim report on the Bears Ears National Monument (BENM) in Utah on June 10, 2017 and a final report on all the national monuments under consideration is due on August 24, 2017. Given USDA's assigned role under the Executive Order, please respond to the following:

1. What role did USDA play in the BENM review and crafting of the June 10, 2017 interim report? Please describe how the USDA consulted in this review and interim report.
2. With respect to the BENM, the June 10, 2017 interim report recommends that "As a result of this review, and in consultation with the Secretary of Agriculture... I recommend that: the BENM boundary be revised through the use of appropriate authority, including lawful exercise of the President's authority granted by the (Antiquities) Act..." Does the boundary revision outlined in this recommendation affect USFS-managed lands on the Manti La-Sal National Forest?
3. Were Interim Recommendation #1 from the June 10, 2017 report to be implemented, would some or all of the USFS acreage currently contained in the BENM (as established by Proclamation No. 9558, dated December 28, 2016) no longer be included in the BENM?
4. If so, how many USFS acres is Forest Service recommending excluding from BENM?
5. Please provide a map outlining the USFS acreage that Forest Service is proposing to exclude from BENM.

6. Did USDA officials travel to Utah to hear from local stakeholders regarding the BENM as part of this review?
7. If so, please provide the name of the USDA official(s) present, all attendees present, and the date, time, and location of any such stakeholder meetings USDA convened or participated in, whether in Utah or elsewhere.
8. Did USDA meet with tribal nations during the BENM review?
9. If so, please list the tribal nations present at the meetings and the individuals representing each nation.
10. While the Antiquities Act authorizes the President to designate national monuments, there does not appear to be any authority within the Act to reduce the size of the monuments. Most legal scholars conclude that any ambiguity in the Antiquities Act was clarified with the passage of the Federal Land Policy and Management Act of 1976 whereby Congress made clear that it has the sole authority to diminish or rescind national monuments. Given this, does the Administration intend to ask Congress for legal authority should it want to implement the interim report's first recommendation?
11. If the Administration is not planning to seek new authority from Congress, does it have an alternative legal basis that would allow a President to rescind or diminish a national monument that was established by a previous President? If so, please describe this authority.
12. Aside from BENM, please describe how USDA and USFS will participate in the review of the remaining national monuments that contain USFS land.

Thank you for your consideration of this important issue and prompt response to our letter.

Sincerely,



Debbie Stabenow
Ranking Member



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

cc: The Honorable Tom Tidwell, U.S. Forest Service Chief