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UNITED STATES CONGRESS

May 25, 2017

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Mr. Micah Chambers
Acting Director, Office of Congressional and Legislative Affairs
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

RE: Federal Register Docket Number DOI -2017-0002

Dear Mr. Chambers,

Pursuant to a request from Secretary Zinke, I write today to provide comments on Executive Order (EO) 13792, which directs the Secretary to perform a review of all national monuments designated since January 1, 1996, that encompass over 100,000 acres or that lacked adequate public outreach. The Berryessa Snow Mountain National Monument, located within my congressional district, is included in the list of monuments under review as it has a footprint greater than 100,000 acres.

The Berryessa Snow Mountain National Monument is a natural treasure. Its rich landscape showcases well-preserved geologic features from ancient tectonic plate activity, preserves Native American cultural sites dating back thousands of years, and provides critical habitat for the diversity of wildlife living in the area. It also helps sustain the local economy by providing ample opportunities for outdoor recreation for residents and visitors alike.

The Antiquities Act of 1906, signed into law by President Theodore Roosevelt, allows presidents to protect natural, historical, and cultural areas as national monuments. This Act has been used by nearly every president since to set aside American treasures for current and future generations. However, never before has any president deemed it his opportunity to dismantle existing national monument designations – an act that is grossly out of line with America's conservation values. From the Statue of Liberty to the Underground Railroad, these monuments tell part of America's history and represent its legacy of conservation.

EO 13792 lays out criteria that the Secretary must take into consideration when determining whether or not a national monument designation aligns with the original intent of the Antiquities Act. Below are each of those criteria (in italics) as well as an explanation as to why the Berryessa Snow Mountain National Monument meets those criteria and aligns with the purpose and objectives of the Antiquities Act.

EO Section 2(i) – *the requirements and original objectives of the Act, including the Act's requirement that reservations of land not exceed "the smallest area compatible with the proper care and management of the objects to be protected"*

Original plans for the Berryessa Snow Mountain National Monument contemplated whether or not to include Lake Berryessa within the footprint of the national monument. Former Secretary Jewell recognized the importance of ensuring that the unit boundary stay within the legal limits of the Antiquities Act of 1906 and accordingly chose not to include Lake Berryessa in the unit boundary.

Lake Berryessa was created when the Bureau of Reclamation built the Monticello Dam in 1957 to back up Putah Creek. While Lake Berryessa undoubtedly provides enhanced economic activity for local communities, its inclusion in the unit boundary would likely fall outside of the original intent of the Antiquities Act as it is neither historically or culturally significant.

Additionally, the national monument designation did not increase the federal footprint in the region. All of the land included in the unit boundary was owned by the United States prior to the designation. Thus, it would be hard to argue that the unit boundary exceeds “the smallest area compatible with proper care.” Unless of course the United States government decided to sell off some of those public lands – an idea that both the Secretary and I are adamantly opposed to.

EO Section 2(ii) – *whether designated lands are appropriately classified under the Act as "historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest"*

Berryessa Snow Mountain National Monument is worthy of its national monument designation as it contains “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest.” Not only is Berryessa rich in Native American history and biological diversity, but it also provides unparalleled access to unique geologic features.

For the last 11,000 years, eight different Native American tribes have inhabited the region, making it one of the most linguistically diverse areas in California. The continued preservation of these Native American ancient settlements, cultural sites, and petroglyphs are of great archaeological importance. The monument’s unique landscape retains deep cultural significance for Native Americans and its designation is critical so that these cultural lands and sacred places will be permanently protected and preserved for future generations.

Berryessa Snow Mountain National Monument is also considered a biological “hot spot” as its species diversity is among the richest in California, which is itself one of 35 designated “Biodiversity Hotspots” in the world, according to Conservation International. The monument connects three wilderness areas and is home to California’s second-largest population of wintering bald eagles. Its diverse landscape and range of ecosystems provide refuge for a variety of plant and wildlife species, including many that are threatened or endangered.

Lastly, Berryessa offers world-class geologic features that are the result of an ancient subduction system, where one tectonic plate descended beneath another. Several of its mountains were once Jurassic seamounts – mountains that rose from the ocean floor and never reached the water’s

surface. As the North American and Pacific plates shifted, these seamounts were swept into the subduction zone and carried as deep as 20 miles before resurfacing. The mountains we see today are the result of millions of years of natural processes, containing submarine volcanic rock as old as 140 million years. Nowhere else in the world is such geology as well preserved or accessible. Permanent protection of Berryessa Snow Mountain National Monument will ensure that its prehistoric and historic legacy will remain for future generations of Americans.

Please find several attachments that discuss the basis for protection of parcels in the southern portion of the Berryessa Snow Mountain National Monument.

EO Section 2(iii) – *the effects of a designation on the available uses of designated Federal lands, including consideration of the multiple-use policy of section 102(a)(7) of the Federal Land Policy and Management Act (43 U.S.C. 1701(a)(7)), as well as the effects on the available uses of Federal lands beyond the monument boundaries*

The Berryessa Snow Mountain National Monument fulfills the goals of the multiple-use policy of section 102(a)(7) of the Federal Land Policy and Management Act (43 U.S.C. 1701(a)(7)). The policy states “that it is the policy of the United States that goals and objectives be established by law as guidelines for public use planning, and that the management be on the basis of multiple use and sustained yield unless otherwise specified by law.”

In his proclamation designating the national monument, President Obama directed the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM) to develop a Resource Management Plan (RMP) for the unit area. In doing so, the agencies are directed to include the public in the development of the RMP, ensuring that local voices are heard, staying true to the intent of the EO Section 2(iii). This will allow federal agencies and local communities to coordinate on critical land use issues for the region, some of which include wildfire prevention, control of invasive weeds, and the elimination of illegal marijuana production.

The significance of the RMP cannot be understated as it will provide a coordinated approach to managing at an ecosystem scale. Prior to the national monument designation, the unit area was a patchwork of different management strategies, where goals were defined by agency jurisdiction rather than the true needs of the landscape as a whole.

It is also important to recognize the impact that Berryessa Snow Mountain National Monument will have on adjacent federal lands, including the Mendocino National Forest. Prior to, and since its designation, large swaths of the national monument have been severely impacted by wildfire. A more coherent approach to land management, as called for in the RMP, will help reduce the risk of wildfire in the national monument, and also in the neighboring Mendocino National Forest.

The Berryessa Snow Mountain National Monument has a broad array of land uses, which aligns it with criteria laid out in EO Section 2(iii). The national monument provides many opportunities for outdoor recreation, including fishing, hunting, horseback riding, rafting and kayaking, hiking, mountain biking as well as the use of motorized vehicles on designated trails and roads.

EO Section 2(iv) – the effects of a designation on the use and enjoyment of non-Federal lands within or beyond monument boundaries

The monument designation increases the ability to enjoy non-Federal lands outside of the monument boundaries. Prior to the monument designation, I supported an effort in Congress led by Representative Mike Thompson to designate this same swath of land as a National Conservation Area. During the legislative process, a local cattle rancher, whose 3,000 acre ranch sat adjacent to the unit boundary, testified in support of the legislation because she believed that it would preserve her way of life.

It is important to remember that in communities such as those surrounding the Berryessa Snow Mountain National Monument, the preservation of open space is key to allowing rural communities to continue their way of life – hence the importance of this national monument. The national monument designation ensures that locals will have perpetual access to hunting, fishing and even grazing which are pillars of the rural lifestyle.

EO Section 2(v) – concerns of State, tribal, and local governments affected by a designation, including the economic development and fiscal condition of affected States, tribes, and localities

The Berryessa Snow Mountain National Monument includes land in Lake and Colusa counties, among others. These two counties, which I represent, are plagued by high levels of rural poverty. Wildfires have ravaged Lake County over the last three years, destroying numerous homes and businesses, which has led to a significant decline in the amount of tax revenue that the County is able to collect. Many people in the community see the national monument as mechanism to recover some of those lost revenues as economic studies show it would increase tourism in the region.

An independent economic report on the impacts of the monument designation found that it could generate an additional \$26 million in economic activity in the region over five years. While \$26 million may seem insignificant to some, its significance becomes apparent when taken into context – Lake County’s annual budget is only \$150 million. Any increase in revenue, no matter how small, for these rural, economically disadvantaged communities, has the potential to dramatically alter their quality of life.

Because of the positive economic impact that the monument has on the surrounding communities, it has broad support from local organizations. The designation is supported by local chambers of commerce, city and county governments, recreational organizations, environmental NGOs, and over 200 local businesses. Attached is a list of those supporters.

EO Section 2(vi) – the availability of Federal resources to properly manage designated areas

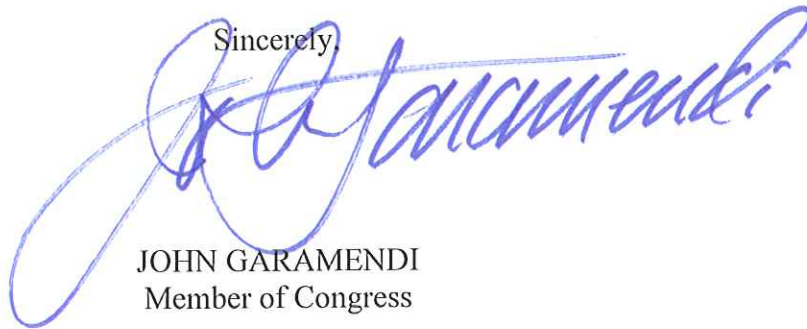
The availability of Federal resources to manage the Berryessa Snow Mountain National Monument will determine whether or not the long-term goals of the management plan are achieved. Luckily, the Berryessa Snow Mountain National Monument is set up for success due to the fact that the lands within the unit boundary were almost entirely managed by the federal government prior to the monument designation.

This means that management of the monument will have no greater impact on federal resources than that which existed prior to the designation. The development of a RMP will undoubtedly have upfront costs that would not exist absent of its development, but the long-term benefits of the plan will more than make up for these costs. In fact, the coordinated approach to management of the entire unit may actually generate cost savings to the federal government.

The Department of Interior has the responsibility to protect and manage the nation's natural resources and cultural heritage. Along with this responsibility, the Department also has a unique opportunity to expand America's conservation legacy and inspire a new generation of conservation leaders. As former Deputy Secretary of the Interior, I sincerely hope that the Department will continue to demonstrate a clear commitment to protecting and enhancing the diversity of our public lands for the benefit of current and future generations of Americans.

Thank you for your consideration of this request. Please contact my Legislative Director, Garrett Durst, at (202) 225-1880 or at garrett.durst@mail.house.gov with any further questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Garamendi", with a large, stylized flourish extending from the left side.

JOHN GARAMENDI
Member of Congress