



**CITY OF SANTA CLARITA  
AGENDA REPORT**

CONSENT CALENDAR

CITY MANAGER APPROVAL:

*Ken Stripling*

DATE: September 25, 2018

SUBJECT: FEDERAL LEGISLATION: H.R. 3990

DEPARTMENT: City Manager's Office

PRESENTER: Michael Murphy

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RECOMMENDED ACTION

City Council “oppose” H.R. 3990 and transmit statements of position to House of Representatives Committee on Natural Resources Chairman Rob Bishop (R-UT-1), Representative Steve Knight (R-CA-25), Senator Dianne Feinstein (D-CA), Senator Kamala Harris (D-CA), and members of appropriate committees in Congress.

BACKGROUND

On October 6, 2017, House of Representatives Committee on Natural Resources Chairman Rob Bishop (R-UT-1) introduced H.R. 3990, the National Monument Creation and Protection Act.

The bill grows out of a controversy originating in the State of Utah, wherein President Barack Obama designated the 1,353,000 acres Bears Ears National Monument, under authority reserved to the President through the Antiquities Act of 1906. That designation occurred on December 28, 2016, less than one month before President Obama left office.

On April 26, 2017, President Donald Trump issued an Executive Order requiring a review of all national monuments established under the Antiquities Act of 1906, dating back to January 1, 1996. The Executive Order limited the review to those designations of 100,000 acres or more, where an expansion of a previously existing national monument resulted in the size of the national monument being 100,000 acres or more, or where a designation or expansion was made “without adequate public outreach and coordination with relevant stakeholders.”

Twenty-seven national monuments fell within the purview of the Executive Order, including the 346,177 acres San Gabriel Mountains National Monument (SGMNM). That national monument was designated by President Obama on October 10, 2014, under authority of the Antiquities Act of 1906. The SGMNM is wholly within the bounds of the federally owned Angeles National Forest.

Upon conclusion of the national monuments review by the Secretary of the Interior, it was recommended that 10 national monuments, including two within the State of Utah, Bears Ears and Grand Staircase Escalante, be modified. In December 2017, President Trump specifically reduced the size of Bears Ears National Monument. The President's authority for the reduction is now the subject of litigation in the federal courts.

The central issues within the national monument discussion relate to specific conditions under which a President may designate new national monuments or provide for the expansion of existing national monuments under the Antiquities Act of 1906. Furthermore, the law is silent on whether a President has the authority to reduce the size of a national monument established by a predecessor under the Antiquities Act of 1906. Some legal scholars will argue that the President has implied authority, since the law does not explicitly prohibit a reduction action. Others will argue that in the absence of explicit statutory authority, a President may not reduce a national monument, as established by a predecessor under the Antiquities Act of 1906.

H.R. 3990 outlines specific authority of a President to establish or expand national monuments to only the protection of "object or objects of antiquity" and eliminates broader existing criteria related to "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest." The bill also creates specific protocols for establishment of national monuments of certain size categories, which in some cases may require state and county approvals as well as completion of environmental review under the National Environmental Policy Act. Finally, the bill explicitly grants statutory authority to a President to reduce the size of national monuments established by a predecessor.

In the case of the San Gabriel Mountains National Monument, President Obama made the designation after the failure of Congress to enact H.R. 4858 during the 114<sup>th</sup> Congress. The measure, sponsored by Representative Judy Chu (D-CA 27), sought to create a congressionally established SGMNM. The Santa Clarita City Council voted unanimously to support H.R. 4858 on July 8, 2014. In October 2015, Representative Chu introduced H.R. 3820, which sought to expand the boundaries of the SGMNM and establish the San Gabriel National Recreation Area. The City Council voted unanimously to support H.R. 3820 on December 8, 2015. That bill was not enacted into law.

On June 13, 2017, the Santa Clarita City Council voted unanimously to approve a five-signature letter to United States Department of the Interior Secretary Ryan Zinke expressing the City Council's support for retention of the San Gabriel Mountains National Monument as it was designated by President Obama on October 10, 2014.

The proposed changes in law as contemplated within H.R. 3990 are in direct contrast to past actions taken by the City Council. The Antiquities Act of 1906 is typically employed by a President when Congress fails to act and there is strong local support in a region for a national monument designation to occur, as was the case with the San Gabriel Mountains National Monument. Concern exists that if H.R. 3990 is enacted into law, the current or a future President could reduce the size of the San Gabriel Mountains National Monument. This would create uncertainty for the smooth and continuous operation of the national monument created under the Antiquities Act of 1906. This uncertainty could result in state, regional and local jurisdictions

being unwilling to invest resources in connecting with the national monument or partnering with the federal government to optimize access to and/or use of a national monument. Funding opportunities to enhance the national monument could be missed due to potential uncertainty over the long-term land designation.

Finally, the 2018 City of Santa Clarita Legislative Platform advises that the City will “support legislation to increase funding for, creating enhancements to, or expanding the boundaries of the San Gabriel Mountains National Monument.”

H.R. 3990 was considered by the House Committee on Natural Resources on October 11, 2017, and ordered to be favorably reported out of the committee. No further action on the measure has taken place during the past eleven months.

As H.R. 3990 is in direct contrast to previous actions of the Santa Clarita City Council, City staff recommends that the City Council oppose H.R. 3990.

#### ALTERNATIVE ACTION

1. Support H.R. 3990.
2. Take no position on H.R. 3990.
3. Refer H.R. 3990 to the City Council Legislative Committee for further consideration.
4. Other action as determined by the City Council.

#### FISCAL IMPACT

Implementation of the recommended action does not require any additional resources beyond those contained within the City's adopted FY 18-19 budget.

#### ATTACHMENTS

HR 3990 (Bishop) 115th Congress