

**H.R. 250, H.R. 382, H.R. 432, H.R. 758,
H.R. 1512, H.R. 1434, H.R. 1439,
H.R. 1459, AND H.R. 885**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS
AND ENVIRONMENTAL REGULATION

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

—————
Tuesday, April 16, 2013
—————

Serial No. 113-11

—————

Printed for the use of the Committee on Natural Resources



Available via the World Wide Web: <http://www.fdsys.gov>

or

Committee address: <http://naturalresources.house.gov>

—————
U.S. GOVERNMENT PRINTING OFFICE

80-524 PDF

WASHINGTON : 2014

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2104 Mail: Stop IDCC, Washington, DC 20402-0001

COMMITTEE ON NATURAL RESOURCES

DOC HASTINGS, WA, *Chairman*
EDWARD J. MARKEY, MA, *Ranking Democratic Member*

Don Young, AK	Peter A. DeFazio, OR
Louie Gohmert, TX	Eni F. H. Faleomavaega, AS
Rob Bishop, UT	Frank Pallone, Jr., NJ
Doug Lamborn, CO	Grace F. Napolitano, CA
Robert J. Wittman, VA	Rush Holt, NJ
Paul C. Broun, GA	Raúl M. Grijalva, AZ
John Fleming, LA	Madeleine Z. Bordallo, GU
Tom McClintock, CA	Jim Costa, CA
Glenn Thompson, PA	Gregorio Kilili Camacho Sablan, CNMI
Cynthia M. Lummis, WY	Niki Tsongas, MA
Dan Benishek, MI	Pedro R. Pierluisi, PR
Jeff Duncan, SC	Colleen W. Hanabusa, HI
Scott R. Tipton, CO	Tony Cárdenas, CA
Paul A. Gosar, AZ	Steven A. Horsford, NV
Raúl R. Labrador, ID	Jared Huffman, CA
Steve Southerland, II, FL	Raul Ruiz, CA
Bill Flores, TX	Carol Shea-Porter, NH
Jon Runyan, NJ	Alan S. Lowenthal, CA
Mark E. Amodei, NV	Joe Garcia, FL
Markwayne Mullin, OK	Matt Cartwright, PA
Chris Stewart, UT	
Steve Daines, MT	
Kevin Cramer, ND	
Doug LaMalfa, CA	
<i>Vacancy</i>	

Todd Young, *Chief of Staff*
Lisa Pittman, *Chief Legislative Counsel*
Jeffrey Duncan, *Democratic Staff Director*
David Watkins, *Democratic Chief Counsel*

SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION

ROB BISHOP, UT, *Chairman*
RAÚL M. GRIJALVA, AZ, *Ranking Democratic Member*

Don Young, AK	Peter A. DeFazio, OR
Louie Gohmert, TX	Niki Tsongas, MA
Doug Lamborn, CO	Rush Holt, NJ
Paul C. Broun, GA	Madeleine Z. Bordallo, GU
Tom McClintock, CA	Gregorio Kilili Camacho Sablan, CNMI
Cynthia M. Lummis, WY	Pedro R. Pierluisi, PR
Scott R. Tipton, CO	Colleen W. Hanabusa, HI
Raúl R. Labrador, ID	Steven A. Horsford, NV
Mark E. Amodei, NV	Carol Shea-Porter, NH
Chris Stewart, UT	Joe Garcia, FL
Steve Daines, MT	Matt Cartwright, PA
Kevin Cramer, ND	Edward J. Markey, MA, <i>ex officio</i>
Doug LaMalfa, CA	
Doc Hastings, WA, <i>ex officio</i>	

CONTENTS

	Page
Hearing held on Tuesday, April 16, 2013	1
Statement of Members:	
Bishop, Hon. Rob, a Representative in Congress from the State of Utah ...	2
Prepared statement of	8
Grijalva, Hon. Raúl M., a Representative in Congress from the State	
of Arizona	9
Prepared statement of	10
Statement of Witnesses:	
Carney, Hon. John C., Jr., a Representative in Congress from the State	
of Delaware, Statement of	19
Chaffetz, Hon. Jason, a Representative in Congress from the State of	
Utah, Statement of	16
Daines, Hon. Steve, a Representative in Congress from the State of	
Montana, Statement of	29
Doggett, Hon. Lloyd, a Representative in Congress from the State of	
Texas, Statement of	17
Eliason, David, Secretary/Treasurer, Public Lands Council, Utah Cattle-	
men's Association	35
Prepared statement of	37
Questions submitted for the record	39
Foxx, Hon. Virginia, a Representative in Congress from the State of	
North Carolina	12
Prepared statement of	14
Gosar, Hon. Paul A., a Representative in Congress from the State of	
Arizona	24
Prepared statement of	25
Jones, John, Commissioner, Carbon County, Utah	31
Prepared statement of	34
Question submitted for the record	35
Labrador, Hon. Raúl R., a Representative in Congress from the State	
of Idaho	26
Prepared statement of	27
Scott, Hon. Robert C., "Bobby", a Representative in Congress from the	
State of Virginia, Statement of	21
Stewart, Hon. Chris, a Representative in Congress from the State of	
Utah, Statement of	27
Ward, Hon. Molly Joseph, Mayor, City of Hampton, Virginia	40
Prepared statement of	42
Additional materials submitted for the record:	
Cartwright, Hon. Matt, a Representative in Congress from the State	
of Pennsylvania, Prepared statement of	59
Gallego, Hon. Pete P., a Representative in Congress from the State of	
Texas, Prepared statement of	60
Hansen, Hon. James V., a U.S. Representative from Utah; and Chairman,	
Subcommittee on National Parks and Public Lands, Hearing Serial	
No. 105-20, Statement of	5
List of documents retained in the Committee's official files	64
National Association for the Advancement of Colored People (NAACP),	
Letter submitted for the record	23
Representatives of National Motorized Recreational Organizations, Letter	
submitted for the record, on H.R. 382	15
U.S. Department of the Interior, Statement submitted for the record	
on the Antiquities Act	61
U.S. Department of the Interior, Statement submitted for the record,	
on H.R. 885	62
Yates, Ryan R., Associate Legislative Director, National Association of	
Counties, Prepared statement of	31

LEGISLATIVE HEARING ON H.R. 250, TO AMEND THE ANTIQUITIES ACT OF 1906 TO PLACE ADDITIONAL REQUIREMENTS ON THE ESTABLISHMENT OF NATIONAL MONUMENTS UNDER THAT ACT, AND FOR OTHER PURPOSES; H.R. 382, TO PROVIDE FOR STATE APPROVAL OF NATIONAL MONUMENTS, AND FOR OTHER PURPOSES. "PRESERVE LAND FREEDOM FOR AMERICANS ACT"; H.R. 432, TO PROHIBIT THE FURTHER EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN NEVADA EXCEPT BY EXPRESS AUTHORIZATION OF CONGRESS; H.R. 758, TO PROHIBIT THE FURTHER EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN UTAH EXCEPT BY EXPRESS AUTHORIZATION OF CONGRESS. "UTAH LAND SOVEREIGNTY ACT"; H.R. 1512, TO PROHIBIT THE FURTHER EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN NEW MEXICO EXCEPT BY EXPRESS AUTHORIZATION OF CONGRESS. "NEW MEXICO LAND SOVEREIGNTY ACT"; H.R. 1434, TO PROHIBIT THE FURTHER EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN MONTANA, EXCEPT BY EXPRESS AUTHORIZATION OF CONGRESS, AND FOR OTHER PURPOSES. "MONTANA LAND SOVEREIGNTY ACT"; H.R. 1439, TO PROHIBIT THE FURTHER EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN IDAHO, EXCEPT BY EXPRESS AUTHORIZATION OF CONGRESS. "IDAHO LAND SOVEREIGNTY ACT"; H.R. 1459, TO ENSURE THAT THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 APPLIES TO THE DECLARATION OF NATIONAL MONUMENTS, AND FOR OTHER PURPOSES. "ENSURING PUBLIC INVOLVEMENT IN THE CREATION OF NATIONAL MONUMENTS ACT"; AND H.R. 885, TO EXPAND THE BOUNDARY OF SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK, TO CONDUCT A STUDY OF POTENTIAL LAND ACQUISITIONS, AND FOR OTHER PURPOSES. "SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK BOUNDARY EXPANSION ACT OF 2013"

Tuesday, April 16, 2013
U.S. House of Representatives
Subcommittee on Public Lands and Environmental Regulation
Committee on Natural Resources
Washington, D.C.

The Subcommittee met, pursuant to notice, at 10:13 a.m., in room 1324, Longworth House Office Building, Hon. Rob Bishop [Chairman of the Subcommittee] presiding.

Present: Representatives Bishop, McClintock, Lummis, Labrador, Stewart, Daines, LaMalfa, Grijalva, DeFazio, Holt, Sablan, Garcia, and Cartwright.

Mr. BISHOP. Thank you all for hearing that gavel—it just banged—the Subcommittee will come to order. The Chairman notes the presence of a quorum. The Subcommittee on Public Lands and Environmental Regulation is meeting today to hear testimony on a number of pieces of legislation. Our Subcommittee is meeting today on testimony for some legislation that will be H.R. 250, H.R. 382, H.R. 432, H.R. 758, H.R. 1512, H.R. 1434, H.R. 1439, H.R. 1459, and H.R. 885. And this, I promise you, is not going to be another 5-hour hearing.

Under the Committee Rules, opening statements are limited to the Chairman and Ranking Member of the Subcommittee. However, I ask unanimous consent to include any other Members' opening statement in the hearing record, if submitted to the clerk by the close of business today.

[No response.]

Mr. BISHOP. Hearing no objection, that will be so ordered.

At this time I also ask unanimous consent that any Member who wishes to participate in today's hearing, including those Members testifying on their bills, may be allowed to participate from the dais.

[No response.]

Mr. BISHOP. And, without objection, also so ordered.

I appreciate all of you being here. In an effort to try and speed this process along, I ask for your patience if, in my opening statement, I also make a reference to my particular bill that is on this docket, so that I don't have to do that a second time when we start with the hearing from those Members here in front of me.

**STATEMENT OF THE HON. ROB BISHOP, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF UTAH**

Mr. BISHOP. So, let me just simply say today we are going to hear testimony on a number of bills that would reform the Antiquities Act. And I am pleased all of you are here to do that. This, obviously, is an instrument used by Presidents to unilaterally create national monuments. Established in 1906, the Antiquities Act authorized the President to proclaim national monuments on Federal land. That was in an era where there were very few environmental laws, unlike today, where the listing of environmental protection laws would take several pages to include.

While it was created to quickly protect historical landmarks and structures and other objects of scientific interest, the Act has been used to designate tracks of land well beyond, as the Act states, "the smallest area compatible with the proper care and management of the objects to be protected."

In fact, the Antiquities Act, to be properly used, has to do three things: it has to specify something that needs protection; number two, it has to show where there is danger to that; and, number three, it has to be in the smallest area practical, which, as they were debating on the Floor, was supposed to be around 100 to 200 acres.

Since its inception, the Presidents have proclaimed a total of 137 monuments. Recently last month President Obama created five more. While some of these have received little or no opposition—in fact, some of these were actually passed as measures in the House, and the Senate did not. So, to save the Senate from getting a reputation of being feckless, the President did it instead. Some of them have been, to say the least, somewhat controversial.

We need to ensure that the interests and livelihood of all residents and stakeholders are considered and protected and land designations, especially large tracks of land, should be initiated at the local level, not out of pressure from Washington, and definitely not unilaterally.

Presidential authority under the Antiquities Act has been modified in the past. First, in 1943, following a proclamation of the Jackson Hole National Monument, a law was passed that mandated Congress consent for any future monuments created in the State of Wyoming—you lucky people.

Second, following a controversial decision in Alaska by President Carter, in 1978 Congress again passed a law that required congressional approval for any land withdrawn in Alaska greater than 5,000 acres. Those two States get it so far.

I watched President Carter once on a CSPAN interview as he was talking about his designation in Alaska, in which he first smiled as only he can do, and then said he knew his decision was unpopular, and it was opposed by the people of Alaska, but he had the power to do it anyway, and he was going to do it. I love representative democracy in action.

So, following the Wyoming and Alaska models, we will have bills to be introduced today to bring to the Western States, other Western States, to make them on par with those two States.

Monument designations must be constrained in size, solely limited to contiguous lands that are already owned by the Federal Government. Private property inholdings should be excluded. They should be limited to the sites that clearly contain those historical landmarks or objects of historic or scientific interest. Monument designation should not be used as a back door maneuver to lock up lands for general purposes that deny public access for recreation and job creation.

Designation should be limited to areas that are clearly—that face clearly articulated imminent threats. The simplistic generalization that any potential commercial use is a threat is neither correct nor adequate justification for this kind of preemptory act.

If I could have your indulgence, let me talk about my particular bill, and then I won't have to interrupt the panel that is there.

As you might see from today's setting, the Utah Delegation's participation today, the sponsorship of the Antiquities Act and reform to the Antiquities Act is very significant to the State of Utah, where there is a widespread feeling that our State was dealt a great injustice, or screwed, by President Clinton when he created the Grand Staircase-Escalante Monument. This monument proclamation violated both the letter and the spirit, and purposely locked up an abundance of domestic NG resources that hurt our national security and limited the local activity. To this day, no one has been able to identify the object that was to be protected by this monument. Therefore, they can also not say what is the immediate harm in this particular monument. And rather than be limited to 100 or 200 acres, it was 1.7 million acres in its designation.

But what was perhaps most damaging to us was the manner in which it was designated. There was no local involvement, no consultation with those who would be impacted by the decision, and President Clinton didn't even face the Utahans when he did it. He signed the proclamation across the State line, in the Grand Canyon in Arizona. We will have witnesses from Utah to share the unique perspective on the impact of this large-scale designation, and why reform is necessary.

Ironically, this was done in 1996 for the State of Utah. At that time—actually, the beginning of this process goes back to 1995. In 1997, this particular Committee subpoenaed emails and records to try and find out what was behind this particular designation, and find out that it was an amazing concept that this was easily something that was done as a political monument.

In 1996, from the emails that we had, it was clear that if the President did not go forward in this and ask for information first, and ask only for information about Utah, it would look biased. But if he asked for a broad review, it would become very clear that there were more compelling—this is a quote—“more compelling areas for designation than the Utah parks.” Therefore, they said, “Is there another hook?”

These lands in Utah are not really endangered. Nonetheless, for political reasons, they went forward. And I am not going to say they lied to the State of Utah, but the truth was not necessarily told.

September 10th, Chairman Kathleen McGinty obviously told the Delegation from Utah that no decisions had been made. On September 13th, the Secretary wrote the Senators and Congressmen in that area and said no decisions had been made. On the 14th the Secretary in person told the Delegation categorically that no decisions had been made.

On the 17th the Governor was told by the Chief of Staff, Leon Panetta, that no decisions had been made. And at that time the Chief of Staff was told about school trust lands in a proposed area, and he answered that he was unaware of anything that existed like that. On September 18th at 2:00 in the morning, the Governor was called by the President. And after they had talked for a while, the President asked the Governor if he would send a memo to explain the situation in Utah. That was delivered at 4:00 a.m. to the White House. At 7:30 Mr. Panetta told the Governor they had received it, and he would be in consultation with the President. At noon on that same day, the Grand Staircase-Escalante Monument was announced in Arizona at the same time.

One of the most—this—one of these important reforms is what I would try to do that would ensure that public participation is guaranteed, and that local concerns are considered before any monument is designated. Therefore, reform is needed in order to prevent mistakes of the past. I am going to recommend that while recent monument designations have seemingly enjoyed local support, we cannot always guarantee it.

Commissioner Jones from Carbon County was going to tell you that further coal development in Carbon County is locally supported. But his word is simply not good enough to open up new mines, because there is an established public process in which these decisions are vetted. The bill, H.R. 1459, taps that existing process and weighs the impact of monument designation. The process is far from perfect, I admit. But it is an established process by which activities are subjected to a transparent and public process, which have not always been the case.

This will also further prohibit the inclusion of private property into monuments without approval of the property owners. When Grand Staircase was initiated, private property was surrounded by the Staircase, and the squeeze to those property owners began. School trust lands were continued in that, and two decades later a trade between school trust lands and other lands to help the school kids of Utah has still not been finalized.

Rural electrical co-ops have transmission lines that go through that that are still in peril and argued today, as well as 2,477 roads

that are imperiled and argued today. And the reason that all these issues are still being argued two decades later is because we didn't go through the process of looking at a bill in a formal setting.

I would also like to ask and submit for the record the following items: first, a letter from the Utah Farm Bureau, articulating the concerns this designate-now-and-plan-later approach, especially as it relates to the Grand Staircase-Escalante; testimony from now-retired Representative Jim Hansen, who held the hearing in 1997 and talked about the same concept.

[The letter submitted for the record by Mr. Bishop has been retained in the Committee's official files and Representative Hansen's statement follows:]

STATEMENT OF HON. JAMES V. HANSEN, A U.S. REPRESENTATIVE FROM UTAH; AND
CHAIRMAN, SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS,
COMMITTEE ON RESOURCES, WASHINGTON, DC, TUESDAY, APRIL 29, 1997,
SERIAL NO. 105-20—ESTABLISHMENT OF THE GRAND STAIRCASE-ESCALANTE NATIONAL
MONUMENT

Mr. HANSEN. The committee will come to order. The Subcommittee on National Parks and Public Lands convenes to conduct oversight on establishment of the Grand Staircase-Escalante National Monument by President Clinton on September the 18th, 1996.

I welcome all our witnesses but especially welcome our Governor, Mike Leavitt; Commissioners Louise Liston and Joe Judd; other witnesses from Utah, Mr. Austin and Mr. Till. I also welcome Senator Hatch, Senator Bennett, Congressman Cannon, Congressman Cook; Secretary of the Interior, Bruce Babbitt; and Kathleen McGinty, Director for the Council on Environmental Quality. We welcome our witnesses.

This is a very important hearing for the Utah Delegation, the people of Utah, and for all public lands States. As noted on the agenda, we have listed the numerous bills that call for amendments to the 1906 Antiquities Act.

This Act gives the President incredible authority to instantaneously designate Federal lands as a monument. Today's hearing will demonstrate how this Act can be abused and how this Administration insists on conducting its affairs behind closed doors and without public involvement or concern for the affected people.

As many are aware, the unilateral action by the President created a lot of contention in southern Utah which is already the site of many polarized battles over the use of public lands. I requested Secretary Babbitt and Miss McGinty to join us to answer questions regarding the entire process and the reasons behind the President's actions.

By way of the 1906 Antiquities Law, President Clinton designated 1.7 million acres of southern Utah as a national monument. Standing in another State, surrounded only by celebrities and those privileged enough to be invited, President Clinton locked up the largest deposit of compliance coal in the United States and took billions of dollars from the school children of Utah.

Moreover, President Clinton has denied the Federal Treasury of billions in revenues from the resources locked up by the monument designation. We will hear the impact this has had on the school children, the people who live in and around the monument, and impacts on the State.

I cannot stress enough what this action has done to the State of Utah. Utah has been the hot bed of contention regarding wilderness, RS 2477 roads, endangered species, water, timber production, draining of Lake Powell, and the list goes on and on. Although we, as a State, are working hard to solve some of these problems, it is clear to me that this Administration is not interested in solution but is only interested in contention and photo opportunities.

Documents—and I stress that—documents we have received make it clear that this new monument had very little to do with preservation of lands but was focused on political advantage, photo opportunities, and stopping a legitimate coal project. In a memo authored by Miss McGinty to senior White House staff, she goes into great length about the political advantages of designation, where the most scenic site would be, and how designation would give the Department of Interior "leverage" to stop the proposed coal mine.

These polarized issues are difficult enough to deal with based on facts and opinions, but when politics, scenic backdrops, and leverage drive natural resource management, we are bound to reach the “train wreck” that Secretary Babbitt refers to so often.

Second, it is not clear that the Administration used any science or data to support this designation. From the documents produced, the experts consulted were Hollywood celebrities, ex-political officials, and elite interest groups. This is hardly the type of sciencebased management our Federal lands deserve.

In fact, the Administration knew so little about the area and its resources that they had a law professor from the University of Colorado draft the proclamation for the President. It is interesting that there are plenty of staff available for political maneuvering, but we must contract out for the real work.

For anyone who knows this area, the boundaries alone make little or no sense. There are eight oil wells in the monument, private lands, houses, and the boundaries are drawn right next to towns. These are the type of decisions we get when the managers on the ground and the public are excluded from the process.

NEPA and FLPMA were completely ignored in this process, yet the Administration always opposes the most minor waivers contained in legislation. It is troubling that the public process required by NEPA is good for Congress but can be ignored by the Administration when it is politically advantageous.

I want to be clear that I firmly believe there are lands within the Kaiparowits Plateau that deserve protection. I supported the ultimate protection of wilderness designation for nearly 500,000 acres of this area, yet, once again, those on the other side would rather continue the battles as opposed to protecting the lands.

Secretary Babbitt and Miss McGinty, I did not request your presence simply to demagogue this issue, but we have serious questions that the people of Utah, this Committee, and Congress deserve to have answered. I hope you can provide candid answers to our many questions, and I look forward to your testimony and exchange of information. I ask unanimous consent that the documents submitted by the Administration be inserted into the record as provided. Is there objection? Hearing none, so ordered.

Mr. Hansen. I further ask unanimous consent that the Delegation from Utah and the Governor of the State may be allowed to sit on the dais after their testimony. Is there objection? Hearing none, so ordered. I will turn to my friend from American Samoa for his opening statement, the ranking member of the committee.

Although I am positive that the Department of the Interior’s testimony will be automatically included in the record, I want to make sure the Department of the Interior’s testimony is included in the record, because it provides for us some great logic. They have declined to testify today, which is fine. It is their right to do that. They also claim that some of these bills have been given to them very late in the process and they haven’t had a chance to review it, which is fine, I can understand that, as well. But they still chose to opine on all these pieces of legislation, obviously opposed to them.

What I would like to do, though, is to recommend to you what their rationale was. Interior said, “While land management agencies typically use the NEPA process in their development for monument plans, this application of NEPA is a discretionary—to a discretionary decision by the President would be unprecedented and extraordinary, because the President is not a Federal agency.”

I want you to think about that for a minute. The President is not an agency. He is in charge of the agencies, he is the head of the agencies, he appoints the agencies, he is responsible for the agency. The agencies can do a NEPA review. The President should not because? However, in the hubris of this testimony, in the next paragraph the Department of the Interior has the gall to say, “The Administration supports conducting an open, public process that considers input from local, State, and national stakeholders before any sites are considered for designation.”

Indeed, they want to have an open process, unless they don't have to have an open process and they don't want to have an open process.

I also should complain that this is not necessarily the position of this particular Administration. Both Republican and Democrat Administrations have abused the Antiquities Act and have had the same mindset that they have a legislative power given to them by Congress 100 years ago, and they don't want to give up that power because they don't want to give it up.

I will also be requesting, though, even though they are not here from the Department of the Interior, that they answer a few questions in their role of oversight. Two of the monuments that have been designated were private property that were designated by President Obama as national monuments. However, in both those situations, they were private property until 2 days before the designation—2 days before the designation—in which they were donated to the Federal Government.

To an agency that takes months, stretching into years, to make a permitting decision, to be able to react that quickly within 2 days is, indeed, amazing to do it. I would like the Department of the Interior to tell us how do they accept donations of property, where is the vetting process? If I have a whole bunch of hazardous waste, can I simply donate it to the Federal Government and get out of the responsibility for the cleanup of that waste?

Was the Justice Department involved in that? And if they were involved, did that not trigger the concept of where you have to have some kind of open process? Is the idea of sunshine, or transparency, or whatever word you want to use in a process, so what the President does has to go through the same process that every other agency of government goes through, and Congress has to go through, is that so bad? And why is that a reason for opposing this particular piece of legislation?

Look, we are going to hear a lot of stuff here. I welcome the Members of Congress who have different bills here that cover different aspects of this entire issue. I welcome also the private sector witnesses who will be joining us today. We don't have quite as many as we had originally planned on having, but there will be three of them.

What I want you to do is—thank you for your willingness to be here. I also want to give you the opportunity to stay with us for the rest of the day, after you have had a chance to testify for your bills. Please join us on the dais, if you would like to. If, on the other hand, you want to stiff us and go do something else, I can understand that process, as well.

I think this is going to be an informative session, and it is truly a significant issue with which we need to delve into some particular way.

With that, I will close my opening remarks, as, obviously, my testimony on the bill, and would ask the Ranking Member if he is willing to give an opening statement.

[The prepared statement of Mr. Bishop follows:]

PREPARED STATEMENT OF THE HONORABLE ROB BISHOP, CHAIRMAN, SUBCOMMITTEE
ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION

Today, we will hear testimony on a number of bills that would reform the Antiquities Act, a century-old and controversial instrument used by Presidents to unilaterally create national monuments. Established in 1906, the Antiquities Act authorizes the President to proclaim national monuments on Federal lands and regulate the care and study of our Nation's antiquities. While it was created to quickly reserve and protect historic landmarks, historic and prehistoric structures, or other objects of historic or scientific interest, the Act has been used to designate tracks of land well beyond, as the Act states, "the smallest area compatible with the proper care and management of the objects to be protected."

Since its inception in 1906, Presidents have proclaimed a total of 137 monuments. As recently as last month, President Obama created five more. While some have received little to no opposition, some have been much more contentious, like the creation of Grand Staircase-Escalante National Monument in the State of Utah.

As you might see from the Utah delegation's participation today and their sponsorship of Antiquities Act reforms, there is widespread feeling within our State that we were dealt a great injustice by President Clinton when he created the Grand Staircase-Escalante Monument. This Proclamation violated both the letter and spirit of the "smallest area" clause and purposefully locked-up an abundance of domestic energy resources, hurt our national security, and limited local economic activity.

What was most damaging, however, was the manner in which this designation was made. There was no local involvement or input. No consultation with those most affected by the decision. And President Clinton couldn't even face the citizens of Utah: he signed the proclamation across the Grand Canyon in Arizona. We have witnesses here from Utah whom will share their unique perspective on the impact of this large-scale designation and why reasonable reform is necessary.

One of the most important reforms is provided for in H.R. 1459—the "Ensuring Public Involvement in the Creation of National Monuments Act". The bill would ensure public participation and guarantee that local concerns are heard and considered before a designation moves forward. This reform is needed in order to prevent the mistakes of the past. Further, while recent monument designations have seemingly enjoyed "local support", we cannot guarantee it. Commissioner Jones would tell you that further coal development in Carbon County is "locally supported", but his word is not good enough to open up new mines because, well, he's biased (!) and because there is an established public process in which these decisions are vetted.

H.R. 1459 taps into this existing process to weigh the impacts of monument designations. This process is far from perfect, but it is an established process by which activities are subjected to a transparent and public process. H.R. 1459 will further prohibit the inclusion of private property into a monument without the approval of property owners. The bill would allow the President to provide emergency protections for a genuinely threatened site of up to 5,000 acres, but limits these emergency designations to 3 years so that Congress has time to act and make the final determination. The bill allows no more than one designation per State during any presidential 4-year term. Finally, the bill requires a study of the costs associated with managing the National Monument.

We need to ensure that the interests and livelihoods of all residents and stakeholders are considered and protected. Land use designations, especially large landscape scale national monuments, should be initiated at the local level, not out of pressure from Washington and definitely not unilaterally.

Presidential authority under the Antiquities Act has been modified on two occasions. First, following the 1943 proclamation of Jackson Hole National Monument, a law was passed that mandated Congressional consent for future monument creations or enlargements in Wyoming. Second, following controversial designations in Alaska in 1978, Congress again passed a law that requires congressional approval for any land withdrawal in Alaska greater than 5,000 acres. Worthy landscapes and places are still being preserved and protected in the States through local, State, and congressional action.

The other bills that we will examine during today's hearing would bring these other Western States on par with their neighbors.

Absent the reforms outlined today, monument designations must be constrained in size and solely limited to contiguous lands that are already owned by the Federal Government. Private property and inholdings should be excluded from designations. They should be limited to the sites that clearly contain "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest." Monument designations should not be used as a backdoor maneuver to lockup lands for general purposes that deny public access for recreation and job-creation. Designa-

tions should also be limited to areas that face clearly-articulated, imminent threats. The simplistic, generalized notion that any potential commercial use is a threat is neither correct nor adequate justification for peremptory action.

STATEMENT OF THE HON. RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. GRIJALVA. Thank you very much, Mr. Chairman, and as a point of personal privilege, we are fortunate to have several local-elected officials whose communities have been directly impacted and benefited from recent national monument designations that are here at today's hearing in attendance. Unfortunately, the Minority was allowed only to invite one witness, so we won't be able to hear any of their stories, which I believe is an important part of the information that this Committee needs to have. So I want to thank you all for being here and showing support for the Antiquities Act and Federal conservation efforts. And let me, as a point of introduction, read their names.

Ms. Gail Morton is a Councilwoman for the City of Marina, California, advocate for the Fort Ord National Monument. Mr. Michael Whiting is a Commissioner for Archuleta County, Colorado. Mr. Larry Sanchez is a Commissioner for Taos County, New Mexico, where he and the Commission there advocated for the designation of the Rio Grande Del Norte National Monument. Mr. Bill Barthel is a Councilman for the City of New Castle, Delaware, and was the leading local advocate for the First State National Monument. Ms. Marcia Bayless is the Mayor of the City of Xenia, Ohio, and was a leading local advocate for the Charles Young Buffalo Soldiers National Monument. Mr. Jamie Stephens is a Councilman for San Juan County Council, Washington, which supported the designation of the San Juan Islands National Monument. Mr. Mark Austin is a member of the business community of Escalante, Utah, and a local advocate for the Grand Staircase-Escalante National Monument.

Ms. Nora Barraza is the Mayor of the Town of Mesilla, New Mexico, and an advocate for the proposed Organ Mountains-Desert Peaks National Monument. Mr. Gabe Vasquez, Vice President of the Local Health Care Company, and former Executive Director of the Hispano Chamber of Commerce in Las Cruces, New Mexico, and also an advocate for the Organ Mountains-Desert Peaks National Monument. Mr. Luther Propst, a constituent of mine from Arizona, a noted conservationist, both in the State and nationally.

Welcome to all of you, and thank you for being here to show that support.

I want to thank the Chairman for holding this hearing today. The Antiquities Act is an important part of the Federal effort to protect historically and culturally significant sites. Previous congresses understood its importance and knew that sometimes taking years to protect vulnerable areas is not an option. Sixteen of the 19 Presidents who have held office since the passing of the Antiquities Act have used it to establish national monuments. This process now has suddenly become mysterious and controversial.

From iconic natural wonders like the Grand Canyon to, recently, President Obama's declaration of the Cesar Chavez National Monument, the Antiquities Act helps make sure that our heritage isn't

bulldozed away or forgotten. I am disappointed to see that the Majority thinks that it needs to be tampered with and watered down. It worked just fine for President George W. Bush to declare Marina National Monument in Hawaii. Now, under President Obama, it has become the worst law since Prohibition.

I am fortunate to represent a good amount of public land. My constituents benefit from having national monuments in their backyard, and so does Arizona, to the tune of 104,000 jobs that are directly tied to activity on the public lands, and over \$10.6 billion in consumer purchases and spending in the State.

Public lands in Arizona, as in every other State, are a net positive for our economy. The Antiquities Act and the role of that Act in enhancing and conserving these lands should not be ignored. Instead of focusing the Committee on ways to improve our public lands, we are wasting time discussing bills that we know will be dead on arrival in the Senate, and have no chance of being signed by the President.

Given last week's hearing on the need to do away with NEPA and the environmental review process on Federal forests, it is ironic that the Majority suddenly loves public input in the monument designation process. Before we hear the arguments in favor of eroded Presidential authority under the Antiquities Act, it is important to look at the Majority's record in moving conservation forward, and moving legislation.

In the 112th Congress, 10 bills were introduced to designate monuments to protect areas as historic sites. Five of those bills were heard by the Committee, and only two—both of them were from Republican colleagues—were put before the entire House. There were 23 wilderness proposals introduced, only 10 had a hearing. None of those proposals moved any further.

You can't have it both ways. They can't complain about the Antiquities Act while neglecting legislation that seeks to accomplish the same objective. They can't complain about wilderness study area management or new conservation strategies when we refuse to consider wilderness legislation. The more the Majority obstructs conservation efforts, the more the public, including many people in this room, will realize their interests are not being represented.

I am grateful to Democratic colleagues that are here today in support of the monuments in their districts.

And this law is not a law that is abused. This is a law that Presidents have used as a last resort, on many occasions. And if this Committee wants to deal with the issue of conservation, let's deal with legislation that has been before this Congress time and time again, and deal with that legislation with due diligence and with hearings, so that people like the people that are here today will have their opportunity to come before this Committee and show support for those designations.

With that, Mr. Chairman, thank you and I yield back.

[The prepared statement of Mr. Grijalva follows:]

PREPARED STATEMENT OF THE HONORABLE RAÚL M. GRIJALVA, RANKING MEMBER,
SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION

I want to thank Chairman Bishop for holding this hearing today.

We welcome any opportunity to talk about land conservation, and the Antiquities Act is an important component of Federal efforts to conserve our heritage.

The Antiquities Act was created to give Presidents the latitude to protect historically and culturally significant sites. Previous Congresses understood the importance of divesting some of its authority to other branches of government that aren't as beholden to political paralysis.

Sometimes conservation can't wait for Congress to act, which is why 16 of the 19 Presidents who have held office since the passing of the Antiquities Act have used it to establish National Monuments.

This bipartisan group of Presidents used the Antiquities Act to protect some of our Nation's most historically and culturally important sites.

From iconic natural wonders like the Grand Canyon to President Obama's recent declaration of the Cesar E. Chavez National Monument, the Antiquities Act helps make sure our heritage isn't hastily bulldozed away.

The Antiquities Act deserves the attention of Congress, but I am disappointed to see that the majority thinks it needs to be tampered with and watered down. It worked just fine when President George W. Bush declared the Marine National Monument in Hawaii.

I am fortunate to represent a district with a significant amount of public land. My constituents benefit from having National Monuments in their backyards, and so does the entire State of Arizona.

Arizona is a popular tourist destination for outdoor recreation enthusiasts. People are drawn to our State because of the Federal conservation efforts, not despite them.

According to a recent report by the Outdoor Industry Association, outdoor recreation generates 10.6 billion dollars in consumer spending and supports 104,000 jobs in Arizona. A lot of that activity occurs on public lands.

Public lands are a net positive for our State. There's really no way to deny their enormous contribution. The role of Antiquities Act in enhancing and conserving these lands should not be ignored.

The Antiquities Act is a landmark law that should be celebrated, not relentlessly attacked for the sake of scoring a few political points.

But instead of focusing this committee's time on ways to improve the management of our public lands, we are wasting more time discussing bills that are DOA in the Senate and have no chance of being signed by the President.

Given, last week's hearing on the need to do away with NEPA and the environmental review process on Federal forests, it's ironic that the Majority is now cheerleading the concept of public input in the monument designation process.

Before we hear the arguments in favor of eroding presidential authority under the Antiquities Act, it's important to look at the Majority's record on moving conservation related legislation.

In the 112th Congress—10 bills were introduced to designate monuments or protect areas as historic sites. 5 of those bills were heard by the Committee and only 2—both Republican bills—were put before the entire House of Representatives. Three of the new monuments established by President Obama had bills filed in the House last Congress. None of them had even a hearing.

There were 23 wilderness proposals introduced and only 10 had hearings—none of those proposals moved any further than a hearing.

The Majority can't have it both ways.

They can't complain about the Antiquities Act when they fail to consider legislation seeking to accomplish the same objective.

They can't complain about Wilderness Study Area management or new conservation strategies when refusing to give wilderness legislation fair consideration.

The more the Majority obstructs conservation efforts, the more the public, including many people in this room, will realize that they are not being well represented.

We are fortunate to have several local elected officials whose communities have directly benefited from recent National Monument designations at today's hearing.

Unfortunately, the Majority only allowed us to invite one witness, so we won't be able to hear any of their stories. Thank you all for coming to show your support for the Antiquities Act and—more broadly—Federal conservation efforts.

I also am grateful for my Democratic colleagues who are here today in support of monuments in their Districts.

Thank you, and with that, I yield back my time.

Mr. BISHOP. Thank you, Mr. Grijalva. All right. We will turn to our first panel of witnesses, those who have bills that are before us for this particular hearing. And those at the front of me as well as some on the dais. So let me go in this particular order.

If we can start first with Ms. Foxx, who has Bill 382. And then I understand you are also supposed to be chairing a hearing at the same time. So if you would like to leave and—we will not think less of you for going as soon as you talk.

[Laughter.]

Mr. BISHOP. Representative Chaffetz, who has Bill 250, let me just go down the list there with Representative Doggett, who has Bill 885, thank you, and I understand you also have another commitment, so I understand that. Representative Carney—if I can see that—from Delaware, and Representative Scott from Virginia have been asked to testify concerning this particular issue. We will be happy to hear your testimony then.

Mr. Gosar, your bill is not technically before us, but if you would like to say something, we would be happy to have that. I have Representative Labrador, who has 1439; Representative Stewart, who has 758; Representative Daines, who has 1434. And did I miss anybody?

[No response.]

Mr. BISHOP. We will go in that order. You all know the drill. The 5 minutes are before you.

Representative Foxx, you are recognized.

STATEMENT OF THE HON. VIRGINIA FOXX, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Ms. FOXX. Thank you very much, Mr. Chairman, Ranking Member Grijalva, members of the Committee, for the opportunity to come and speak before you. And thank you, Mr. Chairman, for recognizing that I do have to chair a Subcommittee myself, so I am not stiffing you, but am going to leave in order to do my other duties.

Originally intended for the preservation of often-vandalized archaeological sites, the Antiquities Act of 1906 granted the President unilateral authority to proclaim national monuments on Federal lands. As the Chairman said in his remarks, the act requires that national monuments be of the “smallest area compatible with proper care and management of the objects.” Presidents have clearly ignored the requirement to minimize the size of national monuments when proclaiming many of the national monuments created today. The excessive size of many national monuments is an issue because the agencies that manage them frequently restrict access to the land for recreational use, energy development, grazing, and other purposes.

One example of a common harmful use restriction is a ban on motorized recreation. A Western Governors Association study shows that motorized recreation provided over \$250 billion in economic impact in 2011. Overly harsh restrictions on recreation or other land uses can have a severe negative economic impact on States and localities that rely on those activities.

The danger of unilateral national monument designations exist throughout the United States. In total, the Federal Government currently owns over 630 million acres spread across every State in the Nation, including nearly 50 percent of the land mass of 11 Western States, and 62 percent of Alaska. That danger was highlighted by a leaked Bureau of Land Management memo in Feb-

ruary 2010 that exposed the Obama Administration's plan to designate numerous new national monuments, locking up another 13 million acres of Federal land in 11 States for public use.

For a time it appeared public outcry and strong oversight from this Committee had stopped the Administration. But recent events suggest otherwise. On March 25th, the President designated five new national monuments, including two previously proposed in the Bureau of Land Management memo. The larger of those, the Rio Grande del Norte National Monument, is over 240,000 acres. I fear that is merely the start.

This fear seems justified when reviewing President Clinton's record. In his final year in office he unilaterally deemed 18 new national monuments and expanded 3 more, restricting access to millions of acres of land.

Congressional oversight of abusive Antiquities Act designations is not unprecedented. As the Chairman mentioned, in 1950 a prohibition on the creation of new national monuments in Wyoming except by express congressional authorization was enacted. After President Carter's land-grab in Alaska, Congress forced enactment of a congressional veto on future national monument designations in the State. The residents of Alaska and Wyoming merit that protection, but the residents of the remaining 48 States deserve the same.

That is why I introduced H.R. 382, the Preserve Land Freedom for Americans Act, to require State approval as granted by the legislature and Governor of a State before the President could designate a national monument within its borders. It would also require a period of public input of a length to be determined by the Secretary of the Interior and State approval before any restriction on public use of a national monument is implemented.

States and their citizens deserve to have a say in the disposition of Federal lands within their jurisdiction. The Preserve Land Freedom for Americans Act would provide the public a full opportunity to have their viewpoints heard. The political process is the best means of balancing the consideration given to potentially conflicting interests. State-elected officials participating in that process have a uniquely informed perspective on the best use of land in their State, and work to advance the best interest of their constituents.

For too long, Washington has been making unilateral national monument designations that infringe on States' rights, burden local residents, and restrict vital access for resource development and recreational use. H.R. 382, the Preserve Land Freedom for Americans Act, would change that by providing State governments a voice in the process. H.R. 382 is cosponsored by 25 Members of the House and supported by many organizations.

Congress must act to ensure consideration of the local impact of Presidential national monument designations. Thank you, Mr. Chairman, for the opportunity to come to the Committee and speak about H.R. 382, the Preserve Land Freedom for Americans Act. And I have submitted a letter of support for the record, which I would appreciate your consent.

[The prepared statement of Ms. Foxx follows:]

PREPARED STATEMENT OF REPRESENTATIVE VIRGINIA FOXX, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NORTH CAROLINA, ON H.R. 382

Thank you very much, Mr. Chairman, Ranking Member Grijalva, and Members of the Committee for the opportunity to come and speak before you.

Originally intended for the preservation of often-vandalized archeological sites, the Antiquities Act of 1906 granted the President unilateral authority to proclaim National Monuments on Federal lands. The Act requires that National Monuments be of the "smallest area compatible with proper care and management of the objects."

Presidents have clearly ignored the requirement to minimize the size of National Monuments when proclaiming many of the National Monuments created to-date. President Carter alone designated over 50 million acres in Alaska as National Monuments.

The excessive size of many National Monuments is an issue because the agencies that manage them frequently act to restrict access to the land for recreational use, energy development, grazing, and other purposes.

One example of a common, harmful use restriction is a ban on motorized recreation. A Western Governors' Association study shows that motorized recreation provided over \$250 billion in economic impact in 2011. Overly harsh restrictions on recreation or other land uses can have a severe negative economic impact on States and localities that rely on those activities.

The danger of unilateral National Monument designations exists throughout the United States. In total, the Federal Government currently owns over 630 million acres spread across every State in the Nation, including nearly 50 percent of the landmass of 11 Western States and 62 percent of Alaska.

That danger was highlighted by a leaked Bureau of Land Management memo in February 2010 that exposed the Obama Administration's plan to designate numerous new National Monuments, locking up another 13 million acres of Federal land in 11 States from public use. For a time, it appeared public outcry and strong oversight from this Committee had stopped the Administration, but recent events suggest otherwise.

On March 25th, the President designated five new National Monuments, including two previously proposed in the leaked Bureau of Land Management memo. The larger of those, the Rio Grande del Norte National Monument, is over 240,000 acres. I fear that is merely the start.

This fear seems justified when reviewing President Clinton's record. In his final year in office, he unilaterally deemed 18 new National Monuments and expanded 3 more, restricting access to millions of acres of land.

Congressional oversight of abusive Antiquities Act designations is not unprecedented. After President Carter's land grab in Alaska, Congress forced enactment of a congressional veto on future National Monument designations in the State. In 1950, a prohibition on the creation of new National Monuments in Wyoming except by express congressional authorization was enacted. The residents of Alaska and Wyoming merit that protection, but the residents of the remaining 48 States deserve the same. That is why I introduced H.R. 382, the Preserve Land Freedom for Americans Act to require State approval, as granted by the Legislature and Governor of a State, before the President could designate a National Monument within its borders.

It would also require a period of public input, of a length to be determined by the Secretary of the Interior, and State approval before any restriction on public use of a National Monument is implemented.

States and their citizens deserve to have a say in the disposition of Federal lands within their jurisdiction. Federal officials have long voiced an interest in consulting with local stakeholders. Unfortunately, that voluntary consultation has not always occurred.

For instance, Secretary Salazar participated in only one local meeting before the recent proclamation of the 240,000 acre Rio Grande del Norte National Monument. I've heard from stakeholders that only 24 hours notice was provided for the meeting and that the invitation was limited to select groups. That is not the way to ensure all perspectives are considered.

The Preserve Land Freedom for Americans Act would provide the public a full opportunity to have their viewpoints heard. The political process is the best means of balancing the consideration given to potentially conflicting interests. State elected officials participating in that process have a uniquely informed perspective on the best use of land in their State and work to advance the best interests of their constituents.

For too long, Washington has been making unilateral National Monument designations that infringe on States' rights, burden local residents, and restrict vital access for resource development and recreational purposes. H.R. 382, the Preserve Land Freedom for Americans Act, would change that by providing State governments a voice in the process.

H.R. 382 is cosponsored by 25 Members of the House and supported by 10 national motorized recreation organizations, whose letter of support I would like to submit for the record.

Congress must act to ensure consideration of the local impact of presidential national monument designations. Thank you, Mr. Chairman, for the opportunity to come to the Committee and speak about H.R. 382, the Preserve Land Freedom for Americans Act.

LETTER SUBMITTED FOR THE RECORD BY THE REPRESENTATIVES OF NATIONAL
MOTORIZED RECREATIONAL ORGANIZATIONS

The Honorable VIRGINIA FOXX,
U.S. House of Representatives,
Washington, D.C. 20515.

DEAR REPRESENTATIVE FOXX: As representatives of national motorized recreation organizations we write in support of H.R. 382, the Preserve Land Freedom for Americans Act.

H.R. 382 would require State approval before any President could move forward with a National Monument designation. As it stands, the Antiquities Act of 1906 grants the President the authority to designate ". . . historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments." The Antiquities Act also holds that national monuments should be ". . . confined to the smallest area compatible with proper care and management of the objects to be protected . . .," yet Presidents of both parties have, in our view, inappropriately designated enormous swaths of public lands as national monuments. One particularly egregious example was the designation of nearly 2 million acres of public land as the Grand Staircase/Escalante National Monument in Utah.

It is no secret that those most affected by land use decisions are those who live, recreate and make their livelihoods on or near the public lands in question. When the Grand Staircase/Escalante National Monument was designated, the Governor of Utah and other key officials were given only 24 hours of notice and the people of Utah were left without a voice on how the lands in their State would be managed. Some environmental organizations in Utah, New Mexico and other States are calling on the President to forsake ongoing administrative or legislative processes at the local level in favor of unilateral action that would satisfy a narrow group of stakeholders. Once enacted, your legislation would ensure that this sort of unilateral action is no longer possible.

Too often when widespread local and congressional support to designate public lands as wilderness cannot be established, wilderness proponents turn to a strategy of calling for the President to achieve similar goals by administratively designating the area as a National Monument. It is time for this practice to stop. As a result we wholeheartedly support H.R. 382 and thank you for your leadership on this important issue.

Sincerely,

Larry Smith, Executive Director,
Americans for Responsible
Recreational Access.

Wayne Allard, Vice President,
Government Relations, American
Motorcyclist Association.

Duane Taylor, Director,
Federal Affairs, Motorcycle Industry
Council.

Fred Wiley, Executive Director,
Off-Road Business Association.

Christine Jourdain, Executive Director,
American Council of Snowmobile
Associations.

Greg Mumm, Executive Director,
BlueRibbon Coalition.

Russ Ehnes, Executive Director,
National Off-Highway Vehicle
Conservation Council.

Paul Vitrano, Executive Vice President,
Recreational Off-Highway Vehicle
Association.

Kathy Van Kleeck, Senior Vice
President, Government Relations,
Specialty Vehicle Institute of America.

Carla Boucher, Legislative Advocate,
United Four Wheel Drive Associations.

Mr. BISHOP. Thank you. Representative Chaffetz, my colleague—and thank you, Virginia, for coming here. I hope we haven't made you too late for your other meeting.

Ms. FOXX. No.

Mr. BISHOP. Representative Chaffetz, you are recognized for your bill, if you please.

**STATEMENT OF THE HON. JASON CHAFFETZ, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. CHAFFETZ. Thank you, Chairman Bishop and Ranking Member Grijalva. I appreciate the opportunity to talk about H.R. 250, which would reform the Antiquities Act of 1906 by requiring congressional approval of any national monument designated by the President.

Under current law the President can unilaterally designate national monuments on Federal land outside of Alaska or Wyoming without any check or balance from the U.S. Congress. Congress passed the Antiquities Act in 1906 with the intent of preserving archeological sites, mainly Indian ruins and artifacts on small parcels of land that required immediate protection. Unfortunately, Presidents have used the Antiquities Act for purposes clearly beyond its original intent of preserving small parcels of land containing Indian artifacts that were being looted and vandalized and required immediate protection.

For example, just weeks before the 1996 election, President Clinton designated more than 1.7 million acres—that is a lot of land. It was more than 1.7 million acres of BLM land in Utah that was designated suddenly, overnight—literally, overnight—as a national monument. This massive national monument was created by Executive order without any congressional approval, and without the input of the Governor of Utah or local government officials, and certainly without the public.

In 2010, a leaked Department of the Interior memo revealed that the Obama Administration was considering designating 14 new national monuments in 9 States. Opponents to this bill may argue that the Antiquities Act was used to protect the Grand Canyon or Devil's Tower, or some of the other national treasures in this country. However, unilateral Presidential action is not required to protect Federal land.

The President and Congress have worked together over the past several decades to create numerous national parks, national monuments, and wilderness areas. H.R. 250 is not intended to stop the creation of national monuments. The bill simply seeks to add transparency, oversight, and a debate to the process of designating national monuments. What we are arguing for is public participation, public input, a discussion. And those that would stand in opposition of H.R. 250 are arguing, therefore, for no debate, no discussion. What we are simply saying is there should be a concurrence of Congress. This is a body that should, with Presidential leader-

ship, function and have a discussion on things that are going to affect real people's lives.

Reform of the Antiquities Act is long overdue. One of the fundamental principles of the Constitution is the system of checks and balances, and this principle should be extended to the creation of national monuments. Again, H.R. 250 is intended to have more public debate. That is all we are arguing for. Let the Congress have some input. Let the people's lives who are affected have some input.

In Utah, nearly 70 percent of our land is owned by the Federal and State government. I have counties in the State of Utah that are more than 93 percent owned by the Federal Government. I have a county in Utah, Emory County, it is larger than the size of Connecticut.

We have to have some certainty in this process. And if you don't allow people who love and care and live on this land the opportunity to participate, then we are doing something that is terribly irresponsible. Again, there are many pieces of land that should be preserved forever. And I am willing to participate in that discussion. But H.R. 250 is needed. It may be good when your President is the President, but what if somebody else came along that you didn't agree with? Of course the Congress is supposed to be set up to have that sort of effort, to have that sort of input.

So, again, Mr. Chairman, Ranking Member, I appreciate the consideration of H.R. 250. I think this is long overdue, it certainly is warranted, and will give a much more balanced approach to this process. I thank you all and I yield back.

Mr. BISHOP. Thank you, Representative. And, Jason, as well, if you would like to stay with us, you are more than happy to be here—to participate in the rest of the debate or answer questions that may come up. But I realize how busy everyone in front of me is, which means I am not and neither is Raúl, so that is why we are here.

In the short title of all pieces of legislation it always says what the bill is for and then "other purposes." Representative Doggett, for this Committee's hearing, you are the "other purposes." You have the bill that has nothing to do with antiquities. We would like to recognize you for 5 minutes if you would like to speak toward your particular bill that is on this hearing agenda.

**STATEMENT OF THE HON. LLOYD DOGGETT, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS**

Mr. DOGGETT. Thank you for that clarification on the Antiquities Act because I am here today solely on behalf of an existing national park, and an important one, the San Antonio Missions National Park. I appreciate this opportunity from you, from Ranking Member Grijalva, and my colleagues.

The Spanish missions in San Antonio are really a unique treasure for Texans and for all of America. The Missions National Historic Park preserves the largest collection of Spanish colonial resources anywhere in America. And it is an educational, historical, and cultural resource that is each year bringing over a million people to enjoy and learn from it. The park is important to the understanding of Texas, and really, of the development of the United

States. And, of course, it has a very strong positive economic impact for San Antonio and Bexar County.

H.R. 885 is a bill that would expand the boundary of the park, as shown on the map, by 137 acres. It has the support of all five of us who represent any portion of Bexar County. Most people, of course, know San Antonio from The Alamo. The Alamo is not on the map that I have here, it is to the north of that area. The Mission Concepcion, Mission San Jose, which is on the map, you can see the green area that represents the small amount, the 137 acres, that would be added to the existing park.

Thanks to the leadership of Judge Nelson Wolff, there is now a trail called Mission Reach so that you can get on downtown at about the Alamo and walk or bike all the way down to Mission Espada, as this trail is completed in the very near future. After Mission San Jose, where we will be celebrating with thousands of people—Missionfest—in a couple of Sundays, you get to Mission San Juan. That mission has just been restored with private funds. It is more narrow than our hearing room. It is a beautiful, white, stucco building, beautiful with its simplicity. It goes back to a time that the Spanish were interacting with the Native Americans there in San Antonio.

A tremendous amount of private resources have gone into the restoration of Mission San Juan, Mission San Jose, and now soon-to-be completed Mission Espada. This bill is one that enjoys the support of the Archdiocese of San Antonio. I was just recently with Archbishop Gustavo Garcia Siller, and Father David Garcia, as we reopened Mission San Juan. There has been other involvement of local officials. The line just north of Mission San Juan is our new Veterans Memorial Bridge, with the support of State Representative Joe Farias. The legislation also enjoys the support of the National Parks Conservation Association, a group called Los Compadres, which is a group of citizens throughout the area that helps raise resources to promote the park, and the National Park Service.

This Committee is familiar with this legislation, because it has considered similar legislation before. And what I have tried to do in the bipartisan bill before you today is to include every provision that this Committee wanted, such as no Federal purchase of land, no condemnation, that type of thing, with one exception, and that is that the bill as filed includes a study to explore the possibility of expanding the parks and includes some old ranch lands that were associated.

I understand that there is some objection on the Committee to that. And let me say our goal is to get this additional 137 acres connected to the park. If the Committee feels that the study stands in the way of passing this bipartisan bill, please amend it and give us the rest of the bill. This bill will not become law without the support of Senator Cornyn and Senator Cruz, over in the U.S. Senate. I believe it will have that. But, as you know, they talk longer and take a little longer to consider things over there. And it would be really helpful to us, with this broad support, to get it over to them as soon as possible.

I served on this Committee myself under Chairman Hansen many years ago. I understand the views are as strongly felt as they

are this morning on different issues concerning natural resources before the Committee. But I believe we have a bill that the Committee understands. It is a modest step that will really enhance a national treasure. And I hope you can move on it promptly.

I have not called, Mr. Chairman, any witnesses today but stand ready to answer any questions you might have. And I think some of my colleagues will be submitting written testimony in support of the bill, aware that the Committee is very familiar with its provisions.

Mr. BISHOP. Thank you, Mr. Doggett. Lloyd, if you would like to stay with us, please feel free to join us on the dais, where you can participate in the rest of the hearing or answer questions, if anyone has them. So far, no one has ever taken me up on that offer, but you have the offer, nonetheless.

Mr. DOGGETT. Thank you—

Mr. BISHOP. Thank you for your presentation on your bill.

Mr. Carney, a new Member from Delaware, I understand.

Mr. CARNEY. I am.

Mr. BISHOP. You have 5 minutes to talk on this issue, if you would like to.

STATEMENT OF THE HON. JOHN C. CARNEY, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF DELAWARE

Mr. CARNEY. Thank you, Mr. Chairman, and I want to thank the Ranking Member and the other members of the Committee for the opportunity to testify today. I would like to use this opportunity to offer some perspective about how the Antiquities Act was an invaluable and positive tool in allowing my home State of Delaware to become the final State to be included in the National Park System.

This happened just a few weeks ago, when the President declared the First State National Monument. The creation of the national monument will ensure that historic sites in Delaware and Pennsylvania will be protected in perpetuity. The First State National Monument is a result of a 10-year effort by Delaware's Federal, State, and local officials, led by Delaware's senior Senator, Tom Carper, and my predecessor, Mike Castle, to establish a national park within the State of Delaware.

As many are aware, until the President designated the national monument a few weeks ago, Delaware was the only State not in the National Park System. In 2002, with input from local stakeholders, Senator Carper established a citizens group to work with the public across the State of Delaware on ideas for a national park.

The group put forth various themes and resources that the community felt could be represented in a park unit. After a subsequent resource study, the National Park Service under President Bush found that several of the groups' ideas held merit. The Park Service supported a national park in Delaware that focused on our early colonial history leading up to Delaware's being the first State to sign the Constitution, which the current Administration continues to support to this day. The Delaware Delegation has introduced legislation that establishes a national park within the State

every Congress since 2009. This legislation is supported by the Governor, State legislators, and local officials.

I want to thank Chairman Hastings and others on the Committee for granting us a hearing on our bill during the last Congress, and I am hopeful we can make even more progress during the next 2 years.

One of the sites included in our legislation is called the Woodlawn Trustees Property. This 1,100-acre historic property spans the border between Delaware and Pennsylvania, and has been privately owned for public recreation for 100 years. Once owned by William Penn and eventually preserved by Quaker industrialist William Poole Bancroft, the land is now a rural retreat for the 5 million people that live within a 20-mile radius of the property.

Last year, the Woodlawn Trustees, who have been the long owners of the property, announced the eminent need to sell the land. Fortunately, a private foundation, the Mount Cuba Center, stepped in with an incredible donation in excess of \$20 million to ensure this significant property would be protected forever, and at no cost to the Federal Government.

However, given the various limitations related to the management and transfer of the property, it was critical that we move quickly. Our delegation worked tirelessly to get our national park legislation passed before the end of last year. But although progress was made, we were not successful. Fortunately, the process for national monument dedication stipulated in the Antiquities Act provided the right path to achieve our goal quickly, while incorporating public and stakeholder input.

I want to express my appreciation in particular to my friend, Congressman Pat Meehan, who represents the Pennsylvania district on the other side of the border, for his interest and support of the national monument dedication.

Delaware finally became part of the National Park System when the President designated the First State National Monument. The First State National Monument contains the donated Woodlawn Trustees' property, three properties in the town of Old New Castle, and the Dover Green. Combined, these properties tell the story of the role that Delaware played in the establishment of the Nation, as well as Delaware's settlement by the Swedes, Finns, Dutch, and English.

Without a path set forth by the Antiquities Act, we, in all likelihood, would have been unable to realize this tremendous gift that is the Woodlawn property. Furthermore, the Park Service was able to obtain all five properties included in the national monument without any cost to the taxpayer, and will manage them using existing staff and resources.

I will continue to press forward with the delegation with our legislative efforts to ensure Delaware becomes the final State in the Union to have a national park by passing our legislation. However, achieving the national monument status is a huge step for us toward this goal.

I look forward to working with all of you on our legislation, and to advance it, pass it in the House and in the Senate, and have it

signed by the President. I want to thank you again for the opportunity to testify this morning.

Mr. BISHOP. Representative, we are happy to have you here. Thank you for coming and testifying. Just for the record, you are still only a monument, you are not a park yet. You need us to get the park.

Mr. CARNEY. That is correct.

Mr. BISHOP. But it is a lot nicer having you than Senator Carper coming here to testify in front of us. So we will be working with you still on that status area.

[Laughter.]

Mr. CARNEY. I am happy to do that. He is pretty dogged about it. Thank you, Chairman.

Mr. BISHOP. Thank you for joining us. And, once again, same offer. If you would like to join us here on the dais, stick around, you are welcome to do that and participate.

So, we heard from our new Representative Carney, now we are going to hear from the old, Representative Scott from Virginia.

Mr. SCOTT. Thank you.

Mr. BISHOP. If you would like to, you are also recognized for 5 minutes to speak on this particular topic, if you wish.

STATEMENT OF THE HON. ROBERT C. "BOBBY" SCOTT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. SCOTT. Thank you, Mr. Chairman, Ranking Member Grijalva, members of the Subcommittee. Thank you for allowing me time to discuss the importance of the Antiquities Act of 1906. I would like to recognize a mayor from my district, Mayor Molly Joseph Ward of Hampton, who will be testifying later. And also I would like to recognize the hard work of Mark Perreault of the Citizens for Fort Monroe National Park and Philip Adderley of the Contraband Historical Society, for their hard work.

On November 1, 2011, after years of local advocacy, President Obama signed a proclamation designating Fort Monroe in Hampton, Virginia, a national monument. This was the President's first exercise under the Antiquities Act, and was a culmination of years of hard work by citizens of Hampton conservation and historical preservation groups, Hampton City Council, Governor McDonnell, bipartisan colleagues of the Virginia congressional district and our staffs, and, most of all, Mayor Ward. Mayor Ward has been a tireless advocate for Fort Monroe becoming a unit in the National Park System. And I wouldn't be here testifying today on the importance of the Antiquities Act if it were not for her efforts.

The history of Fort Monroe is older than the history of the United States, and her story is the story of our Nation. In 1609, the first English settlers to arrive in the Americas established a fortification at Old Point Comfort, the forerunner of the current-day Fort Monroe. And in 1619, the first Africans arrived at Old Point Comfort, marking the beginning of slavery in America.

During the Civil War, nearly 250 years after the birth of slavery, Fort Monroe was witness to the end of slavery. Three enslaved African Americans escaped and made their way to the Union Army-controlled Fort Monroe, seeking freedom. General Benjamin Butler received a request from the slave owners to return the slaves, but

he issued an order classifying all slaves who reached the Union lines as contraband of war. And just like rifles and ammunition, contraband did not have to be returned. And, as such, the slaves became free men. It was with this action that slavery was first abolished. Fort Monroe, built on the land where slavery first arrived in the United States, became known as Freedom's Fortress as thousands of slaves made their way to freedom.

After the Civil War, Fort Monroe remained a critical military asset supporting and training the United States Army until its closure in 2011 as a result of the 2005 BRAC Commission. Hampton Roads community was united in its support for the inclusion of Fort Monroe in the National Park System, and we worked together at the local, State, and Federal levels to urge the President to take immediate action to establish Fort Monroe as a national monument.

However, the legislation being considered before the Subcommittee today attacks the very law that served Virginia and the Hampton Roads area very well. The Antiquities Act was put to perfect use in coordination with State and local authorities in breaking congressional gridlock by establishing Fort Monroe National Monument. By some estimates, at the time it was thought that, without the Antiquities Act, it would have taken nearly a decade for Congress to have taken any action on Fort Monroe.

The bills presented today, which would require congressional approval of the President's use of the Antiquities Act would make it unnecessarily difficult for action to be taken in communities similar to Hampton Roads by subjecting worthwhile historical sites and other national treasures to congressional gridlock and delays. Even with the overwhelming support from communities in Virginia, we faced significant roadblocks in establishing Fort Monroe as a national park. And I am grateful on behalf of the citizens of Hampton and the rest of the community that we did not need to find out how long it would have taken for Congress to act on this issue.

While it may be technically possible for the President to abuse the Antiquities Act, history has shown that Presidents over the past 100 years from both parties have used good judgment when exercising the power granted to them. While I can only speak to my experience with the law, our community was afforded plenty of opportunities for comment in transparent and open approach provided by the Administration. Without this law, the future of Fort Monroe may still be uncertain, and the long-run future of Freedom's Fortress would be unknown, even as we commemorate the 150th anniversary of the Civil War.

Again, Mr. Chairman, I would like to thank the Subcommittee for the opportunity to be here, and would like, Mr. Chairman, for a letter from the NAACP—I think it has been faxed to your office—to be included in the record of today's proceedings.

Mr. BISHOP. Without objection, so ordered.

[The letter from the NAACP submitted for the record by Mr. Scott follows:]

LETTER SUBMITTED FOR THE RECORD BY THE NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE, WASHINGTON BUREAU

APRIL 15, 2013.

The Honorable ROB BISHOP,
U.S. House of Representatives,
Washington, DC 20215.

The Honorable RAÚL M. GRIJALVA,
U.S. House of Representatives,
Washington, DC 20215.

NAACP SUPPORT FOR A ROBUST ANTIQUITIES ACT

DEAR CHAIRMAN BISHOP AND RANKING MEMBER GRIJALVA:

On behalf of the NAACP, our Nation's oldest, largest and most widely-recognized grassroots-based civil rights organization, I am writing to express our organization's strong support for the ability of the President of the United States to protect our natural, historic, and cultural heritage through a robust Antiquities Act. We want to encourage the use of the Antiquities Act to preserve cultural and historical landmarks, such as the Harriet Tubman Underground Railroad National Monument in Maryland and the Charles Young Buffalo Soldiers National Monument in Ohio, both of which were recently given national monument designation, as they will add to our Nation's ability to understand and appreciate our rich history and heritage.

As with past designations, in both the cases of the Harriet Tubman Underground Railroad National Monument and the Charles Young Buffalo Soldiers National Monument, the President responded to desires of local communities who want their history and environment to be preserved. Congress should add to this land protection legacy, not ignore or weaken it. The NAACP continues to support any effort that promotes the preservation of the history of our diverse cultural and natural landscape.

Under the terms of the Antiquities Act, following a monument designation, site-specific management plans are put into place with input from local jurisdictions and agencies, community groups and the public. Thus the local community and the relevant State continue to have input on the use of the land. The result, as studies have repeatedly shown, is that national monuments support local economic growth.

Again, I strongly urge this Congress to protect the Antiquities Act and move to ensure its continued success. Thank you in advance for your attention to the NAACP position.

Sincerely,

HILARY O. SHELTON,
Director, NAACP Washington Bureau,
Senior Vice President for Advocacy and Policy.

Mr. BISHOP. Thank you. Thank you also, Representative Scott. Bobby, same offer. If you would like to stay, you are welcome to. You realize I have had no takers so far, so it is up to you.

[Laughter.]

Mr. SCOTT. Thank you so much.

Mr. BISHOP. But we appreciate you being here.

Representative Gosar, you are kind of in the same category of our last two speakers. You do have a bill, which is 1495, which is similar to my 1459, if you are dyslexic. But it also deals with the topic of antiquities, but it is not actually on our agenda today. So I will offer you the same offer we did with the last gentlemen. If you would like to talk specifically to antiquities, mention your bill, as well, for 5 minutes, if that is agreeable.

Dr. GOSAR. That would be absolutely great, Chairman.

Mr. BISHOP. Thank you. You are recognized, Representative Gosar.

STATEMENT OF THE HON. PAUL A. GOSAR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Dr. GOSAR. First I would like to take the opportunity this morning to thank Chairman Rob Bishop and Ranking Member Grijalva for allowing me to participate in today's hearing.

Rural Arizona communities like the one in my congressional district depend on the multiple use of public lands for their livelihoods. As I travel throughout my district, my constituents express concerns about access to our public lands at nearly every corner of my 50,000-plus square-mile district. These concerns range from the ability to develop domestic sources of energy, timber harvesting, grazing, hunting, fishing, camping, and family recreation.

Too often we find that some Federal land designations are causing endless bureaucratic delays, litigation and restrictions that could completely lock up much of the large and needed store of wealth and recreational opportunities our vast system of public lands can provide.

In a district like mine dominated by federally administered lands, these burdens disproportionately stifle economic productivity, leading to some of the highest unemployment rates in the country, and in some cases threatening the ability of the affected communities to provide public education and other basic services to their residents.

There is a reason the ability to set aside Federal land generally rested with Congress. These Federal land designations have significant direct impacts on our constituents. Sometimes these access-restrictive designations are absolutely necessary for the preservation of our natural and historic treasures. Unfortunately, in other instances, the designations are counterproductive and cause more harm than good. Congressional authority to establish these land designations is an integral part of the transparent and public process that will ensure a designation is not only appropriate, but accepted by our constituents.

Without a doubt, many of the existing national monuments are extremely valuable natural and historic treasures. Eighteen national monuments, many with major contributions to our tourism economy, are located in my State. I appreciate the need for protection of sites. However, the public deserves the opportunity to have their voices heard on any land designation that may restrict their right to access.

This is why I believe it is critical this Congress reforms the national monument designation process. While it is extremely important to protect our country's natural and historic treasures, no President, regardless of what party he or she belongs to, should have the power to unilaterally declare how lands in our States are managed.

The legislation I introduced, the Arizona Land Sovereignty Act, and the many other bills being discussed today aim to ensure that the designation of national monuments has an open and transparent process. I believe a protection similar to what Wyoming secured in 1950, after Jackson Hole was incorporated into a large Grand Teton National Park, or a more tailored reform to the law such as Chairman Bishop's Ensuring Public Involvement in the Creation of a National Monument Act, would guarantee a trans-

parent process for the national monument decisions. That is all my constituents want. The people should be a part of the land designation decisions.

Thank you again for allowing me to participate in today's hearing. I think it is pretty telling that a coalition of Members from nearly every Western State have legislation being considered today. While these land management decisions may not garner headlines with the media, they mean a lot to the day-to-day lives of our constituents. We should ensure they are a part of that process.

I look forward to continuing to work with my colleagues here today to reform the national monument designation process, and I yield back the balance of my time.

[The prepared statement of Dr. Gosar follows:]

PREPARED STATEMENT OF THE HONORABLE PAUL A. GOSAR, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF ARIZONA

Good morning,

First I would like to take this opportunity to thank Chairman Rob Bishop for allowing me to take part in today's hearing.

Rural Arizona communities, like the ones in my Congressional District, depend on the multiple-use of public lands for their livelihoods. As I travel throughout my district, my constituents expressed concerns about access to our public lands at nearly every corner of my 50,000+ square mile district. These concerns range from the ability to develop domestic sources of energy, timber harvesting, grazing, hunting, fishing, camping and family recreation

Too often we find that some Federal land designations are causing endless bureaucratic delays, litigation and restrictions that could completely lock-up much of the large and needed store of wealth and recreational opportunities our vast system of public lands can provide. In a district like mine, dominated by federally administered lands, these burdens disproportionately stifle economic productivity, leading to some of the highest unemployment rates in the country and in some cases threatening the ability of the affected communities to provide public education and other basic services to their residents.

There is a reason the ability to set aside Federal land generally rested with Congress. These Federal land designations have significant direct impacts on our constituents. Sometimes these access restrictive designations are absolutely necessary for the preservation of our natural and historic treasures. Unfortunately, in other instances, these designations are counterproductive and cause more harm than good. Congressional authority to establish these land designations is an integral part of the transparent and public process that will ensure a designation is not only appropriate, but accepted by our constituents.

Without a doubt many of the existing National monuments are extremely valuable natural and historic treasures. Eighteen National Monuments, many with major contributions to our tourism economy, are located in my State. I appreciate the need for protections of sites; however, the public deserves the opportunity to have their voices heard on any land designation that may restrict our right to access.

This is why I believe it is critical this Congress reforms the National Monument designation process. While it is extremely important to protect our country's natural and historical treasures, no President, regardless of what party he belongs to, should have the power to unilaterally declare how lands in our States are managed.

The legislation I introduced, the Arizona Land Sovereignty Act, and the many other bills being discussed today aim to ensure that the designation of National Monuments has an open and transparent process. I believe a protection similar to what Wyoming secured in 1950 after Jackson Hole was incorporated into an enlarged Grand Teton National Park, or a more tailored reform to the law, such as Chairman Bishop's Ensuring Public Involvement in the Creation of National Monuments Act, would guarantee a transparent process for National Monument decisions.

That is all my constituents want. The people should be a part of land designation decisions.

Thank you again for allowing me to participate in today's hearing. I think it is pretty telling that a coalition of members from nearly every Western State have legislation being considered today. While these land management decision may not gar-

ner headlines with the media, they mean a lot to the day today lives of our constituents. We should ensure they are part of the process.

I look forward to continuing to work with my colleagues here today to reform the National Monument designation process.

Mr. BISHOP. Thank you, Representative Gosar.

Representative Labrador, you actually have a bill that is on our agenda today to treat Idaho fairly, even though it wasn't done when the boundaries were being made. So here is your chance to strike for Idaho sovereignty. You are recognized for 5 minutes on your bill.

Mr. LABRADOR. We should have kept Utah.
[Laughter.]

**STATEMENT OF THE HON. RAÚL R. LABRADOR, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO**

Mr. LABRADOR. Chairman Bishop, Ranking Member Grijalva, thank you for the opportunity to discuss my bill today, H.R. 1439, the Idaho Land Sovereignty Act. When I spoke about this legislation in the last session of Congress, I stated that there are two things that Presidents do their last days in office: one, they declare new monuments; and, two, they pardon convicted criminals. Both leave the public with a bad taste in their mouth.

Just as decimation of wilderness areas is a congressional prerogative, I believe the designation of national monuments should also be subject to congressional oversight. Sadly, this statement continues to be accurate. And thus, I have reintroduced the Idaho Land Sovereignty Act this session of Congress.

The legislation is simple. New national monuments could not be established by the President in Idaho, absent congressional authorization. I have also heard it said—and I even heard it said today—and seen it written that since the Antiquities Act originated under a Republican President, and since Republican Presidents have continued to use it, and since Republican congresses have sometimes not complained about it, that Republicans in Congress shouldn't object to its use. I reject that argument. It holds no merit.

I oppose the imposition of any Federal lock-ups of Idaho's Federal lands without congressional oversight. I opposed Republicans on the wars in Afghanistan and Iraq, I oppose Republicans on the Patriot Act, and I would oppose a Republican's efforts to lock up land in Idaho under the Antiquities Act. Bad policy is bad policy, whether enacted by a Republican or a Democrat.

Since the Federal Government owns almost 70 percent of the land in Idaho, this legislation is vital. Congress must be involved in any move to restrict more lands in Idaho from private use. Additionally, access to Federal lands for multiple uses should not be curtailed. The designation of new monuments in Idaho could reduce tourism, motorized recreation, and ranching in Idaho. The establishment of public lands is important, but they should not be established in a manner that circumvents congressional oversight and locks up public lands.

I look forward to working with you and my colleagues to pass this legislation in this session of Congress to help protect Idaho. Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Labrador follows:]

PREPARED STATEMENT OF THE HONORABLE RAÚL R LABRADOR, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF IDAHO

Mr. Chairman, Ranking Member Grijalva, I commend you for convening this important hearing today regarding my bill H.R. 1439, the Idaho Land Sovereignty Act.

There are two things that Presidents do their last days in office: declare new monuments and pardon convicted criminals. Both leave the public with a bad taste in their mouth. Just as designation of wilderness areas is a congressional prerogative, I believe the designation of national monuments should also be subject to congressional oversight.

My legislation would prohibit any presidential administration from imposing new monument designations in the State of Idaho. Clearly the Obama Administration has given us numerous reasons to believe they need to be reined in with their job killing regulations. However, these concerns are not only limited to the current administration.

In January of 2001 the outgoing Clinton Administration shocked Western States with its outrageous land grabs that were done via Executive order. We in the West remember this very well and we are not going to allow anything like it to happen again. More recently Interior Secretary Salazar and his agency, on December 23, 2010, reminded us that Federal agencies still believe they can circumvent Congress to lock up public lands without specific Congressional action.

In my State of Idaho, approximately 67 percent of all lands are owned by the Federal Government. Of that, 4,522,717 acres are wilderness, making Idaho the State with the most acres of designated wilderness areas. For that reason, it is critically important that Idahoans continue to access our Federal lands for the multiple uses they were designed. It is unacceptable to make lands off-limits through any process that is not an act of Congress.

The Bureau of Land Management asserts that livestock grazing is a major activity on public lands in Idaho. Actually, 800,000 AUMs (Animal Unit Months) of livestock forage are authorized annually in Idaho under BLM management. Livestock grazing is outlined in the Federal Land Policy and Management Act and the Taylor Grazing Act as being among authorized multiple-uses. The economic losses to Ranchers who have traditionally been good stewards of BLM grazing leases would be immeasurable.

Tourism and motorized recreation are important industries in Idaho. If new monument designations are established, the potential for road closures and limited OHV access has the potential to be detrimental to the local economies.

I urge my colleagues to protect our authority and the power of Congressional oversight. If any administration were to impose additional restrictions to the public lands in Idaho through the designation of new monument areas, the detriment to my State could be vast. Administrative land grabs prohibit stakeholder input at the detriment to our rural economies.

Mr. Chairman, I don't oppose public lands. I simply oppose efforts by an out-of-touch administration to forcibly lock up public lands with no Congressional oversight.

Mr. BISHOP. Thank you. We appreciate your testimony.

We will now turn to Representative Stewart. You have 758. This is the first one you have had in this Subcommittee?

Mr. STEWART. Yes, sir. Close.

Mr. BISHOP. You are recognized to speak on your bill.

**STATEMENT OF THE HON. CHRIS STEWART, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. STEWART. Thank you, Mr. Chairman. Good morning. And, as I begin my testimony, I recognize that we may be flaying a dead horse here, but please allow me to have my few minutes to flay away, as well. And I would like to be clear that I am not adverse to the use of the Antiquities Act. I am adverse to the abuse of the Antiquities Act. And, Mr. Chairman, as you have already stated, no

State better understands the effects of the abuse more than our State, the State of Utah.

Exhibit number one, of course, is the more than 1.8 million acres claimed by the Federal Government in the Grand Staircase-Escalante National Monument, an action that was clearly beyond the intent of the Act. And the purpose of H.R. 758, the Utah Land Sovereignty Act, is to prohibit the further extension and establishment of national monuments in Utah, except by express authorization of Congress.

For those not from the West, and I recognize there are many in the room who may not be familiar with the term “land sovereignty,” it is a term that we use to describe the fact that—again, as has been stated—over half of the land in the West is owned and controlled by the Federal Government. That means that these States don’t really have sovereignty in the way that States in the rest of the country may, where many Eastern States have 4 percent of their land controlled by the Federal Government.

Federal ownership makes it very difficult for Western States to fund education and other public services. And I have had many, many conversations with county commissioners and other leaders who are struggling to provide for education and roads and basic necessities for their citizens without a tax base on which they can rely on.

Over 66 percent of the State of Utah is controlled by the Federal Government in the form of national forest or wilderness parks, BLM land, and national monuments. And I have several counties, as Representative Chaffetz has already mentioned, in my district as well that are more than 90 percent controlled by Federal Government.

National monuments have a unique place among Federal land designations, and the Antiquities Act of 1906 gives the President the power to simply declare land a national monument. But the intent was to protect archeological resources in the Southwest and to limit monuments to small geographical areas. The law requires that the size of the monument in all cases shall be confined to the smallest area compatible with the proper care and management to be protected. But again, using Grand Staircase as an example, 1.8 million acres is clearly beyond that original intent.

And perhaps the most brazen example, Mr. Chairman, as you mentioned, was President Clinton and the creation of the Staircase. And when you consider the economic impacts, after nearly 17 years the local populations understand that the promised economic boom associated with the monuments has not materialized. They realize that they have lost access to local amenities and to extractive economic activities. They also lament the loss of an estimated \$1 trillion worth of fossil fuels that lies under the monument.

Now we have reason to believe—and this is what is so concerning for many of us—that President Obama is considering using the Antiquities Act again to unilaterally designate large monuments in my home State. There has got to be a better way of doing this. The application of the Antiquities Act is not the best way to protect the beautiful lands of my State, while taking the local interest into account. That again is the purpose of H.R. 758, to exempt Utah from the overreach of the Antiquities Act.

And I look forward to further questions or conversations regarding it. And with that, Mr. Chairman, I yield back my time. Thank you.

Mr. BISHOP. Thank you, Representative Stewart. You now have the Grand Staircase-Escalante Monument in your district.

Mr. STEWART. Yes, sir.

Mr. BISHOP. Fix it.

[Laughter.]

Mr. BISHOP. OK, good. Representative Daines, I appreciate you being here, you also have a bill here that deals with Montana. And you also have the rest of Idaho's land. So you are recognized, if you would like to talk about your particular piece of legislation.

Mr. DAINES. We would like that panhandle back, if we could get it.

[Laughter.]

**STATEMENT OF THE HON. STEVE DAINES, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF MONTANA**

Mr. DAINES. Mr. Chairman, Ranking Member Grijalva, thank you for the opportunity to testify here today.

I am a fifth-generation Montanan, an active sportsman, and I understand our local communities thrive off our unique landscape. It is only fitting, though, however, that this act is called the Antiquities Act. It is an ancient act that needs reform. And this is not about debating the merit or the intent of that act. It is about reforming it and bringing it to the 21st century.

In Montana we have some great national monuments. In fact, growing up I remember going to Little Big Horn Battlefield, Custer's last stand. To put that in perspective, that is about 700 acres in size. Or there is Pompey's Pillar. As you drive along the Yellowstone River in Eastern Montana you can drive by where Captain William Clark engraved his name on a sandstone formation there. It is a great national monument. But it is 50 acres in size.

The challenge here is we have seen the abuse of this act. President Clinton, at the end of his Administration—and it is a bipartisan abuse; we want to reform Government that applies to both Democrats and Republican Presidents—at the end of President Clinton's Administration he passed a National Monuments Act that took nearly 500,000 acres in the Missouri Breaks and declared it a national monument, including 80,000 acres of private land.

What really got the folks in Montana upset was when there was a leaked memo from President Obama and Secretary of the Interior Salazar that had a proposed national monument designation that was going to be in excess of a million acres. This was connecting the 2.5 million acres of land from Canada's Grasslands National Park through Northern Montana's Hi-Line down to the Bitter Creek Wilderness Study Area as a national monument. In the middle of that proposed designation are significant parcels of private land. I can tell you. The gymnasiums in Eastern Montana were full of concerned citizens—ranchers, farmers, those who had grown up, had generations of roots there—around what the Federal Government was going to do here to take this land away from the use of the public.

And as many have said here before, what we are talking about is the need for the people to have a voice in this process. It is the abuse of a process, what should be in the 50 to 500-acre range parcels, looking at the original intent of the Act, that has been transformed into hundreds of thousands of acres, and even millions of acres, in terms of declarations of national monuments.

My bill, the Montana Land Sovereignty Act, insists that our State and our local communities must be part of this discussion, just like Wyoming. Any bill which has the potential to impact land management must be locally driven, not spearheaded in Washington by the stroke of a President's pen. That is how we do business back home in Montana.

We also understand in my home State of Montana that our resources and the resource use must be done responsibly. We understand the importance of protecting our resources for future generations. I am grateful that we have national monuments that I can show my children. When Lewis and Clark came through, they left their mark. When Custer had his last stand, we can take our kids now and see that national monument. But the way it is being used today is abusive, and we need to reform this ancient Antiquities Act.

We understand the importance of preserving for future generations. We know that Montanans who use these and live on the land every day best understand how to best protect these resources, and my bill ensures their voices are heard. I yield back the balance of my time.

Mr. BISHOP. Thank you, Representative Daines. I appreciate that. I appreciate all the Representatives who have given their testimony so far. And not a whole lot have stayed with us, but we are here.

Well, I would like to invite the second panel to come up, if they could at this time, and take seats at the table. They would include Mr. John Jones, who is a Commissioner from Carbon County in Utah, who does a great job, even if he is a Democrat; Dave Eliason, who is the Public Lands Council from the Utah Cattlemen's Association. Mr. Eliason, is that the proper way you say your name?

Mr. ELIASON. Close enough.

Mr. BISHOP. Or is it Eliason?

Mr. ELIASON. Eliason.

Mr. BISHOP. Then we got to talk afterwards, because I have those relatives in my family, and they all say "Eliason," too. So, good.

And also, Mayor Holly Ward—Molly. I am sorry. Molly Ward, who is the Mayor of Hampton, Virginia.

We would like to thank all of you for being here, and we appreciate you taking the time to come and join us with your testimony.

For some of you who have been here before, so you understand the clock system that is here, your written testimony is part of the record. Anything you actually would like to add to that will be part of the record. We would like you to give an oral summation of the record, or anything additional to it.

The clock is in front of you, 5 minutes is the maximum time, though, we have for each witness. When it hits 1 minute it will turn yellow. And that means, like every yellow light you see, you

quickly speed up because when it goes to red again I would like you to quit.

So, Commissioner, if we can turn to you first and have your testimony, I appreciate you coming out here.

Mr. JONES. Thank you.

Mr. BISHOP. And you are recognized for 5 minutes.

STATEMENT OF JOHN JONES, COMMISSIONER, CARBON COUNTY, UTAH

Mr. JONES. I would like to thank Chairman Hastings, Subcommittee Chairman Bishop, Ranking Members Markey and Grijalva, and members of the Natural Resource Committee for the opportunity to be here today. My name is John Jones and I am a Democratic Commissioner from Carbon County, Utah. I am the President of the Utah Association of Counties, and I currently serve on the Public Lands Steering Committee of the National Association of Counties. I am representing NACo here today, and would ask that a separate statement by Ryan Yates of NACo be included in today's hearing record.

Mr. BISHOP. Without objection, it will be done.

[The prepared statement by Ryan Yates submitted for the record by Mr. Jones follows:]

PREPARED STATEMENT OF RYAN R. YATES, ASSOCIATE LEGISLATIVE DIRECTOR,
NATIONAL ASSOCIATION OF COUNTIES

Chairman Bishop, Ranking Member Grijalva, we appreciate the Subcommittee scheduling this timely hearing to examine legislative modifications to the Antiquities Act. Thank you for giving counties and the National Association of Counties (NACo) the opportunity to submit testimony for the record. On behalf of NACo and the members of its Western Interstate Region (WIR), we applaud your efforts to provide to provide transparency and accountability in the designation of national monuments.

NACo supports congressional revisions of the Antiquities Act of 1906 (16 U.S.C. 431) to require that any Presidential national monument proclamation be subject to NEPA review and congressional approval.

Historically, the Antiquities Act was enacted as a response to concerns over theft from and destruction of archaeological sites and was designed to provide an expeditious means to protect Federal lands and resources. It authorizes the President to proclaim national monuments on Federal lands that contain "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest." The Act requires the President to reserve "the smallest area compatible with the proper care and management of the objects to be protected."

President Theodore Roosevelt first used the authority in 1906 to establish the Devil's Tower in Wyoming. Presidents have created more than 120 monuments, totaling more than 70 million acres. President Franklin Delano Roosevelt used the Act 28 times and President Carter bestowed monument status on 56 million acres in Alaska. President Clinton used the Act 22 times to create 19 new monuments and enlarge 3 others to designate 5.9 million acres; most were done during his last year in office. He cited frustration with the slow pace of legislated land protection as a justification.

The lack of local or congressional input and approval of a President's monument designation often generates much controversy at the local level. Yet, under the terms of the Act, the President is not required to consult with local and State authorities. Under current law, the President is not obligated to seek congressional advice and consent prior to declaring lands national monuments.

The potentially detrimental effects of a monument designation frequently cause local residents, county elected officials, and State legislators, who have valid interests in the lands, to push Congress for reform. Counties should be fully involved as affected partners in any process to designate Federal land use designations which restrict public use. Congress and Federal agencies should coordinate with affected counties when considering special land use designations that impact the use and status of public lands. NACo strongly opposes Federal land management agency ac-

tions that limit access and multiple use of lands that otherwise would be available to the public (i.e. Wilderness Study Areas, "Wild Lands," or any other de facto wilderness designation).

Accordingly to a leaked memo from the Department of the Interior, the Administration is considering using the Antiquities Act to designate or expand additional monuments in Arizona, California, Colorado, Montana, New Mexico, Oregon, Utah, and Washington. Under current law, the President could use the Antiquities Act to designate millions of acres of land without first notifying Congress or the affected Governors, tribes, or communities involved. Moreover, there is no requirement to determine what the impact of the designation would be upon local communities.

Congressional oversight and full NEPA analysis and public review are necessary to curb last minute Presidential designations of large tracts of lands for National Monument status, some of which some are high value energy areas and important to the American people for resources above and beyond that of just recreation.

An important policy reason for passage of the National Environmental Policy Act (NEPA) was to have large tracts of public lands scrutinized by public and local government input before significant Federal action is taken on those lands. That policy applies should apply to large land tracts being proposed presidentially for National Monument designation. Recent use of the Antiquities Act for large tract designation has not provided reasonable notice to State and local governments, and has gone well beyond Congress' original intent to designate the smallest portion of land needed to represent certain objects of historic and scientific interest.

Federal consultation with State, county, and tribal governments should be required prior to the development and designation of any national monument. Critical multiple use activities will be preserved if Presidential National Monument declarations are subjected to a transparent public review and approval process. This will preserve the economic base, prosperity and livelihood of many western counties and their economies.

In conclusion, the designation of Federal land as defacto wilderness, national monument, or similar designation without input from local governments can lead to devastating reductions in economic activity the loss of jobs in resource dependent communities. NACo appreciates the House Natural Resources Committee's attention to this important issue and looks forward to assisting the United States Congress to develop and enact much needed reform to the Antiquities Act.

Mr. JONES. Thank you. We have lived in actual fear of this raw executive power ever since President Clinton, Vice President Gore, in a cowardly infamous act, failed to engage the people of Utah in a public process. Nor did they give advance notice to the State's locally elected officials, Governor, or congressional delegation when they flew to Arizona's Grand Canyon National Park, and, with a stroke of a pen, designated 1.7 million acres the Grand Staircase-Escalante National Monument, one of the largest monuments ever designated.

That single action deprived the people of Utah and the Nation of its cleanest, low-sulfur, high Btu coal supply across the vast Kaiparowits Plateau. An actual loss to the taxpayers was conservatively estimated to exceed \$2 billion in lost mineral lease royalties, and 60 percent of the known coal reserves in our State. This blatant political move has subsequently devastated the economies of Kane and Garfield Counties, and the lifestyles of the people who live there. It has greatly damaged the reputation of my beloved Democratic Party in rural Utah, and has demolished the Department of the Interior's credibility in a State in which they are the majority landholder.

Most importantly, if recreation and tourism, which are supposed to accompany the designation of national monuments, are such an economic benefit to local communities, why is the school system in Escalante, Utah, in the heart of the Grand Staircase, about to close, due to continual decline in local population since the monument was created?

Please don't insult rural communities with the notion that mere designation of national monuments and the restriction on the land which follow are in any way a substitute for long-term, wise use of the resources and the high wages and economic certainty which those resources provide.

While originally designed to protect against legitimate threats to artifacts and historic and geological sites, President Clinton abused that law by invoking the act 22 times to create 19 new monuments and enlarge 3 others. Many of these proclamations were made unilaterally and without public involvement or local support.

Similarly, a leaked secret memo from the Department of the Interior in 2010 stated that the current Administration was considering using the Antiquities Act to designate or expand additional monuments in California, Colorado, New Mexico, Oregon, Utah, Washington, and Arizona. This memo was cooked up in the same back rooms as the Grand Staircase, and has spread those same fears across the West. As a result of this most recent threat, the American Farm Bureau, the National Beef and Cattlemen's Association, Public Lands Council, and my own resolution before the National Association of Counties have all been enacted urging either congressional approval or involvement or requiring NEPA compliance by the President, or both, before any additional national monuments are designated.

Fortunately, many of these communities listed in the secret memo pushed back when they learned President Obama's secret plans. And, as a result, President Obama has stayed away from those sites, and instead has used the Antiquities Act to create five new national monuments in areas which there seems to be local support. When the President designated these five sites he touted public involvement and local support for his decision. As a fellow Democrat, I appreciate President Obama's openness and outreach to the local communities.

However, Mr. Chairman, this bill or some of the other bills under consideration today, how can we make certain that future Presidents adhere to the same principles and public involvement and local support? The fact is, Mr. Chairman, unilateral executive branch use of the Antiquities Act to restrict land use under the guise of protecting land without NEPA compliance or congressional or State legislature approval represents excessive power in the hands of the President. The act must be amended to include one or all of these steps to limit the power and assure adequate prior public involvement and support.

All the proposals and solutions, such as is contained in each of these bills before the Committee today, should be considered. There is not one silver bullet. While a bill banning monuments on a State-by-State basis, as is in the case of Wyoming and Alaska, or legislation requiring congressional approval of State legislative approval are preferred, Congressman Bishop's bill requiring NEPA compliance is at least, minimum, a good start. It ensures public involvement, protects private property, and places some restraints on the President's executive branch power, something that must be codified so future Presidents follow President Obama's and not President Clinton's lead. Why is public policy to prevent further

wrongdoings to States like Utah, which have in the past been ambushed by heavy-handed misuse of this power?

Again, I would like to thank you for including the accompanied statement by the National Association of Counties today with my recommendations. Thank you.

[The prepared statement of Mr. Jones follows:]

PREPARED STATEMENT OF JOHN JONES, COMMISSIONER, CARBON COUNTY, UTAH

I would like to thank Chairman Hastings, Subcommittee Chairman Bishop, Ranking Members Markey, Grijalva and members of the Natural Resources Committee for the opportunity to be here today.

My name is John Jones and I am a Democratic Commissioner from Carbon County, Utah. I am the President of the Utah Association of Counties and I currently serve on the Public Land Steering Committee of the National Association of Counties.

I am representing NACo here today and would ask that a separate statement by Mr. Ryan Yates of NACo be included in today's hearing record.

Thank you. Mr. Chairman.

In Utah we have been wary of Presidential misuse of the Antiquities Act to create National Monuments from the day Lyndon Johnson designated Capitol Reef National Monument in the waning hours of his Presidency in January 1969.

We've lived in actual fear of this raw Executive power ever since President Clinton and Vice President Gore, in a cowardly, infamous act, failed to engage the people of Utah in a public process nor did they give advance notice to the State's locally elected officials, Governor, or congressional delegation when they flew to Arizona's Grand Canyon National Park, and with the stroke of a pen, designated the 1.9 million acre Grand Staircase Escalante National Monument—one of the largest monuments ever designated.

That single action deprived the people of Utah and the Nation of its cleanest low sulfur-high BTU coal supply across the vast Kaiparowits Plateau. Actual loss to taxpayers was conservatively estimated to exceed \$2 billion in lost mineral lease royalties and 60 percent of the known coal reserves in our State.

This blatant political move has subsequently devastated the economies of Kane and Garfield Counties and lifestyles of the people who live there, greatly damaged the reputation of my beloved democratic party in rural Utah, and has demolished the Department of the Interior's credibility in a State in which they are the majority landowner. Most importantly, if recreation and tourism, which are supposed to accompany the designation of national monuments, are such an economic benefit to local communities, why is the school system in Escalante, Utah in the heart of the Grand Staircase, about to close due to a continual decline in local population since the monument was created?

Please don't insult rural communities with the notion that the mere designation of National Monuments and the restrictions on the land which follow are in any way a substitute for long-term wise use of the resources and the solid high wage jobs and economic certainty which those resources provide.

While originally designed to protect against legitimate threats to artifacts and historic and geological sites, President Clinton abused the law by invoking the Act 22 times to create 19 new monuments and enlarge three others. Many of these proclamations were made unilaterally and without public involvement or local support.

Similarly, a leaked secret memo from the Department of the Interior in 2010 stated that the current Administration was considering using the Antiquities Act to designate or expand additional monuments in California, Colorado, New Mexico, Oregon, Utah, Washington and Arizona. This memo, cooked up in the same backrooms as the Grand-Staircase, has spread those same fears across the West.

As a result of this most recent threat, the American Farm Bureau, the National Beef/Cattlemen's Association, Public Lands Council and my own resolution before the National Association of Counties have all been enacted urging either congressional approval and involvement or requiring NEPA compliance by the President, or both, before any additional National Monuments are designated.

Fortunately, many of the communities listed in the secret memo pushed back when they learned of President Obama's secret plans. And as a result, President Obama has stayed away from those sites and instead has used the Antiquities Act to create five new National Monuments in areas in which there seems to be local support. When the President designated these five sites, he touted public involvement and local support for his decisions. As a fellow Democrat, I appreciated President Obama's openness and outreach to the local communities. However, without

Chairman Bishop's bill or some of the others under consideration today, how can we be certain that future President's adhere to the same principles of public involvement and local support?

The fact is, Mr Chairman:

1. Unilateral executive branch use of the Antiquities Act to restrict land use under the guise of protecting such land without NEPA compliance or congressional or State legislatures' approvals represents excessive power in the hands of the President. The Act must be amended to include one or all of these steps to limit that power and assure adequate prior public involvement and support;

2. All proposals and solutions, such as is contained in each of the bills before the Committee today should be considered. There is not one silver bullet;

3. While a bill banning monuments on a State-by-State basis as is the case in Wyoming and Alaska, or legislation requiring congressional approval or State legislative approval are preferred, Congressman Bishop's bill requiring NEPA compliance is at a minimum, a good start. It ensures public involvement, protects private property, and places some restraints on the President's executive branch power; something that must be codified so future Presidents follow President Obama's, and not President Clinton's lead, wise public policy to prevent further wrongdoings to States like Utah, which have in the past been ambushed by heavy-handed misuse of this power.

Again, thank you for including the accompanying statement by the National Association of Counties in the record along with my statement of recommendations.

QUESTION SUBMITTED FOR THE RECORD TO JOHN JONES

Question. Should we include a requirement in each of these bills that Congress must hold a hearing and vote on every bill designating a monument?

Answer. Yes, I believe we should never be ruled by the stroke of one man's pen. After all, American citizens across this Nation elect Representatives so that their voice will be heard in Washington. And would you not agree there is more knowledge combined among 435 representatives than could possibly be gained by one. We should live in fear of the day that we would allow one man's pen to go unchallenged! Thank you for all you do as we work together to keep America free.

Mr. BISHOP. Thank you for your testimony, Commissioner.

We will turn to Mr. Eliason from the Public Lands Council, the Cattlemen's Association. You are recognized for 5 minutes.

**STATEMENT OF DAVE ELIASON, SECRETARY/TREASURER,
PUBLIC LANDS COUNCIL, UTAH CATTLEMEN'S ASSOCIATION**

Mr. ELIASON. Chairman Bishop, Ranking Member Grijalva, and members of the Subcommittee, thank you for inviting me to testify today on ensuring public involvement in the creation of the National Monuments Act and the Utah Land Sovereignty Act. My name is Dave Eliason. I am representing the Public Lands Council, Utah Cattlemen's Association, and the National Cattlemen's Beef Association. I currently serve as Secretary-Treasurer of the Public Lands Council, I am an active member of the National Cattlemen, and an immediate past President of the Utah Cattlemen's Association.

I am a fourth-generation rancher headquartered in Box Elder County, Utah. My wife and I and our five children run cattle on both BLM and Forest Service allotments. Box Elder County, like many counties across the West, depend heavily on forage on public lands to sustain a thriving ranching industry, which is the base of our economy. The roughly 22,000 ranchers who hold Federal grazing permits on 120 million acres of productive private land and manage more than 250 acres of public land, nearly 40 percent of all beef cattle in the West, and 50 percent of sheep in the Nation, spend some time on public lands.

Our industry is crucial to the management of the land and resources. Ranchers are the ones on the ground day in and day out, watching over the land and resources on which their livelihoods depend. Well-managed grazing improves the health of the range, it keeps private lands in ranching instead of housing developments.

Historically, special land designations like national monuments have had a strangling effect on livestock grazing. Even when grazing is “grandfathered in,” it usually happens—the land management agency gradually reduces permitted grazing, or the cost of doing business on these restricted acres become prohibitive and ranchers cease to use them. In 1996, President Bill Clinton’s 2 million acre Grand Staircase-Escalante National Monument has resulted in land use plan amendments that have so far closed 4 full-time grazing allotments and portions of 4 others. More closures are being considered as we speak.

Grazing is just one of the multiple uses being negatively impacted by that decision. Communities in the area are suffering. Schools are shutting down. And according to research done by Utah State University and Southern Utah University, per capita income in counties within the monument in 2011 were \$1,800 below that of comparable counties.

In addition to Chairman Bishop’s bill, we support Representative Stewart’s bill, the Utah Land Sovereignty Act, to prevent any further designation from being permitted to harm our State’s citizens and our economy. Utah is still suffering from the Grand Staircase Monument designation. And after losing 2 million acres, Utah says enough is enough. We have done our share.

Given the cultural, economic, and environmental impact that national monuments have, the livestock industry fully supports Representative Bishop’s proposal to require that the NEPA process be applied prior to national monument designations. Though we often see NEPA misused and abused in order to put a stop to productive multiple-use activities, in this instance I truly believe that the law needs to be applied consistently.

A monument designation is a major Federal action impacting the human environment. If it didn’t have an impact, why make it a designation in the first place? By providing an analysis of true impacts, and allowing for public review and comment, and providing for local Government input as required by NEPA, our bill will improve the likelihood that a fully informed decision will be made when it comes to national monuments.

We can argue until we are blue in the face about the inappropriateness of the President’s using the Antiquities Act to designate de facto wilderness over millions of acres at a time without congressional consent. But until Congress does something to put a stop to it, this unfairness will continue.

Thank you, Representative Bishop, Representative Stewart, and the other honorable Members here today who are leading the charge to reform the Antiquities Act to the benefit of the ranchers, the natural resource, and to our western communities. Thank you very much for allowing me to testify.

[The prepared statement of Mr. Eliason follows:]

PREPARED STATEMENT OF DAVID ELIASON, SECRETARY/TREASURER OF THE PUBLIC LANDS COUNCIL, IMMEDIATE PAST PRESIDENT OF THE UTAH CATTLEMEN'S ASSOCIATION, AND MEMBER OF THE NATIONAL CATTLEMEN'S BEEF ASSOCIATION

Chairman Bishop, Ranking Member Grijalva, and members of the Subcommittee: On behalf of the Public Lands Council (PLC), the National Cattlemen's Beef Association (NCBA), and Utah Cattlemen's Association (UCA), I appreciate the opportunity to voice to the Subcommittee on Public Lands and Environmental Regulation our strong support for the *Ensuring Public Involvement in the Creation of National Monuments Act* and the *Utah Land Sovereignty Act*. I am a fourth generation cattle rancher out of Snowville, Utah. I, my wife and our five children are permitted to run cattle on both BLM and Forest Service allotments, which are crucial to the viability of our operation and allow us to keep our private land in ranching.

I currently serve as Secretary and Treasurer of PLC, the only national organization dedicated solely to representing the roughly 22,000 ranchers operating on Federal lands. PLC has as affiliates sheep and cattle organizations from 13 Western States, as well as three national affiliates: NCBA, the American Sheep Industry Association (ASI) and the Association of National Grasslands (ANG). NCBA, of which I am an active member, is the Nation's oldest and largest national trade association for cattlemen and women, representing more than 140,000 cattle producers through direct membership and their state affiliates. UCA, of which I am the immediate past President, since 1890, has represented Utah's cattlemen in the legislative arena, educated producers and consumers alike, and provided a forum for producers to network. PLC, NCBA and UCA are producer-directed and work to preserve the heritage and strength of the industry by providing a stable business environment for their members.

Generally, special lands designations such as national monuments have a damaging impact on the public land grazing industry. Even though existing grazing practices are often "grandfathered in," over time the trend is undeniable: grazing numbers are reduced either by direct agency decisions, or because the cost of doing business in the designated area simply becomes prohibitive. To begin, I feel it's important to highlight the importance of maintaining the viability of our industry. Public land ranchers own nearly 120 million acres and manage more than 250 million acres of land under management of the Federal Government. These ranchers provide food and fiber for the Nation, protect open spaces and critical wildlife habitat, and promote healthy watersheds for the public. Wildlife depends on the habitat and water sources these ranchers provide. In the West, where productive, private lands are interspersed with large areas of rockier, less desirable public lands, biodiversity of species depends greatly on ranchland. Should these ranchers go out of business, their private lands would likely be converted to uses less hospitable to wildlife. Well-managed grazing encourages healthy root systems and robust forage growth—and reduces the risk of catastrophic wildfire, one of the West's biggest threats to wildlife, watersheds, property and human life.

Countless communities across the West depend upon the existence of the public lands rancher. Approximately 40 percent of beef cattle in the West, and half of the Nation's sheep, spend some time on Federal lands. Without public land grazing, use of significant portions of State and private lands would necessarily cease, and our industry would be dramatically downsized—threatening infrastructure and the entire market structure. I know that many communities across the West depend just as mine does on the tax base, commerce, and jobs created by the public lands grazing industry.

The abuse of Presidential national monument designations under the Antiquities Act of 1906 has taken a heavy toll on multiple uses such as livestock grazing on Federal lands. While the law was enacted as a response to concerns over theft from and destruction of archaeological sites, it has been used to put millions of acres essentially off-limits to multiple use. This certainly was not the intent of the Act, which authorizes the President to proclaim national monuments on Federal lands that contain "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" and requires him to reserve "the smallest area compatible with the proper care and management of the objects to be protected." It was never intended to create sweeping designations such as President Clinton's 1.9 million-acre Grand Stair-Case Escalante National Monument (GSENM) or President Obama's recent 243,000-acre Rio Grande del Norte National Monument in New Mexico.

Take the GSENM in my home State as a case study: designated in 1996, the GSENM covers almost 2 million acres of Utah along the Arizona border. Communities in and around the monument have seen cultural and economic losses and school closures. According to research by Utah State University and Southern Utah

University, per-capita income in counties within the GSENM in 2011 was \$1,799 below that of comparable counties (Politics, Economics, and Federal Land Designation: Assessing the Economic Impact Land Protection—Grand Staircase-Escalante National Monument). The monument's impact on livestock grazing serves as a case study to explain this disparity. In 1999, land use plan amendments stemming from the designation closed four allotments and portions of four other allotments to grazing. More closures are being considered as we speak.

Untold new and inappropriate monument designations appear to be on the horizon. An Interior Department document leaked on February 14, 2010 indicated that the Obama Administration may be seeking to designate 14 new monuments under the Antiquities Act, amounting to more than 13 million acres of land, spanning from Montana to New Mexico. Judging by our past experience with monuments and other special designations, this would be devastating to our Nation's Federal lands ranchers and a burden to rural economies across the West.

Congress must not allow such abuse by the executive branch to continue. This is why we support Rep. Rob Bishop's *Ensuring Public Involvement in the Creation of National Monuments Act*. In addition to requiring that all proposed monuments of 5,000 acres or larger undergo National Environmental Policy Act (NEPA) review, it also requires a study of the potential loss of Federal and State revenue; places limits on the number of monuments one President may designate in a given State during a 4-year term (without congressional approval); and prevents the inclusion of private property in monument declarations without the prior approval of property owners. We believe the NEPA requirements of the Act are the crux of Rep. Bishop's legislation.

Enacted in 1969, NEPA requires that Federal agencies include, in every "major Federal action significantly affecting the quality of the human environment," a detailed statement on the environmental impacts of the proposed action; alternatives to the proposed action; the "relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;" and "any irreversible and irretrievable commitments of resources" that would be involved with the proposed action's implementation. In other words, as stated by the Council for Environmental Quality (CEQ), NEPA's regulatory agency, "NEPA requires Federal agencies to consider environmental effects that include, among others, impacts on social, cultural, and economic resources, as well as natural resources" ([http://ceq.hss.doe.gov/nepa/Citizens Guide Dec07.pdf](http://ceq.hss.doe.gov/nepa/Citizens%20Guide%20Dec07.pdf)). These findings are provided to the public for review and comment.

NEPA is not action-forcing; it rather compels the Federal Government to collect and disseminate information. However, NEPA regulations also allow for State and local agencies (via "cooperating agency status") to work side-by-side with the lead agency to identify important issues, determine what scientific data are needed for the analysis, help to form alternatives, analyze the impacts of the alternatives, and give input on selecting the final alternative (*A Beginner's Guide to Cooperating Agency Status*, 2012). NEPA requires agencies to document any inconsistencies with local land use plans, along with an explanation of how those inconsistencies would be reconciled.

We believe NEPA deliberations should be applied prior to the designation of national monuments. After all, if designating a monument of 5,000 acres or more does not constitute a "major Federal action," then what is the purpose of making any designation at all? Surely it has meaning; the Antiquities Act calls for the "proper care and management of the objects to be protected." The President, in making the designation, therefore is asserting the need to "protect" objects, which also implies that current protections are not sufficient.

How would applying NEPA be beneficial in the national monument designation process? Currently, no considerations cultural, economic or environmental impacts are afforded to those designations. Local governments are not notified or consulted. The President wills a designation, and it is so. Though we believe (as might Rep. Bishop) that NEPA has been overused and implemented in situations that do not fall under the original intent, we also believe that allowing for public review and comment and providing an analysis of the true impacts of a monument designation will improve the likelihood that beneficial decisions will be made.

As Congress asks the administration to consider the impacts of monument designations, we feel it is important to also shed light on the fact that despite NEPA's best intentions, "true" impacts are not always reflected in current NEPA analysis—especially with regard to economies. The agencies' persistent use of purposefully misleading "economic" data and tools provided by what we argue is a biased group, Headwaters Economics, has led to inaccurate NEPA analysis that has done much harm to local economies. Headwaters claims that special land designations have positive impacts on local communities. However, third parties have not been able

to duplicate Headwaters' results. In fact, professors at Utah State University and Southern Utah University have found the direct opposite: wilderness designations, when compared to analogous non-wilderness counties, have overall lower per capita income, lower total payroll, and lower total tax receipts (The Economic Cost of Wilderness, 2011). Wilderness may be the designation that most closely resembles national monument status—only it is rightfully preceded by congressional deliberation.

The negative impacts of sweeping national monuments cannot be denied. This is why I, on behalf of UCA, am also testifying to the importance of the *Utah Land Sovereignty Act* to myself and fellow Utahans. This legislation would exempt Utah, similarly to the State of Wyoming, from the Antiquities Act, thereby preventing any future national monuments within its borders. PLC and NCBA support all States taking similar action to protect their citizens from overreach by the Federal executive branch.

Thank you for your consideration of my testimony. Keeping ranchers in business is good policy for conservation of both private and public land. By preventing *de facto* wilderness designations by the executive branch, the *Ensuring Public Involvement in the Creation of National Monuments Act* and the *Utah Land Sovereignty Act* will promote greater stability for the livestock industry, which will allow for the continuation of the broad public benefits provided by ranchers, who are the caretakers of our public lands and providers of food and fiber for the Nation.

QUESTIONS SUBMITTED FOR THE RECORD TO DAVE ELIASON

“ENSURING PUBLIC INVOLVEMENT IN THE CREATION OF NATIONAL MONUMENTS ACT”
AND “UTAH LAND SOVEREIGNTY ACT”

Question. Mr. Andy Groseta testified before this Committee on H.R. 1345 a bill related to National Forest management. Under oath, he told the Committee that the Public Lands Council had never sought to recover money from the Federal Government as Plaintiffs in litigation. Please provide information to the Committee on attorneys' fees and costs that PLC has sought to capture through the Equal Access to Justice Act.

Answer. The Subcommittee inquires about PLC's request for and collection of attorneys' and other court fees under the Equal Access to Justice Act (EAJA). As reported in Mr. Groseta's recently-submitted responses to questions from the Subcommittee, clarification is in order with regard to his response to the Honorable Rep. Grijalva's in-person inquiry as to whether PLC, as a plaintiff, had ever received fee reimbursement under EAJA. Mr. Groseta correctly responded “no” to this question. PLC did, as a defendant-intervenor, formally seek EAJA fees in 1999 in *Forest Guardians v. U.S. Forest Service*. This request was granted.

Aside from the 1999 instance, there are two ongoing cases where PLC has included EAJA fees in the initial complaint (*Federal Forest Resource Coalition et al. v. Vilsack et al.* and *Idaho Wool Growers Association et al. v. Vilsack et al.*). However, to date, PLC has not filed a Motion seeking EAJA fees in either case, because doing so would be premature given the status of litigation in both.

It is important to draw a distinction between PLC's rare requests for EAJA reimbursement and the abuse of EAJA regularly practiced by wealthy radical environmental groups. We have consistently honored the law's intent, which is to protect small entities in cases where they must defend themselves against actions of the Federal Government. As such, we have supported legislation that would disqualify for payments organizations whose net worth exceeds \$7 million. This \$7 million-or-less requirement currently applies to for-profit entities and individuals, but does not apply to wealthy “nonprofits”. Additionally, we have supported measures to require groups or individuals to have direct monetary interest in the Federal Government's action in order to be eligible for payments. We also support capping the exorbitant attorney fees these groups claim to be owed, which are sometimes as much as \$700 per hour.

We have also supported efforts to make EAJA payments transparent to the public. According to attorney Karen Budd-Falen, in 2011, 12 environmental groups alone had filed more than 3,300 lawsuits over the previous decade, recovering over \$37 million in EAJA funds. Budd-Falen said that this was a conservative estimate, as accounting of EAJA expenditures has been scant, at best. With no accounting of these payments, abuse by well-heeled groups will only increase.

Question. Please provide documentation of lost grazing permits or modified grazing permits in the Grand Staircase Escalante National Monument.

Answer. Attached is a copy of the 1999 land use plan amendment that resulted in extensive grazing reductions and closures on the Grand Staircase Escalante Na-

tional Monument (GSENM). The final decision cancelled 4,253 AUMs through allotment closures, cancelled 1,377 AUMs through reductions in livestock numbers, and reduced grazing by 418 AUMs for the creation of “grass banks” for purposes of emergency and approved research.

Allotments that were closed include: Escalante River (2,422 AUMs), McGath Point (60 AUMs), Saltwater Creek (120 AUMs), and Steep Creek (318 AUMs). Portions of other allotments were closed within the Escalante River: Big Bowns Bench (698 AUMs), Deer Creek (83 AUMs), and Phipps (140 AUMs). Cottonwood pasture of Deer Creek allotment was also closed (112 AUMs).

A “grass bank,” only for use in emergencies or for research purposes, was made of the remaining AUMs on the Phipps allotment (the rest being closed to grazing, as mentioned above); the Little Bowns Bench allotment (130 AUMs); and the Wolverine pasture (148 AUMs) of the Deer Creek allotment. Reductions in livestock numbers were made on the Moody allotment (799 AUMs eliminated), Wagon Box Mesa allotment (126 AUMs eliminated), and Big Horn allotment (453 AUMs eliminated). The portion of the Big Bowns Bench allotment that falls outside the Escalante River area was also reduced to 750 AUMs (an estimated 50–AUM reduction, not counting the abovementioned closure of a portion of the allotment, amounting to a loss of 698 AUMs).

Also of interest is the attached report of the National Riparian Service Team (NRST), which was commissioned by BLM in 2011 after 10 years of failed attempts to complete a Grazing Management Environmental Impact Statement (EIS) on the GSENM. Amongst the reasons for this failure, as identified by NRST in its situation assessment, was the fact that decisions on the monument no longer seem to be in local managers’ hands. The report stated there was a “power dynamic at play as evidenced by the long and well-known history of successfully circumventing local BLM management decisions through appeals to higher levels of the agency or Department, or to members of Congress by local, regional and national dissatisfied constituents.” The local BLM personnel “readily acknowledged the difficulty this pose[d] for them in matters such as sustaining trespass actions against operators, or other permit actions, and in the types of choices they [made] in various environmental documents.” The report cited “little reason for managers to aggressively pursue entry into controversial decision-making venues when it [was] likely that they [would] be overturned by higher authorities who [had] not been part of the process. Transparency and credibility of Federal decision-making are casualties of this approach to management. People asked why they would invest time and effort into a process that will simply be overturned based on favorable political connections of one group or another.”

We believe local collaboration and decision-making is essential to good management. NRST’s findings on this matter should be considered in future potential monument designations.

Note: The Escalante Management Framework Plan Amendment and Decision Record (March 15, 1999) referred to in question 2, has been retained in the Committee’s official files.

Mr. BISHOP. Thank you for coming back here, and thank you for your testimony. We will now turn to Mayor Ward. Didn’t quite travel as far as these two gentleman have, but we appreciate you being here. We recognize you for 5 minutes to give your presentation.

STATEMENT OF HON. MOLLY JOSEPH WARD, MAYOR, CITY OF HAMPTON, VIRGINIA

Ms. WARD. All right. Thank you, Chairman Bishop. Thank you for the opportunity to testify before the House Natural Resources Subcommittee on Public Lands and Environmental Regulation on the eight proposed bills seeking to end, amend, and inhibit or limit the President’s authority to create new national monuments. I am Molly Joseph Ward, Mayor of the City of Hampton, Virginia. I served on the Fort Monroe Authority Executive Committee and Board for almost 3 years, and led the effort to establish a national monument at Fort Monroe on behalf of that board.

The Antiquities Act helped to permanently protect one of the least known and most important sites in America, Fort Monroe. Fort Monroe has served in the defense of Americans since the first fortification was built there in 1619, but is most important for the events early in the American Civil War.

In 1861, three brave enslaved men, Frank Baker, Sheppard Mallory, and James Townsend, escaped the Confederate Army and fled in a small boat to Fort Monroe. There, the Union commander declared these men as contraband of war, an unusual legal maneuver that provided refuge for the three men and, in turn, heralded the beginning of the end of slavery in America. Over the course of the Civil War, over a half-a-million African Americans would liberate themselves, following in the footsteps of those first three men and the Emancipation Proclamation became inevitable.

In 2005, the Base Realignment and Closure Commission recommended the closure of Fort Monroe, and the departure of the Army was scheduled for September 2011. Early in the process, Citizens for Fort Monroe National Park, represented here today by Philip Adderley, began a campaign to keep Fort Monroe as a grand public place. In the summer of 2011, Senators Warner and Webb, and Congressman Rigell introduced legislation to create the Fort Monroe National Historic Park. The Hampton City Council, the Fort Monroe Authority, and countless other organizations and governmental bodies endorsed the concept of a national park unit.

With the economic downturn and the loss of over 3,000 jobs on the base, the future of Fort Monroe is of the highest importance to our region. With the Army departure approaching, we were running out of time to keep the fort open to the public and economically sustainable. As a result, we began to explore a designation via the Antiquities Act, and commenced a citizen engagement plan. The Administration responded with three public meetings, which were attended by nearly 1,000 people, all in unanimous support of the inclusion of Fort Monroe in the National Park System.

Virginia's Governor, its Senators, and the entire Hampton Road Congressional Delegation, which was bipartisan, united to ask the President to take immediate action. We were overjoyed when the President designated Fort Monroe as a national monument on November 1, 2011.

Since the monument designation, public use has exceeded our expectations. Visitation to the Casemate Museum at Fort Monroe has doubled, and 120 homes have been rented. Commercial spaces at the fort are being occupied by the State Police, the Virginia Fire Marshall, and the Marine Services Corporation. There are plans for establishing a new residential school for science, technology, engineering, and math at the fort. The National Park Service and the Fort Monroe Authority have each begun their respective planning efforts. The benefits of heritage tourism have begun to take hold in our community, now that Fort Monroe is on the map. The value of the national monument designation, in terms of our economic recovery, has been enormous.

I appear before this Committee today to stand in opposition of all the bills limiting the Antiquities Act. It would be imprudent to alter a law that has protected our most important historic, cultural, and natural resources for over 100 years. The bills before the Com-

mittee today are a reaction to a problem that, our experience says, does not exist. The bills would prejudice the needs and desires of other communities and foreclose on an important tool used to preserve America's precious national treasures. Additional requirements or limitations on the Antiquities Act would have created uncertainty that could have hampered the economic progress and certainty around the future of Fort Monroe.

Before the 2005 BRAC, the city could not have predicted we would want or need a national monument designation. Even with the overwhelming support of the community and local law, local and statewide elected leaders, we faced substantial roadblocks for successful designation by Congress. Thank you—thanks so the Antiquities Act, the vision of a grand public space and the preservation of our country's diverse and rich history at Fort Monroe will be realized.

I hope that our experience will help convince you that creating additional requirements or limits to the Antiquities Act could harm communities who cannot and should not wait a decade or longer for Congress to take action. Thank you.

[The prepared statement of Ms. Ward follows:]

PREPARED STATEMENT OF THE HONORABLE MOLLY JOSEPH WARD, MAYOR,
CITY OF HAMPTON, VIRGINIA

Thank you for the opportunity to testify before the House Natural Resources Subcommittee on Public Lands and Environmental Regulation on the eight proposed bills seeking to end, amend, inhibit or limit the President's authority to create new national monuments from existing Federal land under the Antiquities Act of 1906. I am Molly Joseph Ward, Mayor of the City of Hampton, Virginia. I served on the Fort Monroe Authority Executive Committee and Board for almost 3 years, and led the effort to establish a National Monument at Fort Monroe on behalf of that board.

The Antiquities Act is a law that has preserved some of the most important and cherished places in our country for the benefit of current and future generations. In 2011, this law helped to permanently protect a site that has been critical to the security of our Nation for over 400 years located within the City of Hampton, Virginia. The Antiquities Act is an absolutely vital tool that has provided this Nation, and very recently my own community, with protected public lands that boost our local economies and protect the history, culture and open space that define us as a nation. For these reasons, I am here today to testify in opposition to all eight bills.

Fort Monroe is one of the least known and most important historic places in America. The original Jamestown settlers recognized the strategic importance of the site and built the first fortification, Fort Algernourne there in 1609. In 1619, the fort was the landing site of the first enslaved people brought to the British Colonies, and the first African American child, William Tucker, was born at the fort.

It has functioned as an assembly, training, and embarkation point for U.S. forces in the Seminole Wars and during the suppression of Nat Turner's Rebellion, the Black Hawk War, the Mexican War and the Civil War. Fort Monroe protected important military and civilian resources located inland during both World Wars. Edgar Allen Poe was stationed and wrote poetry at the fort. Robert E. Lee lived at Fort Monroe and helped design its stone fortress, the largest stone moat fortification in America, and his first son was born at Fort Monroe. It was where Abraham Lincoln planned the assault on Norfolk—the last time a sitting President was actively engaged in a military operation. Near its shores is where the battle of the Ironclads took place. Jefferson Davis was imprisoned in a Fort Monroe casemate for 2 years after the end of the Civil War. Harriet Tubman spent time at Fort Monroe. Most importantly, in 1861 Fort Monroe became the birthplace of the Civil War-era freedom movement that would seal the fate of the end of slavery.

On the day that Virginia voted to secede from the Union, May 23, 1861, three enslaved men, Frank Baker, James Townsend and Sheppard Mallory, were in forced service to the Confederates across the harbor when they learned that their master was planning to send them deeper into the South to work on Confederate fortifications. Fearful they would never see their families again, the three escaped and fled in a small boat in the dark of night to seek sanctuary at Fort Monroe. The next

day, May 24, 1861 the Union commander, General Benjamin Butler, declared these men as “contraband” of war, an unusual legal maneuver that provided refuge for the three men and refused to return them to their owner. Soon over 10,000 enslaved Americans sought their own freedom by going to Fort Monroe and over the course of the Civil War, more than 500,000 African American women, children, and men would liberate themselves, following in the footsteps of those first three freedom seekers at Fort Monroe, leading to one of the war’s most extraordinary—and overlooked—chapters. Benjamin Butler’s Contraband Slave decision was the beginning of the end of slavery in the United States as no longer could the country go back to the status quo of slavery before the war. There were now one half a million people who had crossed Union lines and were free. Fort Monroe became “Freedom’s Fortress” and the Emancipation Proclamation became inevitable. Lincoln’s secretaries and biographers Hay and Nicolay would write “Out of this incident seems to have grown one of the most sudden and important revolutions in popular thought which took place during the whole war.”

In addition to being significantly historic, Fort Monroe is astoundingly beautiful. It is comprised of 565 acres, 170 historic buildings and 200 acres of natural resources including 8 miles of waterfront, 3.2 miles of which fronts the Chesapeake Bay.

In 2005, the Base Realignment and Closure Commission recommended Fort Monroe for closure, and the Army’s departure was set for September 15, 2011. The Commonwealth of Virginia established the Fort Monroe Federal Area Development Authority (now the Fort Monroe Authority) to serve as the “Local Redevelopment Authority” to study, plan and recommend the best use of the resources that would remain when the Army left because most of the lands were scheduled to revert to the Commonwealth of Virginia.

Early in the process, Citizens for Fort Monroe National Park represented here today by Mark Perrault and Philip Adderly, began a campaign to support of providing public access to the historical and recreational features of Fort Monroe and its continued status as a “grand public place” for Americans including but not limited to a large-scale open-space park. In the summer of 2011 Senator Mark Warner and Senator Jim Webb introduced the Fort Monroe National Historical Park Establishment Act in the Senate and Congressman Scott Rigell introduced similar legislation in the House. Hampton City Council, the Fort Monroe Authority, and countless other organizations, including the entire 17 city and county delegation of the Hampton Roads Military and Federal Facilities Alliance endorsed the concept of a National Park unit at the fort.

Nevertheless, with the Army departing in September of 2011, we were running out of time for a solution to keep Fort Monroe open to the public and at the same time, economically sustainable.

We needed quick action to create certainty about the future of Fort Monroe but after repeated trips to Washington swift reaction by Congress seemed unlikely. With our country’s economic downturn, and the loss of over 3,000 jobs on the base, the economic future of Fort Monroe was and is of the highest importance to the citizens of the region. As a result, we began to explore the possibility of an Antiquities Act designation by the President. We had an urgent need to preserve the truly vital history of the fort as well as its natural beauty.

We commenced a citizen engagement and outreach plan and our community was united in support for the inclusion of Fort Monroe in the National Park System by either legislative or administrative designation. We worked together at the city, region and State levels to urge the President to take immediate action and establish Fort Monroe as a national monument. In June 2011 there was a meeting with Secretary of the Interior Ken Salazar and 150 local stakeholders. In late July the National Park Service held two public meetings which were attended by over 800 concerned citizens seeking to preserve Fort Monroe’s diverse and important history. We had unanimous support at each of the three public meetings for the inclusion of Fort Monroe as a unit of the National Park System. The City of Hampton, Governor Bob McDonnell, Senators Warner and Webb, Congressman Rigell, Congressmen Bobby Scott, Rob Wittman, Randy Forbes and Former Governor and now Senator Tim Kaine were all united in asking the President to take immediate action. We were overjoyed when the President fulfilled our request on November 1, 2011 and designated key buildings, historic areas and miles of pristine frontage on the Chesapeake Bay as part of Fort Monroe National Monument, not only preserving one of the most important historic sites in America, but creating a great urban park and generating excitement that has already led to new investments in our City. Our park superintendent was on the ground in Hampton 2 days after the President signed the Antiquities Act order and Fort Monroe National Monument was up and running almost immediately.

The entire region was overjoyed by the President's decision. The City hosted a public celebration the following Friday at the fort complete with a live band and fireworks.

Opposition to the Bills Before the Subcommittee

I appear today before this Committee to stand in opposition of all of the bills limiting the Antiquities Act and the ability of the President to take immediate and decisive action to establish national monuments. Additional requirements or limitations on such a designation would have created uncertainty that could have hampered the economic progress and certainty around the designation of Fort Monroe that we could ill afford. Amending the Antiquities Act would take the guts out of a law that has helped protect some of America's most beloved and well known national treasures and tourist attractions. It would be imprudent to alter a law that has served Americans to protect our most important historic, cultural and natural resources for over 100 years. Ten years ago we could not have predicted we would want or need a national monument designation for Fort Monroe or even know that such a law existed. Since then we have discovered that is a critical tool for the preservation and economic sustainability for our city and region. The bills before the Committee today would prejudice the needs and desires of other American communities and foreclose on an important tool by which they can enhance the economic opportunities and the enjoyment of historic and natural resources in their area.

In the February 2011 America's Great Outdoors (AGO) Report, the President recommends the implementation of a transparent and open approach to new national monument designations tailored to engaging local, State and national interests. The Obama Administration has kept their word outlined in the AGO Report and they have worked with local governments, Congress and Governors before making a designation. In the case of Fort Monroe, we were all working together to ask the President to make the designation. I would also like to recognize the similar experiences that other communities in our Nation have enjoyed in recent years with protecting their own sites of historic, cultural and natural significance via this important public lands protection tool.

The bills up for discussion this morning will have but one result: to prevent other communities from enjoying the same kind of success that our nine communities recently enjoyed.

These bills before the Committee today are a reaction to a problem that does not exist. The Antiquities Act should remain unchanged and ready for the current and future presidents to respond quickly when Congress is unable to proceed quickly.

Requiring Congressional approval for new national monuments amounts to the complete repeal of the Antiquities Act. Congress already has the authority to designate national monuments and has done so dozens of times. Further, if Congress disapproves of a national monument designation under the Antiquities Act, it is well within its power to eliminate the designation. Of course, history has shown that designations are rarely if ever overturned. On the contrary, Congress has repeatedly and regularly validated designations created under the Antiquities Act by upgrading monuments to National Park status or expanding monuments, including ones perceived initially to have some controversy, like the Grand Canyon for example. Twenty-four of our 59 National Parks started out as national monuments and were later upgraded by Congress to parks. In fact, the only public lands bill that the 112th Congress passed was to upgrade Pinnacles National Monument, designated by President Theodore Roosevelt, to a National Park.

By requiring Congressional approval, these bills would not only strike at the core of the Antiquities Act, but would further imperil the chances that locally driven conservation proposals have for success. The perception throughout much of the country is that Congress is unable to act to protect our national treasures, and Fort Monroe provides a compelling case study for why this belief is so widespread. With the support that this proposal enjoyed from both parties locally and in DC, it was the ideal candidate for swift congressional approval. Its failure underscores one of the key roles that the Antiquities Act can play in responding to community needs and requests. In fact, *no* legislation protecting new cultural sites, historic sites, or sensitive public lands were passed by Congress last year, despite bi-partisan support for many of them.

The bills presented today requiring Congressional approval would just add to the Congressional gridlock and delays we sought to avoid, and does not serve communities in need of immediate action. The people of Hampton are certainly grateful for the actions taken in the Senate and the House with the introduction of legislation for Fort Monroe. We are proud to have a united bipartisan front at all levels of our government for the action taken at Fort Monroe. And yet, even with the overwhelming support of the community and local and statewide elected leaders, we

faced substantial roadblocks for a successful designation waiting for Congress to act. How many years or decades would we have to wait to learn the fate of Fort Monroe? On behalf of the City of Hampton, we are grateful that we don't have to wait to find out that answer.

Monuments are Good for Our Economy

Due to the successful designation in 2011 we are now able to move forward in a permanent partnership with the National Park Service. A year ago the National Park Service began working on the first phase of planning for the management of the monument while the Fort Monroe Authority began our own Master Planning process to provide a mixed-use development alongside the historic components of the monument. Without the National Monument designation, this partnership for the stewardship of Fort Monroe would not have been possible.

Since the Army's departure and the monument designation, we have seen a dramatic use in public use at the fort. The number of visitors for concerts, the beach club, the fishing areas, and historic tours in 2012 well exceeded expectations. Since the designation, visitation to the Casemate museum has doubled. One-hundred and twenty homes have been rented and commercial spaces are being occupied by the Virginia State Police, the Virginia Fire Marshall and the Marine Services Corporation. The STEAM Academy has committed to establishing a new residential school for science, technology, engineering and math at Fort Monroe. In addition to the Fort Monroe Authority's work we know that the presence of a National Park within a community creates its own economic gravity. We don't have to look far from Hampton to see the economic benefits of heritage tourism at Colonial National Historic Park at Jamestown and Yorktown. Generally, the economic benefit of a national park in a gateway community has its own additional benefits including the following:

- Across the country, national parks support \$13.3 billion of local private-sector economic activity and 267,000 private-sector jobs.
- A recent study commissioned by the National Parks Conservation Association found that every Federal dollar invested in national parks generates on average \$4 in economic value to the region.
- In 2009, as the recession took its toll on Americans' pocketbooks, national park visitation increased by nearly 4 percent, demonstrating the enhanced value of our national parks in difficult economic times.

The fact is that one of the reasons that many communities are supportive of public lands protection in general and national monument designations in particular, is because these designations provide communities with sustainable and tangible economic benefits. People across the country are demanding protection of deserving public lands, and the bills before this committee will result in those demands remaining unrealized.

Conclusion

In closing, thank you again for the opportunity to be here today and express our views on the Antiquities Act of 1906. Without this law, the future of Fort Monroe would still be uncertain and the long-term future of Freedom's Fortress would be unknown even as we commemorate the 150th anniversary of the Civil War. Thanks to the Antiquities Act, the vision of a "grand public space" and the preservation of our country's diverse and rich history at Fort Monroe will be realized.

It is also important to note that the people of Hampton were and remain completely unconcerned with *how* Fort Monroe was protected. It is of little interest to local restaurant operator or bed and breakfast owner whether Fort Monroe was ultimately protected by Congress or by the President. In the end, our community was just happy that it finally happened. In reality, many of my constituents likely are not unaware of the precise roles that the Congress or the President played in this designation, nor is it an important distinction. What my constituents do know, and are grateful for, is that Fort Monroe is now "on the map" as a world-class destination and it will draw people to our region, enrich our Nation's history, and give Hampton one more asset to attract business and investment. The designation of Fort Monroe was a positive experience for us and we are very proud to host the 396th unit of the National Park Service. Please come and visit our beautiful city on the sparkling waters of the Chesapeake Bay soon.

I do not claim to be an expert about the details surrounding every previous use of the Antiquities Act. But I do know what the recent process was like for Fort Monroe, and I can testify on behalf of local elected officials and local business leaders from the other eight monuments created by this Administration who have likewise enjoyed similarly positive experiences around the designation of their monuments

over the past couple of years. There is a real disconnect between the intent of these bills and the facts on the ground in communities like mine.

I hope that our experience at Fort Monroe, and the experience of other communities throughout the Nation will help convince you that creating additional requirements or limits to the Antiquities Act could harm communities who cannot—and should not—wait a decade or longer for Congress to take action. Thank you.

Mr. BISHOP. Thank you. I appreciate all three of you, with your testimony that you have given here.

We will now turn to questions for this. Representative Lummis, do you have questions for any of these witnesses?

Mrs. LUMMIS. Thank you, Mr. Chairman. I would like to ask our county officials—and I am really grateful that some county officials are here—what would be the effect, now that the technology exists to extract coal by taking vegetables like lettuce and tomatoes and making essentially what is tomato juice or V-8 juice, and you put it in the ground next to coal and some microbes, and the microbes eat the vegetables and then they eat the coal, and they convert it to methane gas, and then you produce the coal in the form of gas. And you can do it through directional drilling.

So, we could retrieve that very coal resource, the energy that now is locked behind the American people's closed doors because of the Escalante Staircase, we could have extracted that in the form of methane, a clean-burning gas, gotten the energy out of that resource, done it without an open pit or even an underground mine. And all of the revenue that would have been generated, and all of the energy that could have been generated, and all of the clean-burning gas energy that could have come from that is lost.

Now, what is the effect of that kind of new technology that didn't exist when the Escalante Staircase was locked up and locked away from the American people? What could that generate, in terms of jobs and income in a very, very rural area of your State?

Mr. JONES. I guess that I would like to answer that by saying if we looked at Escalante, for instance, I would love to have the opportunity to utilize that kind of technology there and help those folks.

We all have families and we all want our kids to come home and be able to work and survive, and that is just not available to those people. These jobs that you are discussing are going to bring \$70,000, \$80,000 a year in. The jobs down there at the local gas station, where people are passing through, minimum wage, \$10 an hour. I think that there is a big difference.

And then, to offset our energy needs across this Nation should be of utmost importance to this Congress, I would think, with the problems that we are having throughout our Nation. So, I would love to see that, and I think it would make a huge difference, not only in our ability to produce energy, but for the Nation, as a whole.

Mrs. LUMMIS. Mr. Chairman, for any of our witnesses, what percentage of Federal ownership of a State is enough? Anyone?

Mr. ELIASON. I don't know. I don't know what percentage is enough. When does it stop? Utah is 66 percent. We feel that is plenty.

Mrs. LUMMIS. I would like to ask our witness from Virginia. If Virginia was 66 percent owned by the Federal Government and off

limits to economic activity, what would that do to jobs and the economy in Virginia?

Ms. WARD. I am just here this morning, ma'am, to talk about the effect that the Fort Monroe National Monument designation has had on our community and how enormously positive it has been. Fifty-seven percent of the park is either under easement or ownership now, and we have seen increased economic activity and benefit to our community, as a result.

Mrs. LUMMIS. Do you have an opinion about how much Federal ownership of land in a State is enough, versus too much?

Ms. WARD. I am not an expert on what percentages of government the Federal Government should own of any State. I was just asked to testify here this morning about the Antiquities Act and how it affected our community, and what a positive impact it can have.

Mrs. LUMMIS. Well, I appreciate your suggesting that you are not an expert. Nobody can answer this question from an expert perspective. But we can all ask it or answer it from just the perspective of an American. So, just as an American, what do you think is the appropriate percentage of ownership by the Federal Government of a State?

Ms. WARD. Well, I happen to come from Hampton Roads, Virginia, which is entirely dependant upon the Federal Government for our economy. Hampton is home to the VA Medical Center, Langley Air Force Base, and NASA Langley, and Fort Monroe, and we are very grateful for the Federal Government's presence in our community, and so is the entire Hampton Roads region. In fact, I was up here with a group of leaders from all 17 municipalities yesterday at the Pentagon, a bipartisan group of municipal leaders working to retain and grow our Federal assets in our communities. So I can only speak about my local issues, and we are very grateful for the Federal Government in our community.

Mr. BISHOP. Thank you. I have a question, though. Does it depend what vegetables you put by the coal? Because I really don't like beets or parsnips.

Mrs. LUMMIS. No, Mr. Chairman. If you put the microbes down a hole, and then you feed them vegetables—literally, vegetables—they eat the vegetables, grow more microbes, and then the microbes eat the coal, and the coal produces gas, and then you produce the gas.

Mr. BISHOP. If you will take the parsnips and turnips, we have a deal working out here.

Representative Grijalva, do you have questions for these witnesses?

Mr. GRIJALVA. Thank you, Mr. Chairman. Mayor Ward, your testimony, you spoke about the urgency of now and the designation of Fort Monroe as a national monument. Do you believe that—or think that the same type of urgency applies to other landscapes in the West, with archeological resources that might be at risk?

Ms. WARD. I can only imagine, Mr. Grijalva, that with as long as it takes to get through Congress to have a bill passed, that things are at risk. And in our case, the property was reverting from the United States Army to the Commonwealth of Virginia, and many things were in flux. So we really did have an emergency, and

we didn't have 10 years to wait. So I imagine that other communities face those same sort of challenges.

Mr. GRIJALVA. Thank you. Commissioner Jones, thank you for being here. And I understand you feel burned by the designation of the Grand Staircase-Escalante National Monument. Many of us who have been on this Committee understand the controversy that was involved in that designation. However, the solution that you and others are proposing is to require congressional approval. And, as I said in my opening statement, a number of bills were before this Committee and were blocked from either getting a hearing or being considered by the Full Committee.

My question is, should we require that each of these bills that did not have a full hearing or a chance to be voted upon, that Congress must hold a hearing and a vote on every bill designated a monument?

Mr. JONES. I believe—if you are asking my opinion of what I believe—

Mr. GRIJALVA. Yes.

Mr. JONES. I believe that NEPA should take place. I think that the people's voice should be heard. It is an unreasonable thing to lock up ground in somebody else's backyard. Most—

Mr. GRIJALVA. Should they have a hearing or not? Or should they have a vote or not?

Mr. JONES. Yes, I think they should be voted upon, and I think the voice of the people should be heard.

Mr. GRIJALVA. OK. If I may again, Commissioner, a couple of quick questions and then I will try to move on.

Commissioner Jones, I am confused about the history related to the designation of the Capitol Reef. It is my understanding that Senator Wallace Bennett supported the designation of the Capitol Reef. Is that the case in that particular one?

Mr. JONES. I know that there were people who supported it and opposed it, but I don't believe that those people's voices were taken into consideration at the time that they made that designation. I know that ranchers lost grazing rights and so forth down there, and I believe that by grazing those lands it cuts down on our fire load, it cuts down on our carbon footprint, and I am a strong proponent of management so that we don't have those kinds of things.

So I think that those things should have been taken into consideration. And again, NEPA should have been done. We should have taken a look at the economic effect. That wasn't done. Those things need to be taken into consideration for future planning.

Mr. GRIJALVA. OK, thank you. Mr. Eliason, I'll ask you a kind of a similar question, because you raised the issue of Rio Grande del Norte. And, as you know, the Committee only got a hearing in this Subcommittee. And despite efforts to move the bill to markup, the refusal by the Majority to consider it. So what do you do in a case like that, or San Juan Islands? When the Majority flat refuses to move conservation measures, despite local support, what do you do in a case like that?

Mr. ELIASON. I am the same way, I think that it needs to have a NEPA study, just like anything else we do on public lands. If we change anything, we have to have a NEPA. It is important to see what the local input is, what the people that actually live and work

around that county—it is very, very important that the local people have a say in what is happening to their lands.

Mr. GRIJALVA. But as a particular piece of legislation that is before this Committee, should it or should it not receive a hearing and a vote by this Committee and the Congress?

Mr. ELIASON. I don't know if I am understanding what you are trying to say, but I think it needs to have a hearing, if that is what you are asking.

Mr. GRIJALVA. Kind of. And you brought up NEPA, and thank you for that, last week, Mr. Andy Groseta testified on behalf of the Public Lands Council before this Committee, talking about the problems with the National Environmental Policy Act and NEPA and litigation.

Among other things, as a representative of your organization, he stated, "The planning process in use by the Federal agencies is woefully broken. Planning, study, and consulting, litigating, appealing, then planning and studying more for months and even years on end, isn't working and must be changed." He went on to say one of the major impediments to fish and management is the National Environmental Policy Act. Mr. Groseta continued by supporting legislation that drastically curtails the analysis, public input, in the process of forest projects. Today you are advocating that the NEPA process—advocating the NEPA process for monument designation. Why is it an obstacle in one situation, and in this case an asset?

Mr. BISHOP. Can you give your answer in, like, 30 seconds or less? We are over time. And—yes, we will have another round.

Mr. ELIASON. One of the big things is NEPA has such a backlog. I mean, to get anything done, we are way behind and it takes way, way too much time. And that is kind of the big, big thing with NEPA.

It is cumbersome in a lot of ways. But in a lot of ways, in something like this, it needs to be done. And if I want to put a water project across the BLM, I have to have a NEPA. We all need it. Even though it is troublesome and that, it still needs to—

Mr. BISHOP. OK, thank you. I appreciate that. Representative Daines, do you have questions for this panel?

Mr. DAINES. Thank you, Mr. Chairman. And, Mayor Ward, I appreciate your comments, too, on the economic impact. And we have seen a positive impact on Little Big Horn Battlefield and Pompey's Pillar. These are 50-acre and 700-acre tracks. My concern is these large, sweeping hundreds of thousands of acres, even millions of acres, abuses that we have seen now from President Clinton and this leaked memo that came from President Obama.

This might be for Commissioner Jones. From what I have heard and what you said, some of the challenges for the local counties is the economic impact of some of these monument designations, for better or for worse. Locking away lands for future use, grazing, mineral development, not only keeps future generations from having access to those job opportunities, or prevents ranches from staying in family ownership, but also local businesses like grocery stores or farm supply stores that support these industries.

Another side effect that may be unrealized to many is when ranchers move away from small towns in Montana, the local coun-

ties lose their much-needed volunteers for the fire department, members of school boards, and other community organizations. So there is a documentary that Montana PBS put together several years ago called "Class C: The Only Game in Town." It is about our dying small towns' Class C basketball, the story of some girls' basketball teams from beginning to the end of the season. But the real story is these dying Montana communities, because people are moving away for lack of opportunity.

What we find in our State, in Montana, is the community, not just the land, creates the value of the resource. Better jobs mean children get to stay home in their home State, because they can get a good job there in Montana.

It is clear to my counties in Montana—in fact, one of my county commissioners from Phillips County, Leslie Robinson, she also serves as the Chair of Montana Association of Counties Public Lands, and the Vice Chair of a Public Lands Committee, she said this, and I quote, "Too often the executive branch has abandoned the original intent of the Antiquities Act by threatening to unilaterally set aside lands without allowing Montanans to have a voice in such decisions. To truly be successful, any effort has to have local support, and has to be driven by the local communities that are impacted by it. Decisions can't be driven from the top down."

Mr. Jones, could you expand a bit more on what a unilateral designation impact has had on your county?

Mr. JONES. On my county?

Mr. DAINES. Yes.

Mr. JONES. I guess the one impact that comes to mind is when President Clinton signed an executive memorandum for Roadless Forest. It was October the 13th, 1999. Looking at that executive memorandum, we have to go back now and declare what was the damage that has been done. At that time we had two working saw mills and about 160 jobs in my county that was supported from those forest lands. Today those saw mills have been sold off. At that time those horse lands were pristine. They were green and beautiful. Today they are dead.

Last year we burned 49,000 acres between Carbon and Emory County. Those are jobs that could have still been secure today. That carbon footprint that we received from that forest land could have been annihilated and we could have used the lumber and maybe biomassed some of that timber that has gone to waste for future energy. Instead, we are taking that carbon footprint on. So, one man's signature changed our lives completely in the forestry area.

That is the same thing that happens when we have one man's signature that locks up land for eternity without the NEPA process. We have no value, we don't understand what the future is going to be, and we don't know what we are losing. It is just, "I have got an idea, I think I would like to preserve this as it is forever."

What is the coal worth in Escalante? Two billion dollars in royalty fees, but how many families could have worked there, 200, 300 miners? What would that have done for our energy corridor across this Nation? And it would have made a stable environment, not only for those miners, but the trickle-down effect, I believe, would

be over 400 more jobs. That community would have been secure today, and not losing its schools. But Utah falls underneath a situation to where we are governed by the Federal Government because of the amount of Federal land in our State, and our schools suffer because of that, because we can't build those tax bases.

Mr. DAINES. Thank you, Mr. Jones. Mr. Eliason—and thank you for wearing your hat today, I feel right back at home. And I thank you for your testimony today. And please know that many of the ranchers in Montana share your concerns.

I am interested in the effect of land designations in your day-to-day operations. Could you describe the effect of management of your ranch, due to the national monument designation? How do you think it might affect water management, fencing, feeding, or haying?

Mr. ELIASON. It greatly affects it. I have a friend that was a sheep operator down at Staircase Escalante. He had a sheep camp that he would pull into the area, and then his sheep would graze around it for a week, and then they would move it further. The owner would come in and resupply him, bring his pickup in, bring food and check on him. Now that same operator, they made him go to using a tent. His herders had to go in, they use tents. To resupply the camp they had to use pack trains that come in. After a few years he couldn't keep herders, he just had to give up.

And that is the way it is with cattle. It's hard to maintain water developments, hard to maintain fences. And the regulations—it just becomes a different ball game, and it is very restrictive. Once it becomes a monument, those permits basically become almost worthless.

Mr. DAINES. Thanks, Mr. Eliason.

Mr. BISHOP. Thank you. I appreciate that. Mr. DeFazio, do you have questions?

Mr. DEFAZIO. Yes, Mr. Chairman. Commissioner Jones, you just said something that I just would take some issue with. You said monuments are for eternity. Do you recognize the gentleman in the large portrait there in the middle of the wall?

Mr. JONES. I don't recognize him.

Mr. DEFAZIO. That is Jim Hansen, former Chairman of the Committee, from your State. And he was Chairman of the Committee after the designation of the monument. He never did, but he could have, introduce a bill to repeal the monument. I am not aware that anyone has ever repealed a monument, but they can be. It can be overridden by a future President, it can be overridden by the Congress.

So, if something were done that was considered particularly egregious and enjoyed popular support, there would be recourse. They aren't for eternity. I mean even wilderness isn't for eternity. It is a statute passed by Congress. But a future Congress could overturn it. It is not constitutional. So, I would just take a bit of issue there.

You know, Mr. Chairman, I had a very different experience with the Antiquities Act in Oregon, and I find some value in the Antiquities Act, which has been used—began with a Republican President and has been used by Presidents of both parties. I am not aware of—if there was some secret plan I haven't—don't know

about by the Obama Administration, but I think there was very little controversy in the monuments they recently designated.

And back during the Clinton era, Secretary Babbitt chose a particularly unique area of Oregon—not in my district; in Greg Walden’s district in far southeast Oregon—the Steens Mountains. And he proposed that it become a national monument. And what we did in reaction to that was, instead of saying, “Heck no,” is that the delegation got together, principally myself, Representative Walden, Senator Smith, with some participation by Senator Wyden and occasionally by Representative Blumenauer, and we had a series of meetings in my office.

And we ultimately hammered out an agreement between all of us and Secretary Babbitt for this particularly unique area. And we sat in my office just across the street, the bells were ringing and I said, “I am not going to any votes, and I hope, Greg, you are not going to votes. We are going to stay here, go through this section by section, we are going to figure this out,” and we did. And I think that was what I would call an Oregon solution. We had something of extraordinarily unique national value, something very precious to Oregonians, but also an area which is important for other uses, grazing and others among them.

So, we ended up with 170,000 acres of wilderness and 428,000 acres of the Steens Mountain Cooperative Management and Protection Area. And it actually went through this Committee, it had hearings, and became law.

So we have had a different experience. And I would suggest that maybe there is a different route here than just saying we are going to remove this tool from future Presidents is to be proactive when a President has an idea about a unique area or a monument. Try and bring in and accommodate the local interests as you move forward, and also protect the national interests.

And I think, you know, that it would be—you know, to take away this tool, again, I haven’t heard any controversy about the ones most recently designated by this President. He may have others pending that I am not aware of that are more controversial. So, you know, I would hope that we approach this in a way that recognizes there are two sides to this issue. Thank you, Mr. Chairman.

Mr. BISHOP. Thank you, I appreciate that. If you will give me permission, I would like to ask a few questions here.

Commissioner Jones, what public process were elected officials involved in, in the creation of the Grand Staircase-Escalante Monument?

Mr. JONES. There was none. We——

Mr. BISHOP. When did——

Mr. JONES. I actually found out about it the day after, but——

Mr. BISHOP. Wait, wait, wait. That is my next question.

Mr. JONES. OK.

Mr. BISHOP. When did you find out about it?

[Laughter.]

Mr. JONES. I found out about it the day after. I read it in the paper. I don’t believe that Utah was even informed at all. They went to another State, told the people they were doing it. We weren’t involved. And that is why I said that it was kind of—you know, it is kind of a back-door deal.

Mr. BISHOP. Thank you. And thank you for representing the National Association of Counties here, as well.

Mr. ELIASON, what is the status of grazing in Grand Staircase?

Mr. ELIASON. Seriously decreased.

Mr. BISHOP. Did your organization have any input into the declaration?

Mr. ELIASON. Not a bit.

Mr. BISHOP. Prior to the designation, were public land users alerted there could be a change in their usage, due to the designation?

Mr. ELIASON. No.

Mr. BISHOP. So when did you first realize this happened?

Mr. ELIASON. After—shortly after it was announced.

Mr. BISHOP. Can you just give the Committee a couple of quick examples of Federal activities which you or members are engaged on the current Federal lands that require the NEPA process?

Mr. ELIASON. Everything we do, it seems like, on the national public lands, we have to do a—every 10 years we have to have a NEPA to renew our permits on grazing. If we are putting in a new development such as fences or troughs, we have to have new NEPAs done on it before—

Mr. BISHOP. Is there a requirement for size or acreage in—before the NEPA will flip in on your actions?

Mr. ELIASON. No.

Mr. BISHOP. So whatever happens, happens.

Mr. ELIASON. Yes, that is right.

Mr. BISHOP. Mayor, I appreciate you being here and I am glad you had a good experience with the Antiquities Act. Obviously, that is not a universal experience that people have had. I understand Fort Monroe was BRAC'd, right?

Ms. WARD. Yes, sir. That is correct.

Mr. BISHOP. So I think that is the first thing we need to remember, is if we are actually going to do another BRAC again, much of what is military usually ends up in some other form of a Federal inventory. So the Department of Defense may actually lose—lower their cost, but the taxpayer doesn't lower the cost, they still get to keep the property.

When the proposal for the BRAC was there, was your city opposed to it?

Ms. WARD. Oh, absolutely.

Mr. BISHOP. So what did you do about it?

Ms. WARD. Well, I wasn't mayor at the time, but the city did attempt to lobby and prove that Fort Monroe was vital to our community and it was important to the Department of Defense's mission and the Army's mission.

Mr. BISHOP. And were you able to stop the process?

Ms. WARD. No, sir.

Mr. BISHOP. So it still got BRAC'd.

Ms. WARD. Yes, sir.

Mr. BISHOP. So let's make a scenario here. What would happen if the President had designated Fort Monroe—which, by the way, I have been to; it is a nice place—had designated Fort Monroe as a monument, but the public could only view the fort from a distance of 5 miles in order to preserve the site, the pristine nature

of the site? There is some precedent in that kind of an experience. How would that work with your community?

Ms. WARD. Well, sir, the community was involved from the very beginning.

Mr. BISHOP. No, no. If the President had done that, how would your community react to that?

Ms. WARD. Well, I don't think it is fair to ask me to comment on something that didn't happen.

Mr. BISHOP. All right. So you wouldn't be opposed to that if it were to take place.

Ms. WARD. No, sir. We had a very open and—

Mr. BISHOP. So if we had—and I know the process is open. It is unique to you. If we actually had a bill here to say you can't go within 5 miles of the site, would your community be OK with that?

Ms. WARD. Actually, sir, the quality of the water and the beauty and the natural resources are so important and vital to the health of the Chesapeake Bay in our community, I actually think there are some people that would be in support of it just staying pristine and green.

Mr. BISHOP. All right. See, the issue here is that you all have some community input into it. Others did not. So we are not here trying to write legislation for what was good and keep that going, we are here to make sure that every process has that input before.

I am sad that Representative DeFazio left, because he was wrong in what he said. The bills here do not remove a tool from the President, they try to reform a tool for the President, to make sure there is public involvement every time a President tries to create a national policy.

What they did for Oregon was after the fact. It was nice, what they did in Oregon. But wouldn't it have been better if they had done that process before the designation, so that people in Oregon actually had that concept?

You were one of the lucky ones, and I am happy for that. It is great. But other areas have not been lucky. And I think what the legislation before us today is trying to say is everybody should be forced to have a chance of doing it. Every agency of Government has to go through NEPA, as bad as the process is. Congress has to go through, every agency has to go through NEPA. It is wrong that only the President doesn't go through NEPA. And if the President engages the other elements before the process, then the President would have to do it. But if he does it in the dark, whether he had these meetings or not, if he does it in the dark, as he did in Grand Staircase-Escalante, he is limited—and the solicitor's report said the same thing he doesn't have to go through NEPA.

What we are talking about is NEPA is the process that allows people to have a say everywhere. Not just in your community, but everywhere. And that is the right thing to do. I just went over 6 minutes, so I cut myself off.

Representative Grijalva, do you have other questions?

Mr. GRIJALVA. Yes. Commissioner Jones, you stated that the designation of the monument devastated the economies of Kane and Garfield Counties and the lifestyles of the people that live there are also negatively affected. We have businesses that have become national or international success stories as designations, in par-

ticular, we have a cookbook from one of them, Hell's Backbone Grill, a local business that has become, like I said, national, international designation. When you read the story about Blake Spalding and Jen Castle's journey as business people and community members, it seems that the community has come to embrace the monument and the tourism that it brings to the area. Your assessment about the destructive effect, do you think the Escalante Chamber of Commerce or the people of Boulder, Utah would agree that that devastation has occurred?

Mr. JONES. I know that the commissioners would. I spent time with them last week. They told me that the school is in danger of closing because the communities are shrinking, that jobs there are in a lower pay scale than previously before, when mining and so forth was in the area. And so we have seen our wage sector has gone down, the schools shrinking, less jobs, your kids can't come back to your community and work, the jobs aren't available. Yes, I think that that is definitely a negative—

Mr. GRIJALVA. But those—

Mr. JONES [continuing]. And I think that, economically, the jobs that have been brought in by tourism pays 50 percent of what those other jobs paid.

Mr. GRIJALVA. And so, the Chamber would echo your opinion, that it has been devastated?

Mr. JONES. I believe that they would. I am positive that the Commission would, the county commissioners who oversee the county, understand taxation and the value of things that are happening in their area.

Mr. GRIJALVA. You know, the NEPA process is required when Federal action might make a permanent change to a public resource. The national monument designation, as we learned, is not a permanent change. And what is permanent, I think in contrast—and you have mentioned, Commissioner, the economic impact as being a determinant—should be a key determinant in designation.

So, what can be permanent, in contrast, is the destruction of wildlife habitat, what is permanent is the destruction of watersheds, the permanent destruction of historical and cultural resources that we would then go through a more public and detailed review process for Federal actions that would require analyzing this permanent loss of these resources. That makes perfect sense to me. Do you, following the scenario of the NEPA process, do you believe or do you feel that those items that I listed as possible permanent losses need to be factored in, as well?

Mr. JONES. I think so. If I got your question right, I believe that the NEPA process is set up to tell you what damages are going to take place, and it gives us the opportunity to rectify those problems. It is not set up to determine which damages did take place. I think you are supposed to talk about the value, the economic value, and things like that. I mean whenever you talk about watersheds that are damaged, most of those small communities down through there—

Mr. GRIJALVA. OK.

Mr. JONES [continuing]. Were relying on those watersheds for water, and now they don't have access to them.

Mr. GRIJALVA. I want to think that you are saying that the NEPA process is an important, integral part and that is why you support it as part of a designation, even though a designation, as we learned, is not a permanent action. And I listed those permanent actions that fall under NEPA that could have an adverse effect on all those sectors.

And I think, as I said earlier, it is either an obstacle or an asset, NEPA. And in this case you describe it as an asset, Commissioner. Across the board, I would agree with you. But I don't think we can be selective as to when the NEPA process is an asset or when it is an obstacle. It is there for that point. And I support the NEPA process because it takes into account all those other factors, and just doesn't knee-jerk a particular need at a particular time. I yield back.

Mr. BISHOP. Thank you. And I thank you for supporting my bill with that. That is a really good thing on the NEPA process.

[Laughter.]

Mr. GRIJALVA. The subtlety that I used.

Mr. BISHOP. Representative McClintock, do you have questions for this panel?

Mr. McCLINTOCK. Thank you, Mr. Chairman. I first learned of the National Antiquities Act of 1906 when I represented Modoc County, a very small, very impoverished, and very rural county at the extreme northeast corner of the State of California. They have suffered—despite being one of the most mineral-rich and resource-rich parts of our country, they have been strangled by Government restrictions to the point where their unemployment rate runs roughly twice the unemployment rate of the State of California, which, as you know, has the highest unemployment rate of any State in the country.

With that, the Administration, at the beginning of its term, began talking loosely about declaring 3 million acres of Modoc County, totally off limits, as a national monument under the Antiquities Act of 1906. And we find, as I am sure you have discussed before my late arrival, was a measure adopted as an emergency power to protect small archeological sites from looting. To go from that to, just with a whim, setting off 3 million acres of land off limits for all time is pretty much a stretch.

I would just like to know what is the best way for these bills to put that genie back in the bottle? How is a government that is granted limited power to act in an emergency to protect an archeological site that is under imminent threat, how does that grow from that to just setting aside 3 million acres at whim?

Mr. JONES. For me, I think that it is a misuse of that power. And that is why I believe that the people's voice should be heard. The people that have testified here today, most of them had public input involved in their process. They got to say, "Hey, you know, I think this, or I think that." We never received that. I don't know if you did. But under the NEPA process, we would know the value of the land, what is on the land, how it is going to be managed, and those kind of things, in advance.

I think that is important, that the people's voice says, "Hey, if we don't graze that land, we are going to have a fire load in the future". I mean the State of Utah rates number four in AUMs in

the Nation on Federal land. That is a very important part of our economy. When you lock lands up like Escalante, and it is so far across that your cattle lose weight before you get to your grazing area, it is not very usable if you can't ship your cattle in there.

So, I think that is a misuse of the power, and I think the people's voice should be heard.

Mr. McCLINTOCK. I fear that we are drifting far from that concept of a Nation of laws and not of men, and reversing that to becoming a Nation of men and not of laws. When the law says that the President has emergency authority to set aside land to protect against looting, to the point where he can just use that authority for 3 million acres to be set aside—I don't know how many are involved in the land grab that you are here about, but I suspect it is substantial—it seems to me we are in danger of becoming a lawless government, where whatever we say in the law, the President does what he wants.

Mr. JONES. I support that attitude. I believe you are exactly right.

Mr. McCLINTOCK. Mr. Chairman, you were on a roll. I would be happy to yield back the remaining time to you.

Mr. BISHOP. Thank you, I appreciate that. Let me just finish with a couple of quick questions here, and then we will be done. And once again, I appreciate you all being here.

First of all, I appreciate some of the things you have said. Commissioner, you have talked about or have been asked about the economy that takes place, and recreation has a role and a function in helping to build economy. Can recreation simply replace the resource-based economy?

Mr. JONES. No.

Mr. BISHOP. Do you get royalties from Black Diamond?

Mr. JONES. No, we don't. The offset is huge. I mean you are just over minimum wage when you are talking about working in stores, and things like that. If you are working in a coal mine, you could probably make \$80,000, \$90,000 a year.

Mr. BISHOP. Yes.

Mr. JONES. And so, if you are going to compare those two economies, that coal mine job supports a whole lot of those other jobs. You would have to have a huge tourism base to even support the jobs that would come from the coal mine.

Mr. BISHOP. Mr. Eliason, you also mentioned very briefly—and we will just re-emphasize it one more time—what the impacts on adjacent lands from lack of Federal management should take place, especially with risks of wildfire.

Mr. ELIASON. That is the big thing, is the fire. And sometimes when the land is not grazed, the elk and the deer will actually move off those lands to go on to places where they are grazed. And so sometimes it has quite a big influx of wildlife.

Mr. BISHOP. Let me be patronizing here, and ask all of you three just the reaction to my particular bill, the concept is that it doesn't have to be either/or. You can easily create conservation and energy development if you go through the process ahead of time and plan for that, which I truly believe.

I also realize that of the 660-plus million acres the Federal Government owns, 435, 450 of those, roughly, are already in some kind

of conservation system. They cannot be developed. It is only about 38 million acres that actually are developable, that the Federal Government has in its inventory.

The particular bill I have says if there is an emergency situation, the President can go ahead and use the Antiquities Act and designate something that is under 5,000 acres—5,000 acres is the minimum to create wilderness. The President can go ahead and designate that at will, but within 3 years he must come to Congress to continue on. Anything over 5,000, the President has to use the NEPA process, which requires him to involve the public and the community in the planning process ahead of time, which obviously, using that NEPA process is what the Interior Department would do if they were to make the same kind of proposal.

Can I just ask your reaction, going down the row, for that particular approach to it? Actually, you said it earlier, but would you say it again to make me feel good, Commissioner?

Mr. JONES. I support you 100 percent on that. It is important that the people's voice is heard.

Mr. BISHOP. Mr. Eliason, who may be a relative?

Mr. ELIASON. Absolutely. We support you 100 percent.

Mr. BISHOP. Mayor Ward?

Ms. WARD. Chairman Bishop, I believe, personally, that the Antiquities Act has worked for over 100 years, and that it is a vital tool in our toolbox, and I would hate to see it modified. And it was very important to my community and it worked in other communities, as well.

Mr. BISHOP. Mayor Ward, are you listening to any of the other testimony about Grand Staircase?

Ms. WARD. Of course, sir.

Mr. BISHOP. And you can still say it has worked in every situation?

Ms. WARD. I didn't say it worked in every situation. I think it works in many situations, and it certainly worked in ours.

Mr. BISHOP. So if we want it to work in every situation, should it not be required that the President, who right now can do anything in private, has to do it in an open process?

Ms. WARD. Well, sir, I would just say I have not reviewed every national monument designation, and I am not familiar with the facts of every monument designation. I just know what we were put through, in terms of public process and public comment and community input, and that I saw the process work.

Mr. BISHOP. Great, and I am happy for you. It worked for you. But on the BRAC process it did not work for you. You opposed and you couldn't stop it. That is the difference. That is the difference in making a decision before public input and after public input. And as we have seen in other areas, not just in my State but in other States, this process has not worked, it has been abused. And I am sad to say it has been abused by Republican Presidents as well as has been abused by Democrat Presidents.

This Antiquities Act was created in 1906, when there were almost no other environmental laws or other laws to which you could have used. You could, for example, have appealed to the Archeological and Resource Protection Act, the National Historic Preservation Act, the Native American Grave Protection and State Antiquities Act.

uities Act. All of those you could have used to try to create something positive in Fort Monroe, and none of those existed in 1906. NEPA, ESA, everything else did not exist in 1906. It has been 100 years. We have abuse of the system. It is time it was reformed.

It is not an effort to remove the tool, it is simply to reform the tool to make sure that people have a chance to say what is going on and have input into the system, which flatly did not happen in Grand Staircase-Escalante, where they made the decision ahead of time. On the morning of the decision they were still calling the Governor of Utah and leading him on as if they were going to be talking about it. At 4 a.m. they asked for his input. At noon, they designated a monument without his input. That is the problem, and that is what we are trying to fix.

I appreciate all of you for being here. I appreciate all of your testimony, those who have come here. There may be times where other Members have additional questions they maybe ask of you. We ask you to be prepared already to give us, within a relatively short period of time, a written response to any questions that may be given to you. The hearing record is going to be open for 10 days to receive any response or any questions or answers.

I want you to know how much I do appreciate your willingness to come up here and give us your testimony and suffer the abuse of the Committee. It is very kind of you to do that. Hopefully we can move forward in some particular way.

Mr. McClintock, unless you have anything else, I appreciate the Members of Congress who have been here and participated in our discussion today, as well as all the other bills.

And with that, the gavel is up here and I can't reach it because my Kleenexes are in front of it. So the Subcommittee is adjourned. [Whereupon, at 12:15 p.m., the Subcommittee was adjourned.]

[Additional Materials Submitted for the Record]

PREPARED STATEMENT OF THE HONORABLE MATT CARTWRIGHT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Thank you, Chairman Bishop and Ranking Member Grijalva, for organizing this hearing. The Antiquities Act is an important tool and I am glad that this Subcommittee is shining a light on the process of protecting Federal lands.

Under the Antiquities Act of 1906 the President is given the authority to declare Federal lands as a national monument. After this distinction, the lands are granted an additional layer of protection from development and mining. This privilege only applies to lands which are federally owned, and cannot be used to seize State or private lands.

Unfortunately many of the bills before us today intend to add a barrier to the executive branch's ability to protect these under the Antiquities Act. H.R. 250 seeks to require an Act of Congress to designate a national monument, while H.R. 432, H.R. 758, H.R. 1434, H.R. 1439 and H.R. 1512 would require congressional authorization for such claims in an individual State. Finally H.R. 1459 would inadvisably and incorrectly apply the NEPA process to the Antiquities Act and unnecessarily delay the protection of lands.

The proclamation of lands as national monuments is a basic Presidential power which has existed for over a century. All but three Presidents since Teddy Roosevelt have declared national monuments.

The fact is that partisan gridlock in Washington has inhibited our effectiveness and we are not protecting our Federal lands. Getting a piece of legislation through both Chambers of Congress is a tough task even in the best of times, and we cannot afford to wait on Congress to act to protect our most important resources.

The 112th Congress, and thus far the 113th, are the poster children for Congress's inability to protect these lands. Not a single acre of land was protected by these

Congresses. The new national monuments that President Obama has protected through the Antiquities Act all were bills introduced last Congress, and none of them were passed, with this Committee refusing to even hold a hearing on one of the proposals.

There will be serious economic consequences if the Federal Government's ability to efficiently designate national monuments is impaired as these bills before us attempt to do. Studies have shown that local economies experience either continued or expanded growth following the designation of a national monument, and there has not been a recorded instance where an economy regressed.

Additionally, examples in Utah, Idaho, Montana and New Mexico illustrate across the board increases in employment, personal income, and per capita income. However the bills today would limit the President's authority to protect lands in these States.

The Antiquities Act gives the President an important authority to protect our national treasures quickly and effectively. Congress, or a future President, can easily undo the designation at any point. What often cannot be undone is the development and destruction that can occur if the lands are not protected. The bills before us today that seek to put up barriers to the utilization of the Antiquities Act undo over 100 years of a common and bipartisan practice and take our country in the wrong direction.

Thank you Mr. Chairman.

PREPARED STATEMENT OF THE HONORABLE PETE P. GALLEGOS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

H.R. 885.—TO EXPAND THE BOUNDARY OF SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK, TO CONDUCT A STUDY OF POTENTIAL LAND ACQUISITIONS, AND FOR OTHER PURPOSES

Chairman Bishop, Ranking Member Grijalva, and members of the Committee:

Good morning and thank you for the opportunity to speak in support of H.R. 885, the San Antonio Missions National Historical Park Boundary Expansion Act of 2013. I am pleased that the Committee is considering this bill and I encourage passage when brought for consideration to the U.S. House of Representatives Floor.

This bill will expand the boundary of the San Antonio Mission National Historical Park, including the Espada Mission within the 23rd Congressional District of Texas, and conduct studies for redevelopment on the south side of San Antonio, Texas in the future.

Historical Value of San Antonio Missions

The missions began in the early 1700s, decades before America claimed its independence from the Crown. The community has come together to preserve history and significance to the region. We can enhance the opportunities to protect key areas, preserve the historical significance, and cultivate the Missions by expanding the boundary.

The San Antonio River, which meanders through the city, is the link between the missions. The Espada Mission, which serves as a book-end to the 23rd Congressional District of Texas area, is one of the last pieces, extending out to the furthest mission. The community—including key stakeholders and Representatives from both sides of the aisle—have come together to acquire this piece of land that they wish to give over the National Park Service, to complete the trail between the missions.

Mission Espada, is arguably the most historically significant of the missions. It was originally established in 1690 as San Francisco de los Tejas. It moved to its current location and changed its name in 1731 to Mission San Francisco de la Espada. A Friary was built in 1745 and by 1756 the mission was completed to how we know it today. Additionally, it maintains the aesthetics it had centuries ago. It is the only San Antonio mission where bricks and tiles were made on site.

In addition, it has a history similar to that of the Alamo. Mission Espada survived a fire and Comanche raid in 1826 that destroyed most of the buildings, livestock, and cornfields.

The historical value of the Missions is important. Enacting this legislation is vital to help complete the world famous San Antonio Mission Trail. The missions of San Antonio individually are marvels of history and considered true treasures to the community and me. The missions are inextricably tied to the rich culture of our community, and after many years, families still regularly congregate there. Together, in San Antonio, the four missions that are all within several miles of each

other create a rare instance where manmade structures have withstood the test of time.

Economical Value of San Antonio Missions

Additionally, the entire San Antonio Mission trail is an example of public and private cooperation. The Park Service could not operate without the contributions of time and money from the local community. On the same token, the community needs the knowledge and resources the National Park Service can provide to preserve these community treasures.

Adding to its value is its location. The mission is tucked away in an area of the city that could use developments and increased tourism to add economic value. With already more than 1.2 million people who visit the mission trail, we can increase this number to ensure its preservations.

I strongly ask for your support of this bill. As the Representative for Espada Missions and as a personal fan of the missions and history in general, I believe the National Park Service and the community of San Antonio will benefit historically and economically with passage of this bill.

If I can be of any further assistance, please don't hesitate to ask. Thank you.

PREPARE STATEMENT OF THE U.S. DEPARTMENT OF THE INTERIOR

CONCERNING EIGHT BILLS TO AMEND THE ACT POPULARLY KNOWN AS THE ANTIQUITIES ACT OF 1906.

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Administration on eight bills—H.R. 250, H.R. 382, H.R. 432, H.R. 758, H.R. 1434, H.R. 1439, H.R. 1459 and H.R. 1512—to amend the Act popularly known as the Antiquities Act of 1906 (“Antiquities Act”).

The Administration strongly opposes these eight bills. The Antiquities Act has been used by Presidents of both parties for more than 100 years as an instrument to preserve and protect critical natural, historical, and scientific resources on Federal lands for future generations. The authority has contributed significantly to the strength of the National Park System and the protection of special qualities of other Federal lands—resources that constitute some of the most important elements of our Nation's heritage. These eight bills, which would limit the President's authority in various ways, would undermine this vital authority.

In addition, the Administration notes that four of the eight bills were introduced within the last week. Such a short period of time between bill introduction and the hearing does not afford the Administration sufficient time to fully review the introduced bills. Our position is based on the assumption that the introduced versions of the bills are identical to the texts of the bills that were shared with the Department of the Interior prior to their introduction.

Of the eight bills under consideration, H.R. 432, H.R. 758, H.R. 1434, H.R. 1439, and H.R. 1512, would bar the use of the Antiquities Act to extend or establish new national monuments in Nevada, Utah, Montana, Idaho, and New Mexico, respectively, unless authorized by Congress. H.R. 250 would require Congressional approval for national monuments designated by the President and would be applicable to designations in any State. H.R. 382 would require the approval of a State legislature and Governor before the President could designate a national monument and would prohibit restrictions on public use of national monuments until there is a public review period and State approval of the monument.

H.R. 1459 would make several changes in the Antiquities Act, including requiring the President to consider proposals for national monument designation subject to the procedural provisions of the National Environmental Policy Act of 1969 (NEPA), allow for designations of less than 5,000 acres to expire after 3 years unless enacted into law, and limit the President to one declaration per State during any 4-year term of office without an express Act of Congress. While land management agencies typically use the NEPA process in their development of management plans for new national monuments, this application of NEPA to a discretionary decision by the President would be unprecedented and extraordinary because the President is not a Federal agency.

The use of the Antiquities Act was addressed in some of the listening sessions associated with the America's Great Outdoors initiative in 2010, and the public voiced strong support for the designation of unique places on Federal land as national monuments. As a result of this public input, one of the recommendations of the America's Great Outdoors report, issued in February 2011, was to implement a transparent and open approach in the development and execution of new monument designations. The Administration supports conducting an open, public process that

considers input from local, State, and national stakeholders before any sites are considered for designation as national monuments through the Antiquities Act. All national monument designations respect valid existing rights on Federal lands and any other relevant provisions of law. National Monument designations only apply to lands owned or controlled by the Federal Government.

The Antiquities Act was the first U.S. law to provide general protection for objects of historic or scientific interest on Federal lands. In the last decades of the 19th Century, educators and scientists joined together in a movement to safeguard archeological sites on Federal lands, primarily in the West, that were endangered by haphazard digging and purposeful, commercial artifact looting. After a generation-long effort to pass such a law, President Theodore Roosevelt signed the Antiquities Act on June 8, 1906, thus establishing the first general legal protection of cultural and natural resources of historic or scientific interest.

The Antiquities Act set an important precedent by asserting a broad public interest in the preservation of natural and cultural resources on Federal lands. The law provided much of the legal foundation for cultural preservation and natural resource conservation in the Nation. It created the basis for the Federal Government's current efforts to protect archeological sites from looting and vandalism.

After signing the Antiquities Act into law, President Roosevelt used the Antiquities Act 18 times to establish national monuments. A number of those first monuments include what is now known as Grand Canyon National Park, Petrified Forest National Park, Chaco Culture National Historical Park, Lassen Volcanic National Park, Tumacacori National Historical Park, and Olympic National Park.

Since President Roosevelt, 14 U.S. presidents have used the Act over 150 times to establish or expand national monuments. Congress has redesignated many of these national monuments as other types of national park units. Some of our most iconic national monuments established by Presidential proclamation include Devils Tower, Muir Woods, Statue of Liberty, and Acadia National Park. The National Park Service currently manages 78 national monuments. The Bureau of Land Management also administers 19 national monuments designated by Presidential proclamation, including Agua Fria in Arizona and Canyons of the Ancients in Colorado, which preserve significant archeological sites, and the Fish and Wildlife Service administers four national monuments.

Most recently, on March 25, 2013, President Obama used the Act to issue proclamations that established five national monuments, three of which are now part of the National Park System: Charles Young Buffalo Soldiers National Monument (OH), First State National Monument (DE), Harriet Tubman Underground Railroad National Monument (MD). President Obama also used the Act to establish two monuments that will be managed by the Bureau of Land Management: Rio Grande del Norte National Monument (NM) and San Juan Islands National Monument (WA). In these cases, the Department engaged in discussions with national, State, local, and tribal stakeholders, and each monument enjoyed a broad spectrum of enthusiastic support.

Without the President's authority under the Antiquities Act, it is unlikely that many of these special places would have been protected and preserved as quickly and as fully as they were. As Congress intended when it enacted the Antiquities Act, the statute provides the necessary flexibility to respond quickly to impending threats to resource protection, while striking an appropriate balance between legislative and executive decision making.

The Antiquities Act has a proven track record of protecting-at critical moments- especially sensitive Federal lands and the unique cultural and natural resources they possess. These monuments have become universally revered symbols of America's beauty and legacy. Though some national monuments have been established amidst controversy, who among us today would dam the Grand Canyon, turn Muir Woods over to development, or deny the historic significance of Harriet Tubman's struggle against slavery? These sites are much cherished landscapes which help to define the American spirit. They speak eloquently to the wisdom of retaining the Antiquities Act in its current form.

Mr. Chairman, thank you for the opportunity to present the views of the Administration.

H.R. 885—SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK BOUNDARY EXPANSION
ACT OF 2013

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Administration on H.R. 885, to expand the boundary of San Antonio Missions National Historical Park (Park), to conduct a boundary study of potential land acquisitions, and for other purposes.

The Department supports H.R. 885. While the Department supports the boundary study authorized by this legislation, we feel that priority should be given to the 31 previously authorized studies for potential units of the National Park System, potential new National Heritage Areas, and potential additions to the National Trails System and National Wild and Scenic Rivers System that have not yet been transmitted to Congress.

H.R. 885 would amend Section 201 of Public Law 95-629 to direct the Secretary of the Interior (Secretary) to conduct a study of lands in Bexar and Wilson Counties to identify lands that would be suitable to include within the boundaries of San Antonio Missions National Historical Park (Park). The study would examine the natural, cultural, recreational, and scenic values and characteristics of the land. We estimate that this study will cost approximately \$350,000.

H.R. 885 would also expand the boundary of the Park by approximately 137 acres, all of which are currently being managed by the National Park Service (NPS). Of the 137 acres, 118 acres are either owned by the United States and managed by the NPS, or are being managed by the NPS under a cooperative agreement and are in the process of being donated to the Park. The remaining 19 acres are currently, and will continue to be, managed through a cooperative agreement with the land owners, the City of San Antonio and Bexar County, that protects the cultural landscape, ensures public access, and provides for greater interpretation of the historical and architectural values of the Park.

The Park's authorizing legislation allows for the acquisition of new lands outside the Park boundary and allows the Park to enter into cooperative agreements to preserve historic properties and provide for visitor access and interpretation. However, the Park does not have authority to expand the Park boundary to include those lands, which is why this legislation is necessary. Because the park currently manages the 137 acres that would be included in the new boundary, H.R. 885 will not result in increased operational costs.

The Park preserves a significant link to Mexico and Spain that has influenced the culture and history of the United States since before its inception. San Antonio, Texas, is now the seventh-largest, third-fastest growing city in the United States. The city grew 68 percent between 1980 and 2007 and now almost entirely surrounds the Park with urban development, threatening areas that contain significant Spanish colonial resources historically associated with the Park. Based on the Park's General Management Plan and Land Protection Plan, which found that numerous areas containing significant Spanish colonial resources historically associated with the Park were outside the boundary, the Park acquired resources that now need to be included in the boundary.

This legislation enjoys the support of officials from Bexar County, Wilson County, the City of San Antonio, the City of Floresville, the San Antonio River Authority, the San Antonio Conservation Society, Los Compadres, and others. It would help guarantee the preservation, protection, restoration, and interpretation of the missions for current and future generations.

Mr. Chairman, thank you for the opportunity to present the views of the Administration.



The documents listed below have been retained in the Committee's official files.

- Alaska Wilderness League, American Cultural Resources Association, American Forests, et al., Letter for the record opposing any legislative effort to alter or weaken the Antiquities Act.
- Americans for Responsible Recreational Access, American Council of Snowmobile Associations, American Motorcyclist Association, et al., Letter for the record against the National Monument designation of certain public lands in Utah.

- Americans for Responsible Recreational Access, American Council of Snowmobile Associations, American Motorcyclist Association, et al., Letter for the record opposing a National Monument designation in New Mexico.
- Americans for Responsible Recreational Access, American Council of Snowmobile Associations, American Motorcyclist Association, et al., Letter for the record in support of H.R. 250 (Chaffetz).
- Austin, Mark, Letter for the record regarding the Antiquities Act.
- Luján, Rep. Ben Ray, Letter to President Obama for the record presenting the President with “The Rio Grande del Norte: One Hundred New Mexicans Speak for a Legacy,” and urging support for H.R. 1241.
- Luján, Rep. Ben Ray, Letter to Rep. Bishop and Rep. Grijalva for the record in support of protecting the Rio Grande del Norte National Monument.
- National Parks Conservation Association, Letter for the record opposing H.R. 250, H.R. 382, H.R. 432, H.R. 758, H.R. 1512, H.R. 1434, H.R. 1439 and H.R. 1459.
- National Riparian Service Team, Letter from Steve Smith dated 4/5/12, and the Grand Staircase-Escalante National Monument Situation Assessment Report Executive Summary dated March 2012.
- Outdoor Alliance, Letter for the record highlighting benefits of the Antiquities Act on recreation.
- Taylor, Duane, Director, Federal Affairs, Motorcycle Industry Council, Letter for the record on behalf of the Motorcycle Industry Council, Specialty Vehicle Institute of America and Recreational Off-Highway Vehicle Association against the designation of massive areas of public lands as National Monuments.
- Utah Farm Bureau Federation, Letter submitted for the record requesting the end of Presidential abuse of the 1906 Antiquities Act
- Whiting, Hon. Michael, Commissioner, Archuleta County, Colorado, Letter for the record in support of the Antiquities Act.
- Wilderness Society, Letter for the record opposing H.R. 250, H.R. 382, H.R. 432, H.R. 758, H.R. 1512, H.R. 1434, H.R. 1439 and H.R. 1459.

