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

Re: API Comments
Review of Certain National Monuments Established Since 1996
82 Fed. Reg. 22016 (May 11, 2017)

To the Department of the Interior:

The American Petroleum Institute (“API”) is pleased to submit the following comments to the captioned review of certain National Monuments designated or expanded since 1996 under the Antiquities Act of 1906 in order to implement Executive Order 13792 of April 26, 2017.

API is a national trade association representing over 625 member companies involved in all aspects of the oil and natural gas industry. API’s members include producers, refiners, suppliers, pipeline operators, and marine transporters, as well as service and supply companies that support all segments of the industry. API member companies are leaders of a technology-driven industry that supplies most of America’s energy, supports more than 9.8 million jobs and 8 percent of the U.S. economy, and, since 2000, has invested nearly \$2 trillion in U.S. capital projects to advance all forms of energy, including alternatives.

The oil and natural gas industry is committed to an approach to developing our nation’s energy and natural resource endowment that promotes safety and environmental performance while securing the tremendous benefits of domestic energy production for our nation. To further this energy renaissance, it is imperative that we maintain and increase access to our nation’s abundant federal onshore and offshore resources in a safe and responsible manner. In support of this commitment we have commended this Administration’s efforts to “better balance conservation strategies and policies with the equally legitimate need of creating jobs for hard-working American families,” as set forth in Secretary of the Interior Ryan Zinke’s March 29th Secretarial Order.

API monitored the previous Administration’s use of the Antiquities Act of 1906 to set aside acreage from development by designating extensive areas of public lands as national monuments. Many of our members explore for and produce oil and natural gas resources on federal offshore and onshore lands. We believe that the large designations under the Antiquities Act during the past eight years presented a threat

to balanced management of America's non-park, non-wilderness public lands onshore and offshore. We also believe that the current administration has authority to reduce the scope of or revoke previously designated monuments, including monuments that were designated improperly or monuments for which the designation is no longer appropriate.

API and its members approach a critical examination of the Antiquities Act and designations thereunder in the same manner that we approach all questions concerning the use – and the regulation of use – of America's public lands. Will stewardship of these lands and the resources they contain be guided by the principles of multiple use and sustained yield, as reflected in the Outer Continental Shelf Lands Act (OCSLA) and the Federal Land Policy and Management Act (FLPMA)? These lands – whether onshore or offshore, or in the contiguous 48 states or Alaska – hold an abundance of oil and natural gas resources. Laws, regulations and policies that allow access to federal lands for the responsible development of these energy resources will benefit American families, consumers and businesses with secure sources of affordable energy, hundreds of thousands of well-paying jobs, hundreds of millions of dollars in revenues to the federal treasury, and increased energy security in a challenging world.

This is the context in which we consider the Antiquities Act, a law whose original purpose was to provide a means to protect certain geographic, cultural or scientific features located on federal lands that are of significance to our nation's natural, historic or Native American heritage. In most every instance, designation of formerly multiple use public land as a new national monument has resulted in a prohibition of the search for or development of energy resources from such land, generally accompanied by restrictions or prohibitions on other human activities as well. The combination of the latent executive power in the Act and the precedents arising from more frequent and more sweeping use of the Antiquities Act present threats to responsible and balanced use of federal lands offshore and onshore, the economic future of the communities near these lands, and to the states where these lands are located.

As a result, we fully support the Department's scrutiny of some 20 years of withdrawals of public lands carried out under the Antiquities Act to ascertain whether they meet the requirements and original objectives of the Act, whether the lands designated as National Monuments under the Act are appropriately classified as "historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest", whether changed facts or circumstances dictate that current designations are no longer warranted, whether the scope of designated lands is "confined to the smallest area compatible with proper care and management of the objects to be protected", and how these designations affect the use and enjoyment not only of the lands so designated, but also non-federal lands within or beyond their boundaries. Canyons of the Ancients, Bears Ears, Grand Staircase-Escalante, Carrizo Plain, and Upper Missouri River Breaks are each examples of large withdrawals of land through exercise of Antiquities Act powers that have included lands with energy resource potential, and have withdrawn those lands before a thorough evaluation of that potential could take place in order to inform the decision on the fate of the lands involved.

In undertaking this review, API encourages the Department to consult its records, and to direct a review of governmental and non-governmental information sources to allow a more careful consideration of the resource potential of the lands included within the Monument boundaries. In keeping with the directives of the President's Executive Order 13792 of April 26, 2017, API further encourages the Department to consult with the Department of Agriculture, not only to carry out the review of the National Monument designations, but to examine land management approaches employed by that Department in its management of National Forests and Grasslands to balance resource and extractive uses, habitat and watershed conservation, and recreation in ways that have allowed environmentally responsible economic activity alongside respect for the natural heritage.

Finally, API strongly encourages that the Department of the Interior provide an opportunity to the governments of the states where the National Monuments are located for detailed and meaningful review of a comparison between the environmental and economic consequences of continuing to administer these lands under the regulations of the National Park Service and the consequences of managing these lands under the multiple use approach carried out by the Department of Agriculture's U.S. Forest Service, or as fully multiple use lands under the regulations of the Bureau of Land Management. To summarize, there are several models of federal stewardship of public lands through which economic and non-economic uses may be pursued in a balanced way that would acknowledge both the natural amenities and conservation values of portions of the National Monuments identified in the captioned review, and their resource potential. Furthermore, consultation with the affected states would assure that the interests and insights of the publics and communities most likely to be directly affected by the outcome of the decisions ultimately to be made by the Department of the Interior in this review would play an important role.

Should you have any questions, please contact the undersigned at 202.682.8057, or via e-mail at rangerr@api.org.

Thank you for considering the recommendations in this letter.

Very truly yours,

A handwritten signature in cursive script that reads "Richard Ranger". The signature is written in dark ink and is positioned above the typed name and title.

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