



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

AUG 15 2019

The Honorable Raul Grijalva
Chairman
Committee on Natural Resources
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Grijalva:

Enclosed are responses prepared by the Bureau of Land Management to the questions for the record submitted following Committee's March 3, 2019, oversight hearing entitled "*Forgotten Voices: The Inadequate Review and Improper Alteration of Our National Monuments.*"

Thank you for the opportunity to provide this material to the Committee.

Sincerely,

Christopher P. Salotti
Legislative Counsel
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Rob Bishop, Ranking Member
Committee on Natural Resources

House Committee on Natural Resources
Hearing on
“Forgotten Voices: The Inadequate Review and Improper
Alteration of Our National Monuments”
Questions for the Record Submitted to Mr. Edwin Roberson

Questions from Representative Raul Grijalva

1. Mr. Roberson, why was the Grand Staircase-Escalante National Monument Advisory Committee suspended?

- **Did Former Secretary Zinke or BLM give the Committee members or the public any indication as to why the Advisory Committee was suspended?**
- **Do you know when the Advisory Committee will be re-convened?**

Response: In May 2017, the Secretary of the Interior initiated a Department-wide review of all advisory councils and boards, including the BLM’s Resource Advisory Councils (RACs) and Monument Advisory Councils (MACs), in order to look at each Advisory Council’s charter, composition, and compliance with the 1972 Federal Advisory Committee Act. During the Department-wide review of Advisory Councils, the charter for the Grand Staircase-Escalante MAC expired.

The Secretary of the Interior approved the new MAC charter on September 5, 2018, and the BLM is currently in the process of reviewing applications received from the November 19, 2018, and May 30, 2019 calls for nominations. Once the MAC can establish a quorum, the BLM will issue a *Federal Register* notice announcing the next MAC meeting.

2. Mr. Roberson, why did the Department of the Interior change the composition of the Bears Ears Monument Advisory Committee?

- **Who made the decision to alter the composition of the Committee? What was the justification?**
- **Why are the five tribes that contributed to the Monument's creation excluded from the new Committee?**

Response: Proclamation 9558 called for the establishment of both a Bears Ears National Monument Advisory Committee (MAC), as well as a Bears Ears Commission. The MAC charter consists of a fair and balanced representation of interested stakeholders including State and local governments, Tribes, recreational users, local business owners, and private landowners in compliance with the terms of Proclamation 9558. The composition of the MAC has not been altered since it was originally chartered, and the BLM has not excluded the five Tribes from it. The BLM actively encouraged Tribal members to apply when it published a call for nominations in the *Federal Register* on August 30, 2018. Two of the 15 MAC members must be representatives of Tribal interests.

The Bears Ears National Monument Advisory Committee (MAC) is wholly separate from the inter-tribal commission originally called the Bears Ears Commission in Proclamation 9558.

President Trump issued Proclamation 9681, which modified Proclamation 9558 and specified that the Bears Ears Commission will be known as the Shash Jáa Commission, apply only to the Shash Jáa Unit, and include the elected officer of the San Juan County Commission representing District 3, a majority Navajo district in San Juan County. The Shash Jáa Commission has a special opportunity for meaningful engagement with the agencies – beyond standard government-to-government consultation – to provide guidance and recommendations for managing the Shash Jáa Unit of Bears Ears National Monument.

3. Mr. Roberson, when should we expect the Proposed Resource Management Plans for the Bears Ears and Grand Staircase-Escalante National Monuments to be made publicly available?

- **When can we anticipate the release of a paleontological management plan for Grand Staircase-Escalante?**

Response: The BLM is currently preparing the Proposed Land Use Plans and Final Environmental Impact Statements for the Bears Ears and Grand Staircase-Escalante National Monuments and the Kanab Escalante Planning Area. The BLM anticipates release of the proposed plans in 2019.

The Grand Staircase-Escalante National Monument and Kanab Escalante Planning Area plans will provide guidance for developing implementation-level plans including paleontological plans. Development of any implementation-level plan would commence after the signing of the Records of Decision for the land use plans.

Questions from Representative Grace Napolitano

1. I represent the foothills of the San Gabriel Mountain and am proud to have had it designated as a National Monument by President Obama in 2014. Thanks to the help of the designation, the monument has raised more than \$5 mil through the San Gabriel Mountains National Monument fund. One example is that Coca-Cola has donated \$900,000 toward clean-up efforts in the forest. This was possible because the US Forest Service land cannot form private-public partnerships unless they are designated as a national monument. Seeing that the USFS and Interior Department budgets continue to shrink, do you believe public-private partnerships like the one listed above is important for our parks?

Response: The BLM has long depended on working with partners – including public-private partnerships – to enhance public lands and to carry out its multiple-use mission. Meaningful engagement with diverse partners helps ensure that management decisions and efforts reflect the interests of affected communities while accomplishing shared or complementary goals.

2. During the monument review process, I placed several requests to Secretary Zinke's office, inviting him to come to visit the San Gabriel Mountains National Monument and to speak with local residents, businesses, and city officials. I never received a response. Although the review only resulted in the alteration of two monuments, does this unilateral alteration of Bears Ears and Grand Staircase-Escalante National Monuments place other monuments like mine, under review at risk?

- **Could monuments like the San Gabriel Mountains still be altered under this process?**

Response: I am not aware of and cannot speak to any pending decisions regarding the national monuments that were under review.

Questions from Representative Debbie Dingell

1. Mr. Roberson, in the DOI Office of the Inspector General Report considering the monuments review process, the DOI official responsible for reviewing public comments stated, "there is no meaningful discussion going on here. It's just shaking- verbally shaking your fist at us and saying, yea, yea, or no, no. With the overwhelming majority being no."

- **In this individual's statement they note that the "overwhelming majority" of public comments were opposed altering the monuments. Is that a fair assessment based on your knowledge of the situation?**

Response: I did not personally review the public comments received by the Department as part of the review, and I am only familiar with the redacted OIG report.

2. Mr. Roberson, what are the purpose of public comments, if not to provide the public with an opportunity to weigh in on agency decision-making?

- **In particular, it seems the administration took issue with form letters. Are form letters a legitimate form of public expression towards that purpose?**

Response: I am not in a position to evaluate the nature of the public comments received by the Department as part of the review or specifically how they were addressed.

3. I also noticed that you yourself were interviewed by the OIG as part of this investigation. You noted that staff from the Utah Governor's office and from Senator Hatch's office were the ones who planned Secretary Zinke's tour of the national monuments. They decided what he saw, where he went, and how he got there.

- **Why were State officials allowed to prioritize what the Secretary saw on his tour of the monument?**
- **Is it typical for BLM to let States control their prioritization of resource review and management?**
- **Was BLM concerned that the former Secretary reportedly spent much of his time at GSE touring coal seams, rather than the resources these monuments protect?**

Response: Executive Order 13792 directed the Secretary of the Interior to conduct a review of all Presidential designations or expansions of designations under the Antiquities Act made since January 1, 1996, that exceeded 100,000 acres, or any others that were deemed to be made without adequate coordination and outreach to the public.

In addition to on-the-ground resource information provided by the BLM, Secretary Zinke traveled to eight national monument sites in six States, including both Bears Ears and Grand Staircase-Escalante National Monuments. Secretary Zinke held more than 60 meetings with hundreds of advocates for and opponents of monument designations, ranging from local, State, and tribal officials to conservation organizations and other non-governmental stakeholders.

The BLM assists the Secretary's staff in facilitating any visit to BLM-managed public lands.