

SundayReview | EDITORIAL

The Looting of America's Public Lands

By THE EDITORIAL BOARD DEC. 9, 2017

The protections put in place over the last half-century by both political parties to guarantee Americans clean air, clean water and bountiful open space have been coming apart at the seams since President Trump took office. The last few weeks have been particularly brutal for conservationists and, indeed, anyone who believes that big chunks of America's public lands, however rich they may be in commercial resources, are best left in their natural state.

On Monday, Mr. Trump withdrew some two million acres of spectacular landscape from two national monuments in Utah designated by his Democratic predecessors. This followed the Senate's decision last weekend to authorize oil drilling in the coastal plain of the Arctic National Wildlife Refuge, an area full of wildlife, of talismanic significance to environmentalists and of great economic importance to Native Americans.

The arguments in both cases were the same: America needs the energy buried beneath these lands — oil in the case of the refuge, coal in Utah. And both arguments were equally spurious: Coal is in free fall as an energy source, feared as a major cause of climate change and run off the market by cheaper natural gas. Oil, meanwhile, is in such plentiful supply that America's net imports are at their lowest since 1970.

But none of these annoying facts can erode Mr. Trump's belief that, in the continuing tug-of-war between commercial development and environmental protection, the environment has too often gotten the best of it, and the time has come to rebalance the scales. This mind-set is shared by all of Mr. Trump's appointees who have anything to do with the environment, and it is a virtual copy of the thinking that prevailed among George W. Bush's policymakers 15 years ago, many of whom have emerged like creatures from the crypt to occupy key positions in the Trump administration.

The shrinking of the two Utah monuments has been ordained ever since Mr. Trump ordered Ryan Zinke, his interior secretary, to review all national monuments of more than 100,000 acres that were designated after Jan. 1, 1996. While that order encompassed 27 monuments altogether, its main targets were its two bookends — the 1.9 million-acre Grand Staircase-Escalante, established by President Bill Clinton in 1996, and Bears Ears, a 1.35 million-acre expanse protected last year by President Barack Obama. Mr. Trump ordered the reduction of Grand Staircase by 800,000 acres, or nearly half, and Bears Ears by 1.1 million acres, or 85 percent, adorning his order with the usual boilerplate about having to rush to the rescue of local citizens trampled by “federal overreach” and “because some people think that the natural resources of Utah should be controlled by a small handful of very distant bureaucrats located in Washington.”

A more honest accounting is that the people doing the trampling are, in fact, a small handful of Utah lawmakers. Most prominent among them is Senator Orrin Hatch, who is most chummy with the president, but other members of the Utah congressional delegation have also resented public ownership of Utah's lands. But they do not, by any means, have ordinary citizens behind them. Polls have shown considerable support among Utah's citizens for the monuments — one of which, the Grand Staircase, has large though not easily marketable coal deposits; neither of which has much oil and gas; and each of which is a treasure trove of magnificent landscapes and priceless Native American artifacts.

With his order, Mr. Trump has plunged into uncharted legal territory. While the statute that underlies monument designations — the Antiquities Act of 1906, one of Theodore Roosevelt's major conservation achievements — gives presidents unilateral

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authority to establish monuments, it does not give them the authority to abolish monuments. That right lies exclusively with Congress. Less clear is whether a president can significantly reduce the size of a monument. Mr. Trump has clearly done.

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The lawsuits have already begun, pursued not only by Native American tribes and environmental groups, but also by Patagonia, the big outdoors company. The outcome of these suits (and they will take time) will affect not only the Utah monuments but also eight others Mr. Zinke has recommended for more modest downsizing or for changes in the way they are managed. Among these are a marine monument in the Pacific that was established by Mr. Bush and added to by Mr. Obama, and another in the Atlantic, established by Mr. Obama.

The order has also shredded what little is left of Mr. Zinke's reputation in the environmental community. Mr. Zinke, it will be recalled, rode a horse to work at the Interior Department on his first day on the job, in plain imitation of Teddy Roosevelt, a comparison that he has since invoked several times but that now seems ludicrous. As president, Mr. Roosevelt gave federal protection to 230 million acres (including 18 national monuments). Mr. Zinke, only 10 months into the job, is already in negative territory to the tune of about two million acres, with more coming.

In any other week, Lisa Murkowski, a Republican senator from Alaska, would have been public enemy No. 1 among conservationists. She deserves dishonorable mention nonetheless, for slipping a provision into the Senate tax bill that would open the coastal plain of the Arctic National Wildlife Refuge to the oil companies. The passage of that bill, which now goes to conference with the House, puts Ms. Murkowski on the cusp of winning a 40-year battle joined by her father, Senator Frank Murkowski, to allow drilling in the refuge's coastal plain, a 1.5 million acre ribbon that was not protected as wilderness under the original laws establishing the refuge and that can be opened only by Congress.

One official estimate says the refuge may contain about seven billion barrels of technically (but not necessarily economically) recoverable oil, a huge find but not much more than one year's annual consumption in this country. Like nearly all other

Alaska politicians, Ms. Murkowski wants that oil extracted because Alaskans would benefit from its royalties. But all previous attempts to open the refuge have failed. President Clinton vetoed one attempt in 1995; moderate Republicans in the House rose up to help defeat another in 2005. In each case, the coastal plain's value as wilderness and as home to an astonishing variety of wildlife — it has been called America's Serengeti — trumped whatever temporary additions it could make to America's domestic oil supply.

Buttressed this time by an unshakable Republican majority (and with no Democrat lurking in the White House with a veto pen), Ms. Murkowski sold her proposal as a way to raise revenue to offset the tax bill's huge costs. It was a squirrely argument, as shaky as many of the other provisions in that bill. It promises to raise a billion dollars by leasing 800,000 acres of the refuge, which assumes a huge per acre auction price (well north of \$2,000 an acre, since Alaska gets half the proceeds). Data from previous lease sales across the North Slope since 2000, analyzed by David Murphy, an assistant professor at St. Lawrence University, suggest that the government will be lucky to collect one-fifth of that amount.

Members of Alaska's small congressional delegation (the ineffable Don Young, who detests environmentalists, is the state's only current member of the House) have always been extraordinarily resourceful in looking out for their constituents. It is not surprising, then, that Ms. Murkowski promises mischief elsewhere in the legislative landscape. Buried deep in the Senate's Interior Department appropriation bill, and ready for inclusion in any endgame budget negotiations with the House, is a provision that would threaten rare and valuable old-growth forests in the Tongass National Forest. It would do so by exempting 9.6 million acres of the Tongass from the Roadless Rule, enacted by the Forest Service in 2001 under President Clinton. The rule, which has survived seemingly endless court challenges, effectively barred logging on 58 million acres of largely undisturbed forest land across the nation, including the Tongass. It remains one of Mr. Clinton's finest environmental achievements, and putting Alaska's old-growth trees back in the hands of the loggers would be a disgrace.

So it goes for the environment these days in Mr. Trump's Washington. The Obama administration nixes a huge and potentially destructive gold mine in Alaska

because it would threaten the world's richest salmon fishery in Bristol Bay. Scott Pruitt, Mr. Trump's administrator at the Environmental Protection Agency, meets with mining company officials and tells them they can go ahead and file for a new permit. The Obama administration works for two years to save an endangered bird, the sage grouse, and after lengthy negotiations with state governments, conservationists and energy companies, develops an innovative plan to protect millions of acres of sage grouse habitat across 10 states. But as soon as Mr. Trump is elected, the oil and gas companies complain to Mr. Zinke, who orders a review of the plan and is likely to weaken it.

Somewhere, in retirement, Dick Cheney, who as vice president was the main architect of Mr. Bush's retrograde environmental policies, has to be smiling. Mr. Trump is doing what Mr. Cheney always wanted to get done. The silver lining for the other side (admittedly a barely detectable one these days) is that Mr. Cheney ultimately failed.

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