

Patagonia, outdoor retailers fight Trump on US monuments

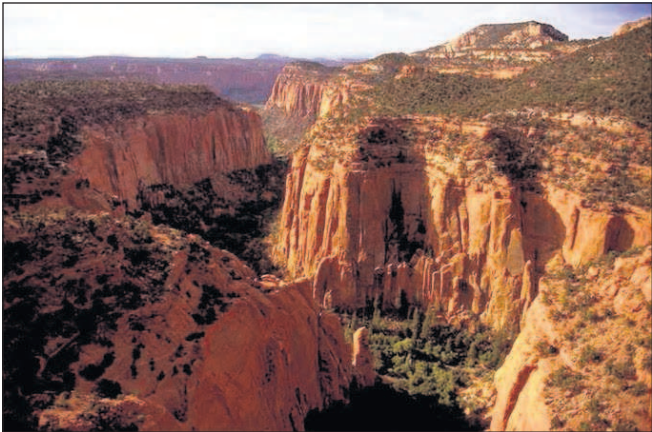
Brands value activism on environment

By MICHELLE L. PRICE
Associated Press

SALT LAKE CITY — Outdoor clothing giant Patagonia and other retailers have jumped into a legal and political battle over President Donald Trump’s plan to shrink two sprawling Utah national monuments, a fight that would scare off most companies but galvanizes customers of outdoor brands that value environmental activism.

Patagonia filed a lawsuit over Trump’s announcement cutting Bears Ears National Monument by 85 percent. The lawsuit, filed in conjunction with a rock climbing advocacy group and other organizations, is among a flurry of lawsuits that have been filed over Trump’s move to reduce the size of Bears Ears and also cut the land protected in Utah’s Grand Staircase-Escalante National Monument in half.

California-based Patagonia’s legal move followed a spat with Interior Secretary Ryan Zinke, who accused the company of lying when it replaced its usual home page with a black screen and stark message: “The President Stole



AP Photo/Douglas C. Pizac

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Your Land.”

Hilary Dessouky, Patagonia’s general counsel, said the company spent years supporting groups creating other national monuments and directly lobbied for protections at Bears Ears.

“It was just never a question about whether we were going to continue the fight to protect it once it came down to that,” she said.

In the lead up to President Barack Obama’s December 2016 declaration creating Bears Ears, Patagonia used its social media channels, website and catalogs to call for a monument in the area, pro-

duced two films about the region and organized phone and letter-writing campaigns. Patagonia officials lobbied U.S. officials to encourage the designation and participated in public meetings the administration held to seek comments on the idea.

Trump’s monument downsizing has also been protested online and in social media by outdoor retailers, including The North Face, Keen, Black Diamond and REI. The companies have urged support for the monuments and are raising and giving money toward preservation efforts.

Retail experts say that

while most companies try to avoid hot button issues, Patagonia not only spoke up but went much further but by filing a lawsuit and directly confronting a White House administration.

“It’s a bolder, riskier move,” said Allen Adamson, founder and CEO of Brand-Simple Consulting, a brand consulting firm. “This steps it up a little. This separates them from the pack. Any time you’re out of the pack, you’re more vulnerable.”

Most mass retailers generally try to appeal to a broad audience and stay apolitical for fear of offending potential customers, but Patagonia’s history and the nature of its business will likely endear its recent activism to customers, Adamson said.

“By not only speaking out socially against this but actively taking this cause on, it’s going to deepen and strengthen their relationship with the majority of their users,” he said. “They will see some backlash, but I think it’s a calculated bet that the upside will outweigh the downside in this case.”

The North Face, Black Diamond and REI said they have no plans to file lawsuits. Keen did not immediately respond to an emailed message Friday seeking comment.

But the outdoor sector as a

whole flexed political muscle over the issue earlier this year when Patagonia and Utah-based Black Diamond helped lead a revolt by outdoor companies angered over calls by Utah officials to rescind the designation of Bears Ears as a monument.

After heavy lobbying by the sector, organizers of the biannual Outdoor Retailer gear show that has taken place in Salt Lake City decided to move it to Denver. Utah lost \$45 million in annual spending generated by the shows.

It makes sense for outdoor companies to get into political debates over public lands because it’s part of “their brand DNA,” said Wendy Liebmann, CEO of the WSL Strategic Retail consulting firm.

“Shoppers see brands as their spokespeople. Many shoppers expect them to stand for something,” she said.

Patagonia, which says it has given nearly \$90 million to environmental groups over the years, says the activism is not only a core part of its history and brand, but it’s required as part of the company’s business license.

The privately-held company in 2012 became one of the first businesses licensed under a California law that allows corporations to pursue social and environmen-

tal advocacy as part of their missions. The classification shields Patagonia from potential claims that company advocacy expenses are hurting profits.

Under the license’s terms, Patagonia committed to contributing 1 percent of annual revenue to charities that promote conservation and sustainability.

Patagonia “will suffer direct and immediate injury” from the size reduction of Bears Ears because the company will now have to spend more time and money defending the monument instead of working on other social equity and conservation projects, Patagonia’s lawsuit said.

Patagonia also said Trump’s proclamation exceeds the president’s authority and strips much-needed protections from what are considered sacred tribal lands for Native American tribes.

The lawsuit also said Patagonia’s customers and employees visit Bears Ears to hike, climb, run and explore the remote, stunning landscape full of archaeological treasures, and protecting that area is key to their use and enjoyment of the space.

The company has given money to environmental litigation funds before but has never directly sued over one of its conservation causes.

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