

113TH CONGRESS  
1ST SESSION

# H. R. 1459

To ensure that the National Environmental Policy Act of 1969 applies to the declaration of national monuments, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2013

Mr. BISHOP of Utah (for himself, Mr. GOSAR, Mr. CHAFFETZ, Mr. WALDEN, Mr. PEARCE, Mrs. LUMMIS, Mr. AMODEI, and Mr. STEWART) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To ensure that the National Environmental Policy Act of 1969 applies to the declaration of national monuments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Public In-  
5 volvement in the Creation of National Monuments Act”.

1 **SEC. 2. NEPA APPLICABILITY TO NATIONAL MONUMENT**

2 **DECLARATIONS.**

3 Section 2 of the Act of June 8, 1906 (16 U.S.C. 431;  
4 commonly known as the “Antiquities Act of 1906”) is  
5 amended—

6 (1) by striking “That the President” and in-  
7 serting the following:

8 “(a) That the President”;

9 (2) by striking “discretion, to declare” and in-  
10 serting “discretion, subject to the National Environ-  
11 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.),  
12 to declare”;

13 (3) by inserting before the final period the fol-  
14 lowing “. No more than one declaration shall be  
15 made in a State during any presidential four-year  
16 term of office without an express Act of Congress”;  
17 and

18 (4) by adding at the end the following:

19 “(b) A declaration under this section shall—

20 “(1) not include private property without the  
21 informed written consent of the owner of the private  
22 property affected by the declaration;

23 “(2) be considered a major Federal action  
24 under the National Environmental Policy Act of  
25 1969 (42 U.S.C. 4321 et seq.), if it affects more  
26 than 5,000 acres;

1           “(3) be categorically excluded under the Na-  
2           tional Environmental Policy Act of 1969 (42 U.S.C.  
3           4321 et seq.) and expire three years after the date  
4           of the declaration (unless specifically designated as  
5           a monument by Federal law), if it affects 5,000  
6           acres or less; and

7           “(4) be followed by a feasibility study that in-  
8           cludes an estimate of the costs associated with man-  
9           aging the monument in perpetuity, including any  
10          loss of Federal and State revenue, which shall be  
11          submitted to the Committee on Natural Resources of  
12          the House of Representatives and the Committee on  
13          Energy and Natural Resources of the Senate and  
14          made available on the website of the Department of  
15          the Interior not later than one year after the date  
16          of the declaration.”.

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