



HILARY S. FRANZ
COMMISSIONER OF PUBLIC LANDS

July 10, 2017

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

Dear Secretary Zinke:

As the Commissioner of Public Lands for Washington State and the elected head of our state's Department of Natural Resources, I am submitting this comment in opposition to Executive Order 13792 on behalf of myself, the Washington State Department of Natural Resources, and the residents of Washington State.

In 2016, I was elected by the people of Washington to protect, enrich and steward our public lands. The Department of Natural Resources oversees 3 million acres of forest, agricultural, commercial and range lands as well as 2.6 million acres of aquatic lands. The Washington State Department of Natural Resources' history goes back to statehood, when federal lands were dedicated to the state to provide ongoing support for specific public institution beneficiaries. Today, we continue to fulfill these responsibilities while also providing land stewardship and management that meets the growing demands for conservation, recreation, and economic opportunity.

For the residents of Washington State, I am responsible for stewarding Washington State's public lands and waters on behalf of present and future Washington residents. In our work every day, we see the immeasurable value of this land. It feeds us, keeps our water and air clean, hosts our nation's rarest wildlife and plant species, and ensures we remember our wars, our achievements and even our failures.

Similarly, as Secretary of the Interior, you hold the significant responsibility to steward America's public lands and waters on behalf of the American people who own them. Our public lands, including the National Monuments you are now reviewing, represent a vital part of our nation's heritage—a legacy that belongs not just to us, but to all future generations of Americans. It is an important part of your job to safeguard this legacy by making careful and informed decisions about what federal lands can be used for development and what special or vulnerable areas are so important that they should be preserved.

The Importance of Our National Monuments

President Theodore Roosevelt signed the Antiquities Act into law 111 years ago, creating 18 national monuments, including the Grand Canyon and Washington State's Olympic National Park. The purpose of the Act was to give presidents the authority to create national monuments from



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valuable federal natural areas as park and conservation land to protect significant natural, cultural and scientific features and to protect these special historical sites from excavation or destruction.

Designation of national monuments follow a detailed rigorous process which explain the national significance of the natural, cultural and scientific resources the monument will protect. Areas that have been designated have been determined to have high ecological value with high ecological connectivity supporting critical natural processes such as wildlife dispersal, migration, and gene flow. These natural processes are necessary for maintaining biodiversity and resiliency especially given the rapid changes occurring in our environment and the significant increases in population.

Our agency and our state recognize the importance of unique lands that have cultural, historical, ecological or scientific value. Our state's Natural Heritage and Natural Areas Program was created by the Washington State Legislature to ensure the health of habitats and ecosystems, protect Washington's native biodiversity and our most vulnerable plant and animal communities, and promote environmental education, exploration, and scientific research on natural areas. For over 40 years, we have celebrated a robust Natural Heritage program at the department. We have biologists, geologists, archaeologists and foresters who study and preserve Washington's most historically and scientifically unique landscapes. The lands we have protected represent the finest natural, undisturbed ecosystems in state ownership, often protecting rare or vulnerable plant and animal species. We do this work while delivering over \$300 million per year to education and county and state infrastructure from our working lands. While achieving all of that, the department supports millions of visitors who come and play on our lands every year.

Washington State residents recognize the value of these landscapes not just for their ecological, cultural or historic value but also for their communities. These shared monuments – our state and our national monuments – create a sense of pride for communities. They also create recreation and economic opportunities for these communities. The recreation economy alone supports more than 7.6 million jobs and generates \$887 billion of annual economic activity, with most of these jobs at small businesses operating in rural communities. To sustain and grow these jobs and local economies, it is critical to protect these public lands from conversion to conflicting uses, which reversing the Natural Monument designation would enable.

Further, a recent study showed that areas in the West with high numbers of public lands enjoy better rates of employment and income growth compared to those with no protected lands. Rescinding or de-designating the 27 National Monuments that the president identifies in his order threatens the fast-growing recreation economy and the economy of these rural communities, which rely significantly on these protected public lands. These lands are not "locked up" as President Trump's executive order suggested. To the contrary, they are open for the public to enjoy, learn, and engage in without disturbances or barriers – which provides significant ecological and economical benefit to the communities.

Our agency does not approach our choice to protect our natural heritage and grow our economy as one or the other, but understands well how preservation of our natural landscapes can advance economic growth. At the heart of the President's executive order is the false choice of



HILARY S. FRANZ
COMMISSIONER OF PUBLIC LANDS

economy or environment. It's our job to rise above that and show all Americans that the "this or that" narrative is a lie, and needlessly divisive. I was elected to this position to protect the environment and economy—not to sell one out for the other.

Secretary Zinke, this is your duty and our president's. It's your paramount duty to have the story of these landscapes saved for all time and preserved to uphold every American's right to access it. The story of the Hanford Reach, the San Juan Islands and Mount St. Helens in Washington State is unique just like the other national monuments around the country. Together, these places have in common a specialness that cannot be found anywhere else in the world. These places provide amazing diverse landscapes for our nation's residents to learn and play in. The beauty of these national monuments is their shared ownership. This is a right granted to all United States citizens, and it's one we see so often embodied in the great American road trip, traveling from state park to national monument to national park. Just in Washington State alone, you can find yourself fishing in the river around Hanford Reach, riding a ferry to the San Juan Islands or hiking through the forests and wildflowers of Mount St. Helens -- all within just a few hours' drive of each other. This is all because of the availability and access granted to each citizen so that they might be able to experience the outdoors, in turn enhancing the quality of life for everyone.

The Importance of the Hanford Reach

These core values are all present in the Hanford Reach, a monument you seek to reevaluate. The Hanford Reach hosts an unbelievable array of rare wildlife and plants and is home to the last free flowing stretch of the Columbia River, our nation's second largest river. The area hosts unparalleled fish habitat, including islands, riffles, gravel bars, oxbow ponds and backwater sloughs which provide habitat to forty-three species of fish. Upper Columbia River Spring Chinook, Middle Columbia River Steelhead, and Upper Columbia River Steelhead, all federally threatened species, use the Reach as critical migration.

In addition to fish, over forty-eight rare, threatened or endangered animal species have found refuge on the reach, including many species which have been in the region for the last 10,000 years. The area is also home to almost 200 bird species and 700 species of plants, including 127 populations and occurrences of thirty rare plant taxa and seven rare plant species associated with the riverine emergent wetlands found throughout the reach. As was recognized when it was named a monument in 2000, the reach "is also one of the few remaining archeologically rich areas in the western Columbia Plateau, containing well-preserved remnants of human history spanning more than 10,000 years. The monument is equally rich in geologic history, with dramatic landscapes that reveal the creative forces of tectonic, volcanic, and erosive power."

We invite you to come toss a line in the water. You'll find yourself among the Americans that come here annually with their loved ones and families. Reeling in your first sturgeon will be as surprising as it is exhilarating. The prehistoric nature of this fish is emblematic of what was preserved here; history, culture, recreation and the American way of life. For those who don't fish, that's no problem. Hanford Reach has so much more to explore.



HILARY S. FRANZ
COMMISSIONER OF PUBLIC LANDS

Archaeological evidence shows that Native Americans used the site for hunting and fishing for millennia before European settlers arrived. Indeed, hundreds of prehistoric archaeological sites have been recorded, including the remains of pithouses, graves, spirit quest monuments, hunting camps, game drive complexes, quarries and hunting sites.

The reach also contains numerous historic structures and other remains. Plutonium reactors that played a critical role in the Second World War and Cold War are still visible along the river. The reactors have been included on the National Historic Mechanical Engineering Landmark, National Register of Historic Places, Nuclear Historic Landmark, National Civil Engineering Landmark and National Historic Landmark. It's hard to imagine evidence of such historical and cultural significance being tied together in a more beautiful way than at Hanford Reach. We shouldn't look to dismantle this history, but instead preserve and make it available for everyone to enjoy.

Each year, thousands of people — not just Washingtonians, but all Americans — come to enjoy Hanford Reach. With their fishing poles, kayaks and boots in tow, they dip their toes in the water of the Columbia and kick up dust on the cliffs that rise above it. In doing so, they immerse themselves in the history, culture, environment and economy braided in and around Hanford Reach and all our public lands.

The President's Order Violates Federal Law

President Trump's order to review previous national heritage designations is in violation of the Antiquities Act. The United States Supreme Court has repeatedly held that the Antiquities Act gives the president nearly-unfettered discretion as to the nature of area to be protected and the size of the area reserve. The clear language of the Antiquities Act does not, however, give the president power to de-designate or withdraw land already designated as National Monuments. The Supreme Court has also said that it is the job of Congress to limit a president's discretion since they are the ones that defined the scope of the president to act. Thus, President Trump has no legal basis to argue that any previous president's use of the Antiquities Act was an abuse of presidential power nor does he have the ability to reverse their use of those powers.

The President's Order Violates American Values

Every American who has had the chance to put their feet on the ground of any national monument knows that our national monuments are the places that celebrate the greatness of America and American values, including its ecological, historical, cultural, economic or recreational value. It's in preserving these values that these lands received this vital conservation and protection status so significant that it grants every American and Washington state citizen the opportunity to experience them—forever preserved. That's why, wherever a national monument is designated, a community and an economy springs to life around it, to protect it, enhance it and to teach visitors about how this special place fits in to our shared American story.

When states take on conservation alone we are failing our citizens. Federal management means that all Americans own the land, together—and the Department of the Interior is essential in these efforts. The network of national monuments, recreation areas and parks across the nation



HILARY S. FRANZ
COMMISSIONER OF PUBLIC LANDS


are for all Americans to share. To remove any would threaten the network of places that Washingtonians, Americans and visitors from all over the world seek out to truly experience the outdoors. I urge you to consider the significance of that responsibility to those of us living in Washington State and in our country today and those who will choose to live here, surrounded by the natural beauty that draws world class industry here today, in the future.

Now is the moment to make a shift in our thinking. We, as leaders, whether President, Secretary of the Interior or a state Commissioner of Public Lands, need to be able to see more broadly. We can't give in to the traditional thinking of simply refereeing between competing interests. A thriving economy and the preservation of world class natural and historic spaces are not mutually exclusive — only our thinking is. I urge you to join me and find a path forward that preserves these lands in question for their established cultural, environmental AND positive economic impact for the communities around them well into the future.

The fact is that these shared monuments, located in every state in our Union, create a tie to all Americans – they are an essential American tradition that connect us all—from Washington to New York to Texas—to one another. This connection to people from different places and backgrounds is what makes America special. Removing any national monument, which belong to us all, would strip Americans of the shared experience they find in these treasured places.

National monument status is crucial to this nation's historical and cultural legacy; both to those who were here first and to those who came after. These monuments will tell the story of our country for hundreds of years to come. Neither I nor Washington state residents are willing to lose these sacred places. To paraphrase Wallace Stegner, "National monuments are the best idea we ever had. Absolutely American, absolutely democratic, they reflect us at our best rather than our worst." I urge you to please maintain the National Monument designation of Hanford Reach and the other 26 monuments the Executive Order names.

Sincerely,



Hilary S. Franz
Commissioner of Public Lands