

**EXAMINING THE CONSEQUENCES OF
EXECUTIVE BRANCH OVERREACH
OF THE ANTIQUITIES ACT**

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON FEDERAL LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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OVERSIGHT HEARING ON EXAMINING THE CONSEQUENCES OF EXECUTIVE BRANCH OVERREACH OF THE ANTIQUITIES ACT

Tuesday, May 2, 2017

**U.S. House of Representatives
Subcommittee on Federal Lands
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 10:01 a.m., in room 1324, Longworth House Office Building, Hon. Tom McClintock [Chairman of the Subcommittee] presiding.

Present: Representatives McClintock, Pearce, Thompson, Labrador, Tipton, Westerman, LaHood, Bergman; Hanabusa, Tsongas, Lowenthal, Torres, Gallego, Panetta, McEachin, Brown, and Grijalva.

Also present: Representatives Gosar, LaMalfa; Huffman, and Beyer.

Mr. MCCLINTOCK. The Subcommittee on Federal Lands of the House Natural Resources Committee will come to order.

The Committee today is meeting to hear testimony on examining the consequences of executive branch overreach of the Antiquities Act.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman, the Ranking Minority Member, and the Vice Chairman. However, I would ask unanimous consent that the Chairman and Ranking Member of the Full Committee can be recognized for 5 minutes for an opening statement.

Without objection, so ordered.

Therefore, I would ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted to the Subcommittee Clerk by 5:00 p.m. today.

Without objection, so ordered.

I would also ask unanimous consent that the following members of our Committee be allowed to participate in today's Subcommittee proceedings and sit at the dais and ask questions: Congressman Gosar, Congressman Cook, Congressman LaMalfa, Congressman Huffman, and Congressman Beyer.

Without objection, so ordered.

As I said, the Subcommittee on Federal Lands meets to hear testimony on abuses of the Antiquities Act of 1906, and possible reforms to prevent such abuses in the future. We will begin with opening statements, and I will begin.

STATEMENT OF THE HON. TOM McCLINTOCK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. McCLINTOCK. The Antiquities Act provides the President the authority to designate national monuments on Federal land containing "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest."

The law also specified that national monuments "be confined to the smallest area compatible with proper care and management of the objects to be protected."

Furthermore, the President could only designate national monuments "upon the lands owned or controlled by the Government of the United States."

The purpose of the Act was to give presidents the ability to quickly protect archeological sites from looting. In the original congressional debate over the bill, Congressman Stevens asked whether this bill could ever be used to lock up large areas of land as provided under the forest reserve bill. In response, the bill's sponsor, Congressman Lacey stated, "Certainly not. The object is entirely different. It is to preserve these old objects of special interest in the Southwest, while the other reserves the forests and the water courses."

President Theodore Roosevelt first used this authority to declare 1,200 acres around the Devil's Tower in Wyoming as a National Monument. Since that time, presidents broadly interpreted the Antiquities Act to expand both the size and justifications for national monument designations.

Today, the Subcommittee will hear testimony surrounding the designation of millions of acres under an authority that limits them to the smallest area compatible with proper care and management of the objects to be protected. Indeed, in the last 8 years, the Obama administration used this Act to declare national monument status over 553.4 million acres of land and water. That is equivalent to the entire states of Texas, California, Montana, New Mexico, and Arizona, combined, with an extra 50,000 square miles to spare.

As we will hear, these designations were often imposed in spite of local opposition, without consultation with Congress or the state or local governments affected, and without regard to the economic damage these designations have had on surrounding communities. The restrictions on public use, resort, and recreation under these designations can be severe, in many cases prohibiting road access to the public, and imposing specific prohibitions against hunting, fishing, and other traditional recreational pursuits.

Management of forests within these national monuments is also often so restricted that forest-thinning projects for habitat health and fire prevention become impossible. Land set aside to support financing of public purposes no longer produce that income. As we will hear today, the economic impacts can often devastate local communities by shutting down resource development projects upon which these communities depend.

The Constitution gives to Congress alone the jurisdiction over public lands. Consistent with this authority, this Subcommittee serves three over-arching objectives: to restore public access to public lands; to restore proper management to public lands; and to

restore the Federal Government as a good neighbor to those communities impacted by public lands. Ongoing abuses of the Antiquities Act are antithetical to these goals, and make a mockery of the clear intention of Congress in originally adopting this Act.

Possible reforms to prevent these abuses include acreage limitations on this authority and a requirement that local and state governments be included in the decisions.

It has been falsely asserted in several forums that the Antiquities Act is what creates national parks. While several national monuments have later become national parks, that authority rests entirely with Congress, and for good reason. While the executive should be able to move swiftly to protect small archeological sites from imminent threat of looting or desecration, the decision over whether to set aside vast portions of land in perpetuity should only be made after the lengthy debate, public input, and accountability that are the unique attributes of the legislative branch.

Clearly, this was intended both by the American founders and by the authors of the Antiquities Act. But, as is often the case with small grants of power made to the executive, those grants can gradually expand to absurd overreaches.

The kings of England once seized one-third of the English countryside as the King's Forests, making them the exclusive preserves of the government and its favored aristocrats, and placing them off limits to the common people. America's public lands are exactly the opposite. They are set aside, in the words of the original Yosemite charter, "for the public's use, resort, and recreation for all time."

This Subcommittee has become increasingly concerned with government-imposed restrictions on the public's use, resort, and recreation of the public lands. Preserving these lands for future generations does not mean closing them to the current generation.

[The prepared statement of Mr. McClintock follows:]

PREPARED STATEMENT OF THE HON. TOM MCCLINTOCK, CHAIRMAN,
SUBCOMMITTEE ON FEDERAL LANDS

This Subcommittee has set three over-arching principles for this Congress: To restore public access to public lands; to restore sound management to public lands; and to restore the Federal Government as a good neighbor to local communities directly impacted by public lands.

Perhaps no current law is more antithetical to those goals than the Antiquities Act. Throughout the Act's 111-year history, presidents have distorted it from its noble intention of preventing the destruction of Native American antiquities into a law that allows million-acre land grabs with little to no public input or support.

In the original congressional debate over this bill, Congressman Stephens asked whether this bill could ever be used to lock up large areas of land, like the forest-reserve bill before it. In response, the bill's sponsor, Congressman Lacey, stated: "Certainly not. *The object is entirely different.* It is to perverse these old objects of special interests in the Southwest, whilst the other reserves the forests and the water courses."

No president strayed further away from this intent than President Obama, who used the Act to lock up over 553.4 million acres of land and water. That's equivalent to the entire states of Texas, California, Montana, New Mexico, and Arizona combined, with an extra 50,000 square miles to spare. Or, to put it a different way, his total acreage was almost 25 times the size of the state of Maine. Something I'm sure Governor LePage finds frightening!

The national monuments the Subcommittee will hear testimony about today stretch from coast to coast, from the dense forests of central Maine to the rocky canyons of Utah, but all share one common problem: The previous administration prioritized legacy building over the lives and livelihoods of small, rural communities.

In many cases, these designations were excessively large, overly restrictive, overwhelmingly unpopular, or all of the above!

Perhaps no state is more familiar with the abuses and consequences of the Antiquities Act than Utah. Both Grand Staircase-Escalante and Bears Ears were designated in the face of unanimous opposition from the congressional delegation, the governor, and local counties. In the case of Grand Staircase, elected officials in Utah found out from the *Washington Post* about the designation and watched the President sign the proclamation in Arizona, not their own state. In Bears Ears, the administration repeatedly ignored local tribes in Utah who vehemently opposed this designation and worked tirelessly with Chairman Bishop to craft an alternative solution. The midnight designation was a slap in the face to their years of hard work, and a sad reminder of the powers of out-of-state special interest groups with deep pockets.

In Oregon and my home state of California, President Obama expanded the Cascade-Siskiyou National Monument just 8 days before he left office. This new, and potentially illegal, expansion makes sound and scientific management of the land impossible by virtually eliminating active forest management. If the forests within this National Monument are not actively managed, then catastrophic wildfire will not be a matter of "if," but "when." Congress already designated the 40,000 acres of O&C Lands captured by this expansion as land for permanent forest production and the sustained yield of timber. An executive proclamation should not, and cannot, over-rule this congressionally mandated use of the land.

In Maine, President Obama designated the Katahdin Woods and Waters National Monument over the strong objections of the governor, members of the congressional delegation, and local residents in surrounding communities. Mainers have a long history and heritage of responsibly stewarding their land, while also allowing open and free recreational access. Considering that the previous landowner, in her quest to create a National Park, shut down the *entire* area to hunting and snowmobiling while also evicting campers and burning their cabins to the ground, I don't blame Mainers one bit for thinking this National Monument puts that rich heritage in jeopardy.

These abuses point to a simple truth: that no one person should have the authority to lock up millions of acres of land with the stroke of a pen. The public should expect more from the person who holds the highest elected office in this Nation. They should expect more than one listening session when a decision affects millions of acres of land. They should expect their president to listen to them, not out-of-state special interest groups, on the land management decisions happening in their backyard. And finally, they should expect, and demand, that Congress stop the abuses of power and end this authority.

And we will.

I yield back and recognize the Ranking Member for her opening statement.

Mr. MCCLINTOCK. With that, I now recognize the Ranking Member for her opening statement.

**STATEMENT OF THE HON. COLLEEN HANABUSA, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII**

Ms. HANABUSA. Thank you, Mr. Chairman. Since taking office, President Trump has issued 29 Executive Orders, the most attention received by his two attempts to ban Muslims from entering the country.

Notwithstanding the most relevant to this Committee are his orders last week calling for a review of monuments established under the Antiquities Act, acts of presidents, Republican and Democrats alike. I think a review, if done in good faith, might actually teach us something about the broad base of support for national monuments and the Antiquities Act. Instead of vilifying the Antiquities Act, the tremendous array of cultural, historical, and natural resources protected for future generations because of this law should be recognized.

For example, Honouliuli National Monument in Hawaii, where one of my grandfathers was interned during World War II, serves as part of our American history and a reminder that American citizens should never be treated the way so many Japanese-Americans were at that time. Thanks to President Obama and his use of the Antiquities Act, this site will be managed and interpreted by the National Park Service in a manner that honors the sacrifices and struggles of Asian-Americans unjustly imprisoned, to ensure their legacy forever remains part of our national story. It is important to note that my grandfather made clear to me that in Hawaii it was not only Japanese-Americans, but also Italian and German-Americans alike, who were interned.

With the establishment of sites like the World War II Valor in the Pacific National Monument, the Cesar Chavez National Monument, the Stonewall National Monument, and the Birmingham Civil Rights National Monument, thanks to the Antiquities Act, President Bush and President Obama were able to diversify and broaden representation across our public lands. These monuments are about the acknowledgment and inclusion of all Americans, including veterans and ecosystem advocates. All of these were possible because of the Antiquities Act.

Also thanks to the Antiquities Act we have the Katahdin Woods and Waters National Monument in Maine, which we will hear more about this morning from Lucas St. Clair, the president of the Elliotville Plantation. This Monument was a generous gift to the American people that will protect a majestic national and natural place and expand opportunities for recreation activities like hunting, fishing, skiing, and snowmobiling.

Americans support national monuments and the Antiquities Act. A recent poll found that 80 percent of western voters support keeping existing monument designations. That is because these designations tell our American story, protect our most cherished landscapes and ecosystems, and provide countless opportunities for outdoor recreation—not to mention the fact that they drive tourism and are great for the economy.

According to the Outdoor Industry Association, outdoor recreation generates \$887 billion in economic activity and supports 7.6 million jobs nationwide.

While Secretary Zinke has said that this Executive Order does not strip any monument of its designation, I am concerned that this Executive Order and this hearing are the beginning of future efforts to erode or strip away the authority of the Antiquities Act. Let me say that, any executive act to abolish existing monuments will be met with significant opposition from the American people, similar to many of the President's signature efforts from the first 100 days of this Administration.

No President has ever unilaterally revoked a national monument. An attempt to do so will surely end in court, where the authority to establish new monuments under the Antiquities Act has routinely been upheld. Congress, on the other hand, does have the authority to modify or completely disband monument boundaries. But even in the current political landscape, efforts to repeal or modify existing monuments may have a difficult time getting

across the finish line. After all, our national monuments are popular, and will not go down without a fight.

I recognize that there are concerns with the designation process for some monuments, but I do not think that gives us license to cause or revoke existing monuments or gut the Antiquities Act itself. I look forward to hearing today's testimony, and with that I yield back, Mr. Chairman.

[The prepared statement of Ms. Hanabusa follows:]

PREPARED STATEMENT OF THE HON. COLLEEN HANABUSA, RANKING MEMBER,
SUBCOMMITTEE ON FEDERAL LANDS

Within the first 100 days of the Trump administration, calling out previous uses of the Antiquities Act as executive overreach or abuse is a serious case of the pot calling the kettle black.

Since taking office, President Trump has issued (29) Executive Orders, including attempts to ban Muslims from entering the country, scale back national efforts to address the causes and effects of man-made climate change and even punish municipal governments for local decisions on how best to police their own communities.

After all that, the President initiated a review of national monuments established under the Antiquities Act last week. I actually think that a review—if done in good faith—may actually teach this new administration about the broad base of support for national monuments and the Antiquities Act.

Instead of vilifying the Antiquities Act, the tremendous array of cultural, historical and natural resources protected for future generations because of this law should be recognized. For example, Honouliuli National Monument in Hawaii, where one of my grandfathers was interned during World War II, serves as part of our American history and a reminder that American citizens should never be treated the way so many Japanese-Americans were at that time. Thanks to President Obama and his use of the Antiquities Act, this site will be managed and interpreted by the National Park Service in a manner that honors the sacrifice and struggle of the Asian-Americans unjustly imprisoned and ensures their legacy forever remains part of our national story.

With the establishment of sites like Cesar Chavez National Monument, Stonewall National Monument and Birmingham Civil Rights National Monument, thanks to the Antiquities Act, President Obama was able to diversify and broaden representation across our public lands. These monuments are about the acknowledgement and inclusion of ALL Americans. This was possible because of the Antiquities Act.

Also thanks to the Antiquities Act we have the Katahdin Woods and Waters National Monument in Maine, which we will hear more about this morning from Lucas St. Clair, the president of Elliotsville Plantation. This monument was a generous gift to the American people that will protect a majestic natural place and expand opportunities for recreation activities like hunting, fishing, skiing and snowmobiling.

Americans support national monuments and the Antiquities Act. A recent poll found that 80 percent of Western voters support keeping existing monument designations.

That's because these designations tell our American story, protect our most cherished landscapes and ecosystems, and provide countless opportunities for outdoor recreation—not to mention the fact that they drive tourism and are great for the economy. According to the Outdoor Industry Association, outdoor recreation generates \$887 billion in economic activity and supports 7.6 million jobs nationwide.

While Secretary Zinke has said that this "Executive Order does not strip any monument of a designation," I am concerned that this Executive Order and this hearing are merely window dressing for future efforts to erode or strip away the authority of the Antiquities Act. Let me say that, any executive action to abolish existing monuments will be met with significant opposition from the American people, similar to many of the President's signature efforts from the first 100 days of this administration. No President has ever unilaterally revoked a national monument—an attempt to do so will surely end in court where the authority to establish new monuments under the Antiquities Act has routinely been upheld.

Congress, on the other hand, does have the authority to modify or completely disband monument boundaries. But even in the current political landscape, efforts to repeal or modify existing monuments will have a difficult time getting across the finish line. Despite the narrative of my Republican colleagues, our national monuments are popular and will not go down without a fight.

I recognize that there ARE concerns with the designation process for some monuments, but I do not think that gives us license or cause to revoke existing monuments or gut the Antiquities Act itself.

I look forward to hearing today's testimony.

Mr. MCCLINTOCK. The Chair is now pleased to recognize the Chairman of the House Natural Resources Committee, Congressman Rob Bishop of Utah, for 5 minutes.

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

Mr. BISHOP. Thank you, Mr. Chairman. Everyone knows that I really don't like to give opening statements at these hearings, but I felt compelled today to speak out about the misrepresentations that have surrounded the so-called Bears Ears National Monument. Never in my years of Congress have I seen such a concerted effort to suppress the voices of local tribes by powerful, deep-pocketed opponents. No local tribe in San Juan County, Utah, where the Monument is located, supported this designation. But most do not know this, because it is barely reported.

When my staff has called to correct reporters on their misrepresentation, they have been told that the voices of these local Navajos are unpersuasive. Some members of this Committee have called Rebecca Benally, the Navajo woman elected to represent this area as a County Commissioner, a token Navajo who opposes the designation. I cannot even begin to describe how disrespectful and demeaning this dismissive language was to her, and to the local people and the tribes of this area.

So, today, instead of using my time to give an opening statement, I would like to read some comments from local tribes in Utah, so that people will finally be able to hear them and listen to them.

The Aneth Chapter of the Navajo, which is the only Navajo chapter made up of tribal members exclusively from Utah, and represents 50 percent of the Navajo in San Juan County, stated in a resolution, "The National Monument would prevent San Juan County Navajos and Ute Tribes from using the lands for the practicing of ceremonies, spiritual rejuvenation, gathering of herbs, firewood, cedar poles/posts, hunting, and caretaking of sacred places."

In a unanimously passed resolution from the Blue Mountain Dine' Community, they stated that they "specifically disclaim the notion put forward by various environmental groups that their creation, the Dine Bikeyah, speaks for all local Navajos—they do not." They went on to say, "We respect their intentions and their efforts, but we disagree that the creation of an Inter-Tribal National Monument will be in the best interests and welfare of not only local Navajo people, but of all locals who love the land of their heritage."

After the designation, Suzette Morris, a Ute Mountain Ute member, said, "We have cemeteries up there, and I don't want our ancestors to be put in museums. We all have a fight, and we all are going to continue to fight for this to be rescinded."

At our PLI hearing last September, Commissioner Benally stated, "Bears Ears National Monument campaign is a cynical political stunt that, if successful, will deny grassroots Utah Navajos access to their sacred and spiritual grounds. Traditional Utah

Navajo people depend on that land for their necessities of life: to gather medicinal plants, firewood, piñon nuts, as well as to hunt and practice sacred ceremonies.”

“Traditional Utah Navajo people are not conspiring with lawyers in boardrooms in Salt Lake and San Francisco. Traditional Utah Navajo people are not collecting \$20 million from the Hewlett Packard Foundation and Leonardo DiCaprio to sponsor this toxic divide-and-conquer campaign. Traditional Utah Navajo people are not magazine environmentalists, but are real stewards of the land, whose interests will be destroyed by a Bears Ears National Monument.”

“Grassroots Utah Navajo people do not support this effort to convert our sacred lands into a Federal designation that will subject them to micromanagement by bureaucrats in Washington, DC.”

And finally, a local group known as the Stewards of San Juan, who represent diverse interests including tribal representation, in their letter to Secretary Zinke stated the following, “The majority of Navajo and Ute residents in San Juan County overwhelmingly oppose the monument designation, in contrast to out-of-county and out-of-state tribes who know very little of this area, and will simply not be affected by this monument. It is appalling that non-local voices have drowned out those who treasure this land the most.”

They continued, “This monument was designated in order to appease outside special interest groups. It was done without a robust consultation with the stakeholders who actually live in San Juan County. Voices of life-long residents and tribal members have been, and continue to be, blatantly ignored. Non-government organizations such as the Bears Ears Inter-Tribal Coalition, Southern Utah Wilderness Alliance, and Conservation Lands Foundation should never have power to trump sovereign state rights, nor duly elected officials, no matter how big their wallets are. When the former Interior Secretary visited our state, she prioritized her time to meet with those outside groups and those that would only be marginally affected by the monument itself.”

I hope those who are listening today will remember those voices. Those are the voices that have been excluded from the conversation. Those are the ones President Obama ignored when he designated Bears Ears National Monument. And it is about time those voices were actually heard. I yield back.

[The prepared statement of Mr. Bishop follows:]

PREPARED STATEMENT OF THE HON. ROB BISHOP, CHAIRMAN, COMMITTEE ON
NATURAL RESOURCES

Anybody who knows me knows that I typically don't like to give opening statements at these hearings. But I felt as though I must speak out at today's hearing about the misrepresentations surrounding Bears Ears National Monument.

Never in my 14 years of Congress have I seen such a concerted effort to suppress the voices of local tribes by such powerful, deep-pocketed opponents. No local tribe in San Juan County, Utah, where the National Monument is located, supported this designation. But most do not know this, because it is barely reported.

When my staff has called to correct reporters on their misrepresentations, they've been told the voices of these local Navajo are “unpersuasive.”

Members of this Committee have called Rebecca Benally, the Navajo woman elected to represent this area as a County Commissioner, a “token” Navajo who opposes the designation.

I cannot even begin to describe how disrespectful and demeaning this dismissive language is to her, and to the local people and tribes in this area.

So, today, instead of using this time to give my opening statement, I'd like to read some comments from the local tribes in Utah, so that people will finally listen to them.

The Aneth Chapter of Navajo, which is the only Navajo chapter made up of tribal members exclusively from Utah and represents 50 percent of the Navajo in San Juan County, stated in a resolution that the National Monument would prevent "San Juan County Navajos and Ute Tribes from using the lands for the practicing of ceremonies, spiritual rejuvenation, gathering of herbs, firewoods, cedar poles/posts, hunting, and caretaking of sacred places."

In a unanimously passed resolution from the Blue Mountain Dine' Community, they stated that they "specifically disclaim the notion put forward by various environmental groups that their creation, the Dine Bikeyah, speaks for all local Navajos—they do not. We respect their intentions, and their efforts, but we disagree that the creation of an Inter-Tribal National Monument will be in the best interests and welfare of not only local Navajo people, but of all locals who love the land of their heritage."

After the designation, Suzette Morris, a Ute Mountain Ute member, stated, "We have cemeteries up there and I don't want our ancestors to be put in museums" and "We all have a fight and we all are going to continue to fight for this to be rescinded."

At our PLI hearing last September, Commissioner Benally stated, "Bears Ears National Monument campaign is a cynical political stunt that, if successful, will deny grassroots Utah Navajos access to their sacred and spiritual grounds. Traditional Utah Navajo people depend on that land for their necessities of life: to gather medicinal plants, fire wood, piñon nuts, as well as to hunt and practice sacred ceremonies. Traditional Utah Navajo people are not conspiring with lawyers in board rooms in Salt Lake City and San Francisco. Traditional Utah Navajo people are not collecting \$20 million from the Hewlett and Packard foundations and Leonardo DiCaprio to sponsor this toxic divide-and-conquer campaign. Traditional Utah Navajo people are not magazine environmentalists but are real stewards of the land whose interests will be destroyed by a Bears Ears National Monument. Grassroots Utah Navajo people do not support this effort to convert our sacred lands into a Federal designation that will subjugate them to micromanagement by bureaucrats in Washington, DC."

And finally, a local group known as the Stewards of San Juan, who represent a diverse set of interests in the County and have local tribal representation on their Board of Directors, sent a letter to Secretary Zinke stating the following: "The majority of Navajo and Ute residents in San Juan County overwhelmingly oppose the monument designation, in contrast to out-of-county/state tribes who know very little of this area and will simply not be affected by this monument. It is appalling that non-local voices have drowned out those who treasure this land the most."

They continued that: "This monument was designated in order to appease outside special interest groups. It was done WITHOUT a robust consultation with the stakeholders who actually live in San Juan County. Voices of life-long residents and tribal members have been, and continue to be, blatantly ignored. Non-government organizations such as the Bears Ears Inter-Tribal Coalition, Southern Utah Wilderness Alliance, and Conservation Lands Foundation should never have the power to trump sovereign state rights, nor duly elected officials, no matter how big their wallets are. When the former Interior Secretary visited our state, she prioritized her time to meet with these outside groups and those that would only be marginally affected by the monument."

I hope that those listening today will remember these voices, the ones that have been excluded from this conversation and the ones that President Obama ignored when he designated Bears Ears National Monument.

Mr. MCCLINTOCK. The Chair is now pleased to recognize the Ranking Member of the House Natural Resources Committee, Congressman Grijalva of Arizona, for 5 minutes.

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

Mr. GRIJALVA. I ask unanimous consent to submit my statement for the record. And also to submit a letter from 450 organizations and millions of members to those organizations across the country

to President Trump and Secretary Zinke and Secretary Ross, expressing their unified opposition to any efforts to remove or decrease protections of any national monument. I would like to enter those two in the record, my statement and the letter.

Mr. McCLINTOCK. Without objection.

[The prepared statement of Mr. Grijalva follows:]

PREPARED STATEMENT OF THE HON. RAÚL M. GRIJALVA, RANKING MEMBER,
COMMITTEE ON NATURAL RESOURCES

Since Congress passed the Antiquities Act in 1906, giving presidents the authority to set aside Federal lands for their historic and scientific interest, 16 of 19 presidents have done so.

That list of monuments includes places as diverse as the Grand Canyon in my home state of Arizona, to the Birmingham Civil Rights National Monument in Alabama. That enduring legacy is why monuments are so popular. A recent Colorado College poll found that 80 percent of western voters support existing monument designations.

You can't find a more popular government program. And yet we're here today because my colleagues in the Majority want to destroy the law and potentially even abolish existing national monuments.

The American people want a strong economy, well-preserved public lands and plenty of natural open spaces. Contrary to what you hear from my Republican colleagues, we can and we will do all three. We know that national monuments provide all of those things. Just last week, the Outdoor Retailers Association released a new report that found outdoor recreation supports more than 7.6 million American jobs and leads to \$887 billion in direct consumer spending.

That's why the President's Executive Order to "review" some national monument designations was so unusual and so upsetting. One would have expected a self-proclaimed business expert to recognize the tremendous economic potential of conserving our public lands, but it appears he does not.

If President Trump insists on managing our national parks and monuments like he managed his business ventures, he will bankrupt America's outdoor legacy and the many local economies and small businesses that depend on public lands. The sheer diversity of historic, cultural, and natural treasures that have been protected by the Antiquities Act is the primary reason local communities, from Maine to Hawaii, oppose Trump's Executive Order and view an attack on one national monument as an attack on them all.

As we saw with the planning process for Bears Ears, national monuments are established after years of close Federal consultation with multiple local stakeholders. After it became clear that the legislative effort to protect this area fell short, overwhelming tribal support for the designation became evident. Thirty Native American tribes—including the Hopi Tribe, the Navajo Nation, the Ute Mountain Ute Tribe, Pueblo of Zuni and the Ute Indian Tribe—support the presidential proclamation.

Elections have consequences, and if President Trump has no interest in joining the long line of his predecessors who identified and preserved new national monuments, that is his decision. If the only monuments Donald Trump wants are hotels, so be it. But the national monuments established by his predecessors are not subject to Donald Trump's whims. Attempting to wipe national monuments off the map with the stroke of a pen would be illegal and unpopular, and this review will show as much.

No President has attempted to revoke a national monument—for good reason. Congress has not delegated the authority to rescind a national monument to the President. Only Congress can reverse a national monument designation.

This hearing is likely the start of a prolonged debate over the future of the Antiquities Act—a law signed by President Roosevelt, who once said that "natural resources must be used for the benefit of all our people, and not monopolized for the benefit of a few." Without that wisdom and foresight, who knows what our system of public lands would look like today.

The Antiquities Act, national monuments and our public lands have long endured attacks from extraction companies and their allies in the White House and Congress. Industry railed against Roosevelt's designation of Grand Canyon National Monument—it is now one of our most cherished public places.

Sometimes it takes leadership and vision to prioritize long-term conservation of our most treasured resources, over the allure of short-term economic gains. That's exactly why the Antiquities Act is so important. It allows the President to put

preservation over profits, something that Congress isn't always able or even willing to do.

When President Trump and House Republicans seek to destroy the Antiquities Act and the special places it has protected, they place themselves squarely on the wrong side of history. Those of us who support monuments and the Act intend to prove that.

Mr. GRIJALVA. Thank you, Mr. Chairman.

Mr. MCCLINTOCK. The gentleman yields back?

Mr. GRIJALVA. I yield back, sorry.

Mr. MCCLINTOCK. Very well. That concludes the opening statements, and we will now hear from our witnesses. I want to remind them that, under our Committee Rules, oral statements are limited to 5 minutes, but your full statements will be included in the Committee record.

The microphones are not automatic. You will need to press the on button when you begin your testimony. We have a helpful lighting system to keep you within the 5-minute guardrails. At 1 minute the light will turn yellow, and at red it means we have all stopped listening, so you might as well stop talking.

So, I thank you all for being here today, and the Committee is honored to have with us as our first witness, the governor of the state of Maine, the Honorable Governor LePage.

**STATEMENT OF THE HON. PAUL LePAGE, GOVERNOR OF THE
STATE OF MAINE, AUGUSTA, MAINE**

Governor LePAGE. Good morning, Chairman McClintock, Ranking Member Hanabusa—sorry if I don't pronounce your names correctly—Chairman Bishop, Ranking Member Grijalva, and distinguished members of the House Subcommittee on Federal Lands. I appreciate your invitation to address the Committee today.

I would like to take this valuable opportunity to share the concerns of myself and most Maine citizens with regard to the recent designation of the Katahdin Woods and Waters National Monument in northern Maine by former President Obama. I hope my testimony and recommended changes to the Antiquities Act would be beneficial to the Committee's review of this law, as well as to the American people.

Maine has a long history of prudent stewardship of its forest resources with minimal Federal assistance. This is because Maine citizens and landowners show great respect for our natural resources, and they understand the importance of conserving it for future generations. Our state is committed to supporting the forest products industry, while at the same time strategically conserving valuable tracts of land.

Maine State Parks have been an excellent example of conserving land, while also balancing commercial needs, recreation, and resource values. Mainers understand the benefits of our 17 million acres of forest to our economy, and we have historically supported the industries that rely on this land without interference from the Federal Government.

That is why it should be no surprise that the designation of this Monument on a former working forest by former President Obama is very concerning to Maine residents living in the area and around

the state. The National Park Service seems to blatantly disregard key indicators of this opposition.

In 2015, three local communities held non-binding referendums to measure the support for a national park in the area. All three of these communities voted overwhelmingly against it. East Millinocket voted 63 percent to 37 percent against it. Medway voted 71 percent to 29 percent against it. Patten voted 70 percent to 30 percent against it.

The Quimby family, who owned much of this cutover forestland that was proposed for a national park then immediately moved to plan B, which was to lobby Washington, DC, for the designation of a national monument instead.

In response to this change of tactic, the Maine Legislature in 2015 enacted bipartisan legislation which I submitted requiring legislative approval for a national monument designation in Maine. Unfortunately, the former president and the National Park Service did not let these facts get in the way. Instead, they sided with special interest groups over the views of the Maine people and a State law.

The only major selling point to attracting visitors to this newly established National Monument is the view of Mount Katahdin. This is somewhat ironic, because Mount Katahdin is already under conservation in Maine's premiere Baxter State Park, which I would argue is one of the greatest wilderness parks east of the Rocky Mountains.

This beautiful park has some interesting history. Former Maine Governor, Percival Baxter, purchased Mount Katahdin and the land around it, then donated it to the state of Maine in 1931, with the condition that it be kept forever wild. Baxter State Park has held to that condition. It is now over 200,000 acres in total size, and is located just west of the designated Monument. Governor Baxter was a strong opponent of the Federal Government controlling land in the Katahdin region, and for good reason.

Baxter State Park can support its current level of use, while still being able to preserve its mandated mission of protecting the forest resource. I fear that if the visitors of Katahdin Woods and Waters National Monument become uninspired by this portion of cutover forestland, there will be an unmanageable surge of demand to Baxter State Park.

Not long after the former president designated the National Monument, Maine residents started to feel negative effects of having the Federal Government as their new master. The National Park Service re-decked the bridge, which has crossing rights over with little or no notice to the bridge owners. The National Park Service also conducted culvert work on some roads without sufficient notice to the public, causing long delays for some logging trucks. There have also been reports of near collisions between passenger cars and timber trucks in this area. This land does not have the adequate infrastructure to meet the needs of commercial vehicles and visitor traffic.

Another impact by the monument designation is the loss of connectivity to ATV trails in the area. My administration is working with ATV clubs and private landowners to remedy this issue quickly.

I will answer questions at your request.
[The prepared statement of Governor LePage follows:]

PREPARED STATEMENT OF HON. PAUL LEPage, GOVERNOR OF THE STATE OF MAINE

Chairman McClintock, Ranking Member Hanabusa and distinguished members of the House Subcommittee on Federal Lands, I appreciate your invitation to address the Committee today.

I would like to take this valuable opportunity to share the concerns of myself and most Maine citizens with regard to the recent designation of the Katahdin Woods and Waters National Monument in northern Maine by former President Obama. I hope my testimony and recommended changes to the Antiquities Act will be beneficial to the Committee's review of this law, as well as the American People.

Maine has a long history of prudent stewardship of its forest resources with minimal Federal assistance. This is because Maine citizens and landowners show great respect for our natural resources, and they understand the importance of conserving it for future generations. Our state is committed to supporting the forest products industry, while at the same time strategically conserving valuable tracts of land. Maine's State Parks have been an excellent example of conserving land, while also balancing commercial needs, recreation and resource values.

Mainers understand the benefits of our 17 million acres of forests to our economy, and we have historically supported the industries that rely on this land without interference from the Federal Government. That is why it should be no surprise that the designation of this Monument on a former working forest by former President Obama is very concerning to Maine residents living in this area and around the state. The National Park Service seemed to blatantly disregard key indicators of this opposition.

In 2015, three local communities held non-binding referendums to measure the support for a National Park in the area. All three of these communities voted overwhelmingly against it. East Millinocket voted 63%–37%, or 320–191 against; Medway voted 71%–29%, or 252–102 against; and Patten voted 70%–30%, or 121–53 against Federal control of state land.

The Quimby family, who owned much of this cutover forestland that was proposed for a National Park, then immediately moved to Plan B, which was to lobby Washington, DC for the designation of a National Monument instead. In response to this change of tactic, the Maine Legislature in 2016 enacted bipartisan legislation—which I submitted—requiring legislative approval for a National Monument designation in Maine. Unfortunately, the former President and the National Park Service didn't let these facts get in the way. Instead, they sided with special-interest groups over the views of most Maine people and a state law.

The only major selling point to attracting visitors to this newly established National Monument is the view of Mt. Katahdin. This is somewhat ironic because Mt. Katahdin is already under conservation in Maine's premier Baxter State Park, which I would argue is one of the greatest wilderness parks east of the Rocky Mountains. This beautiful park has some interesting history.

Former Maine Governor Percival P. Baxter purchased Mt. Katahdin and land around it, then donated it to the state of Maine in 1931 with the condition that it be kept forever wild. Baxter State Park has held to that condition. It is now over 200,000 acres in total size and is located just west of the designated Monument. Governor Baxter was a strong opponent of the Federal Government controlling land in the Katahdin region—and for good reasons.

Baxter State Park can support its current level of use, while still being able to preserve its mandated mission of protecting the forest resource. I fear that when the visitors to the Katahdin Woods and Waters National Monument become uninspired by its portions of cutover forestland, there will be an unmanageable surge of demand to Baxter State Park.

Not long after the former President designated the Monument, Maine residents started to feel the negative effects of having the Federal Government as their new master. The National Park Service re-decked a bridge, which it has crossing rights over, with little or no notice to the owner of the bridge.

The National Park Service also conducted culvert work on some roads without sufficient notice to the public, causing long delays for some logging trucks. There have also been reports of near collisions between passenger cars and timber trucks in the area. This land does not have adequate infrastructure to meet the needs of commercial vehicles and visitor traffic.

I expect the \$40 million endowment offered by the Quimby family will be spent much faster than expected. As a comparison, Acadia National Park in Maine had

a deferred maintenance backlog in 2015 of over \$60 million which has already completely burnt flat back in 1948.

Another impact by the monument designation is the loss of connectivity for ATV trails in the area. My administration is working with ATV clubs and private landowners to remedy this issue as quickly as possible.

I believe, along with many other Maine residents, that former President Obama never should have designated this area as a National Monument. The original intent of the Antiquities Act was to “reserve the smallest area compatible with the proper care and management” of the land. Further, it was intended to protect endangered areas and artifacts that were immediately threatened. This cutover forestland was not worthy of any such designation—I believe it was simply the product of Washington politics.

I would like to respectfully offer some recommendations to this Committee as it reviews the Antiquities Act. I believe the law should be amended to require local approval before the President can unilaterally designate a National Monument. This support should include approvals from the state’s governor and legislature.

There should also be clear evidence that such a designation is needed to protect endangered areas or areas of historic or scientific interest, which is what the original purpose of the Antiquities Act was. These kinds of checks and balances will ensure a good relationship between states and the Federal Government.

In conclusion, I hope the issues I have raised today are helpful to Committee members during your review of the Antiquities Act. I would be pleased to answer any questions the Committee may have.

QUESTIONS SUBMITTED FOR THE RECORD TO HON. PAUL R. LePAGE,
GOVERNOR OF MAINE

Questions Submitted by the Subcommittee on Federal Lands

Question 1. Do you think the National Park Service has the adequate expertise to manage this land, which has historically been a working forest and requires active management to maintain its health and resiliency in the face of wild fires, insects, and disease?

Answer. I do not believe that the National Park Service (NPS) has the adequate expertise to manage this land which was a former working forest. The state of Maine and private landowners have a better understanding of how to properly maintain our forest and protect them from wildfires, insects and diseases.

The state currently has over 800,000 acres of fee ownership predominately in forestland. These lands are dedicated to specific uses with about 100,000 acres dedicated to wildlife management, 94,000 acres dedicated to ecological reserves, 85,000 acres of developed parks, 430,000 acres of multiple use forests dedicated to low impact and backcountry recreation—and the remainder is in water, wetlands, steep areas and very rough terrain.

As I mentioned during the hearing, I would support having the state manage this land. With the state’s expertise in managing forestland for multiple uses and the proximity of about 10,000 acres of such land adjacent to the Monument, there exists a tremendous opportunity for the state to enhance the usefulness of the Monument land to Maine and the Nation.

As the Committee knows, forest fires are a major concern to the management of forests. The National Interagency Fire Center has statistics to show that in 2016 the total number of state jurisdiction fires was 40,705 and Federal jurisdiction fires were 27,038. However, the amount of state jurisdiction acreage burned was 1,678,538 compared to 3,831,457 acres burned under Federal jurisdiction. These stats show that states do a much better job protecting their forest land. Management of this land by the state could help to further protect this land from forest fires.

Maine is also threatened by the spruce budworm which will be entering Maine from our northern border with Canada in 3–5 years. I saw firsthand the devastation from the last outbreak in the 1970s–1980s which killed millions of acres of spruce-fir forests and cost the Maine economy hundreds of millions of dollars. In order to combat this insect private landowners and the state need to harvest as many of these species of trees as possible before they are killed. I am afraid that these species within the Monument will suffer devastating losses when the Spruce Budworm takes full grip in Maine because timber harvesting is prohibited within the Monument. The Maine Forest Service and private landowners are well aware of this upcoming epidemic and are much better prepared to handle it than the NPS.

The state of Maine has a proven record of being good stewards of our natural resources. This land could be managed by the state in a way that conserves valuable areas while also increasing opportunities for timber harvesting and recreational activities. The National Park Service would not be able to manage it in this way.

Question 2. If the state managed this land, how much would be open to recreational activities such as hunting or snowmobiling?

Answer. All of it with the exception of any land that may be subject to deed restrictions, and any areas determined by management planning to require special protection. The land would be managed to allow for both commercial harvesting and public recreation.

The state would immediately move to restore the many miles of snowmobile and ATV trails that were eliminated when the Quimby family purchased the land. I have attached a map which clearly shows the snowmobile and ATV trails which were eliminated when the Quimby family took over the land and also the areas where hunting was eliminated. I have also attached a letter from the Maine Professional Guides Association with their concerns that the Park System is not "guide friendly." The letter goes on to say "... the promised economic benefit from the new Monument will not be accruing to our member's businesses in the short term even after the issue was brought up in an open public meeting." Attached please also find correspondence from constituents expressing their concerns with a national park or monument in northern Maine.

Questions Submitted by Rep. Hanabusa

Question 1. Can you confirm the percentage of Maine's income based on tourism?

Answer. The estimated percentage of Maine's income based on tourism was about 6.6 percent in 2016. Total earnings supported by tourism was about \$2.6 billion and the total earnings by place of work was about \$39 billion. I have attached some supporting documents showing that about 2/3 of visitor spending is along the coast of Maine. I believe that even with the designation of the Katahdin Woods and Waters National Monument it will be difficult to attract those coastal visitors to northern Maine.

Question 2. Please explain the type of timber harvesting activity authorized in Baxter State Park and what percentage of the 200,000 acres it entails. Please include a description of active timber sales and forest management projects.

Answer. Governor Baxter decided late in the acquisition of the park to include an area for timber harvesting. His allowance for timber harvesting coincided with his acquisition of forestland that supported mature timber. About 14 percent of the Park is available for harvesting with such activity located in the northwest corner.

Simply put, harvest levels on Baxter State Park are sustainable indefinitely with entries to harvesting on the same area done infrequently. Forest management relies on timber harvesting to perform all cultural work. Natural regeneration is solely relied on and no chemical methods are used to control vegetation issues. The harvesting vendor or contractor markets the wood to various mills and pays Baxter State Park at a negotiated price. The contractor also builds and maintains the roads used for harvesting purposes.

Question 3. Are hunting and fishing allowed in Baxter State Park?

Answer. Hunting and trapping is allowed on 54,682 acres which is approximately 26 percent of the park.

[The following documents were submitted as attachments to Governor LePage's responses. These documents are part of the hearing record and are being retained in the Committee's official files:]

- Letter dated May 24, 2017 from Governor LePage to Secretary Ryan Zinke, Department of the Interior
- "What Maine Has Lost," Map of Katahdin Woods and Waters National Monument
- Letter dated May 22, 2017 from the Maine Professional Guides Association to Governor LePage.
- Correspondence from constituents expressing their concerns with a national park or monument in northern Maine.

SUPPLEMENTAL TESTIMONY FROM GOVERNOR LePAGE SUBMITTED FOR THE RECORD

Dear Chairman McClintock and Ranking Member Hanabusa,

I greatly appreciated the invitation extended by your Committee to me to present testimony during the “Examining the Consequences of Executive Branch Overreach of the Antiquities Act” on May 2, 2017. The hearing was a great opportunity for members of the Committee to hear firsthand how some recent National Monument designations by former President Obama have negatively affected states around the country. I applaud your efforts to review the Antiquities Act and to consider reforms which will ensure the integrity of the law. I encourage the Committee to seriously consider reforms that will ensure stakeholder input is considered by the President.

I would like to address a statement during the hearing from Lucas St. Clair who I believe misrepresented the outreach extended to me. My office cannot find any written correspondence from him addressed to me inviting my input on the consideration of a national monument in northern Maine. He did meet with one of my staff members, but as a courtesy he should have asked for the sitting Governor’s opinion.

Mr. MCCLINTOCK. Great. Governor LePage, thank you again for your testimony and for being here today.

The Chair is now pleased to recognize Ms. Kathleen Clarke, Director of the Utah Public Lands Coordinating Office.

STATEMENT OF KATHLEEN CLARKE, DIRECTOR, UTAH PUBLIC LANDS POLICY COORDINATING OFFICE, SALT LAKE CITY, UTAH

Ms. CLARKE. Thank you, Chairman Bishop, Chairman McClintock, Ranking Members Hanabusa and Grijalva, members of the Committee. Thank you for this opportunity to speak to you today about national monuments, clearly a subject of intense and emotional discussion.

Specifically, I want to discuss two National Monuments in the state of Utah that are landscape-scale: Grand Staircase-Escalante National Monument, which was created in 1996; and Bears Ears National Monument, created recently. I do not wish to go into the legality of these presidential proclamations, nor do I intend to address the politics that fostered them, although I am convinced that in both cases politics was a greater factor than was protection of antiquities.

What I want to discuss with you this morning are the actual effects these monuments have had and will continue to have on individuals and communities that are directly impacted, and upon the very objects that they are ostensibly intended to protect.

Utah has been both a beneficiary and a victim of the Antiquities Act. With respect to Grand Staircase and Bears Ears, the burdens outweigh the benefits, largely due to the enormous size of these monuments. To put the enormity into perspective, the area of Utah’s five very famous national parks totals about 835,000 acres for our five parks, compared to over 3 million for two landscape national monuments. The lands within Grand Staircase and Bears Ears are not only vast and breathtakingly beautiful, but they are harsh, arid, and unforgiving.

The bravely determined individuals who settled these lands at the behest and with the encouragement of the Federal Government somehow overcame these obstacles to establish families, livelihoods, and communities that sparsely populate the areas today.

The individuals who now live on or near these monuments are largely directly descendants of early homesteaders, farmers, miners, and ranchers.

So, what does the creation of a national monument on these lands do to people's lives and culture?

First of all, overnight their relationship with their beloved environment and their land-based cultures are changed.

Extractive industries which have, for over 100 years, provided jobs for residents and revenues for businesses and local governments are now prohibited.

The Grand Staircase Monument locked up over 11 billion tons of recoverable coal, and forced the shutdown of a fully permitted coal mine in Kane County. The creation of these huge monuments has unnecessarily had significant and negative impact on traditional uses of these lands. The stated objective, both of Bears Ears and Grand Staircase, is to properly protect Native American ancient cultural sites from looting and desecration.

However, archeological studies worldwide reflect the fact that greater access to antiquities sites leads to greater, not less, destruction. This phenomena has, in fact, been documented on existing national monuments in the Southwest; and the problem is greatly exacerbated with the sheer size of the monuments and the number of antiquities sites.

A 1987 GAO report considered problems associated with protecting monuments in the Four Corners area. It recognized that, given the vast area, it was virtually impossible to provide any type of physical protection. What this tells us is that the creation of million-acre-plus national monuments to protect thousands of archeological sites is counterproductive. It is doing the wrong thing for the right reason, and it violates the mandate that the monuments be appropriately small.

Any perceived benefits from the designation of huge landscape-scale monuments needs to be weighed against the impacts that are suffered by those who rely on the lands. Landscapes do not disappear, but jobs and artifacts do. National monuments should be judiciously employed so as not to do unwarranted damage to the local lives and cultures, either past or present.

Thank you for the opportunity to share my testimony.

[The prepared statement of Ms. Clarke follows:]

PREPARED STATEMENT OF KATHLEEN CLARKE, DIRECTOR, UTAH PUBLIC LANDS
POLICY COORDINATING OFFICE

Chairman Bishop, Ranking Member Grijalva, and members of the Committee, thank you for this opportunity to speak with you about National Monuments, a subject that is of intense and emotional discussion. More specifically, I want to focus on two recently created "landscape" national monuments in the state of Utah: Grand Staircase Escalante (1996) and Bears Ears (2016). I do not wish to go into the legality of the presidential proclamations that established these monuments under the Antiquities Act. Nor do I intend to address the politics that fostered them, although I am convinced that, in both cases, politics was a greater factor than was the protection of antiquities. What I want to discuss with you this morning are the actual effects these monuments have had and will have upon the individuals and communities that are directly impacted, and upon the very objects that they are ostensibly intended to protect. I believe my service as BLM Director under President Bush, as well as my present position of Director of Governor Herbert's Public Lands Policy Coordinating Office, give me unique insight into these impacts.

I enthusiastically join in the chorus in recognizing that Utah's five National Parks have been great assets to the state, as are the other national monuments and recreation areas within the state. However, Utah has been both a beneficiary and a victim of designations under the Antiquities Act. With respect to the Grand Staircase and the Bears Ears, the burdens outweigh the benefits, largely due to the enormous size of these monuments.

To put the enormity of these two monuments into perspective, the area of all five of Utah's National Parks (Zion, Bryce, Canyonlands, Arches and Capital Reef) combined totals some 835,000 acres, far less acreage than in either Grand Staircase (1.9 million acres) or Bears Ears (1.3 million acres). Another way to look at it is that five Rhode Islands, or two and one-half Delawares, would fit within the combined areas of these two monuments.

The lands within the Grand Staircase and the Bears Ears are not only vast and breathtakingly beautiful, but are also harsh, arid and unforgiving. The bravely determined individuals that settled these "waste lands," at the behest and with the encouragement of the Federal Government, somehow overcame these obstacles to establish families, livelihoods and the communities that sparsely populate the areas today. The individuals who now live on or near these monuments are largely direct descendants of the early homesteaders, farmers, ranchers, miners and timbermen that had only these Federal lands to sustain them. Many local residents today still live, work and draw their incomes from the very lands stewarded by their ancestors.

So what does the creation of a national monument on these same lands do to these people's lives and their culture? First of all, overnight their relationship with their beloved environment and land-based cultures are changed. Both proclamations creating the Grand Staircase and Bears Ears withdraw these millions of acres from all "entry, location, selection, sale [or] leasing." Extractive industries which have for over a hundred years provided jobs for residents and revenues for businesses and local governments are now prohibited. Government reports indicate that there are an estimated 11.375 billion tons of recoverable coal on the Kaiparowits Plateau that are now inaccessible. One large coal project in Kane County that was fully permitted to tap this resource was abandoned upon the creation of the Grand Staircase.

Families that have lived for generations in affected communities find their families torn apart due to lack of employment opportunities for the next generation. Populations are declining. In the 20 years since the creation of the Grand Staircase, school enrollment in Escalante has gone from 150 to 57 students. Neither seasonal employment associated with tourism and recreation, nor the rotating positions of BLM employees, contribute to the overall stability of these small communities.

Even industries that remain authorized, such as grazing, find themselves under mounting pressures and restrictions. A survey conducted by Utah State University into economic impact on local communities of livestock grazing in the Grand Staircase concluded that (1) livestock grazing is essential to the economies of the Kane/Garfield Counties economies and (2) that tourism and recreation cannot replace livestock grazing in the Grand Staircase without substantial additional investment. Yet, under pressure from NGOs that are committed to the removal of all grazing on the public lands, AUMs (animal unit months) have been decreased on the Monument by 25 percent. One permittee has had 917 of his permitted 1,302 AUMs suspended.

The creation of these huge monuments has unnecessarily had significant and negative impacts upon the traditional uses of these lands and upon the lives and livelihoods of the local populations that have stewarded the lands for generations.

The stated objective of both the Grand Staircase and the Bears Ears is to protect Native American ancient cultural sites from looting and desecration. However, due to the sheer size of these monuments, and the enormous number of antiquity sites within them, the inevitable result will actually be more looting and desecration.

Keep in mind that Grand Staircase is 1.9 million acres and Bears Ears is 1.3 million acres. Each of these monuments is estimated to house upwards of 20,000 sites. Bears Ears could contain as many as 100,000 sites depending upon site definitions. We don't really know for certain because only 10 percent to 20 percent of the monuments have been inventoried. These sites date back some 700 to 900 years, and are still there for two primary reasons. First, the areas are remote, somewhat inaccessible and have been lightly populated. Second, to the Native American, these sites have spiritual significance and are to be left alone.

Archaeological studies worldwide reflect the fact that greater access to antiquity sites leads to greater, not less, desecration. This phenomenon has been found to occur on existing national monuments in the Southwest. A 2009 study of factors contributing to antiquity site desecration and defacement at Canyon de Chelly National Monument in Arizona (Laris, J., *A Perfect Pothunting Day* (2009)) found that the greatest contributors were increased access together with its corollary,

increased visitation. A 1997 paper that considered the impacts of the creation of the Grand Staircase on archeological sites within the Monument (Tipps, B., *Archeology in the Grand Staircase Escalante National Monument: Research Prospects and Management Issues* (1997)) confirmed the effects of increased visitation, concluding that: "Increased visitation significantly accelerates impacts to archeological sites."

This problem is greatly exacerbated by the sheer size of the monuments and the number of antiquity sites. A 1987 GAO Report (*Problems of Protecting and Preserving Federal Archeological Resources* (1987)) looked at the problems associated with protecting archeological sites in the Four Corners Area. It recognized that, given the vast area and the number of sites, it is virtually impossible to provide any type of physical protection. It also identified the several laws already in place that make looting and desecration a crime. The problem with the enforcement of these laws is with staffing and funding levels, not with whether it is a monument. While larger staffs may improve enforcement, it will remain impossible to truly protect the thousands of sites if access or visitation is dramatically increased. More people will always mean more looting and desecration.

What this tells us is that the creation of million-acre plus acre national monuments to protect thousands of archeological sites is counter-productive. It is doing the wrong thing for the right reason. The Antiquities Act requires the monuments be "confined to the smallest area compatible with the proper care and management of the objects to be protected." Neither the Grand Staircase nor the Bears Ears meets this test.

The intent behind the Antiquities Act is laudable and a great deal of good has been accomplished nationwide through its exercise over the last 110 years. But there should be limits upon the nature of the objects that may be protected, and the size of monuments should be limited to that which allows optimal protections for those objects. Any perceived benefits from the designation of huge "landscape" monuments need to be weighed against the impacts suffered by those who have traditionally used the lands. Landscapes don't disappear, but jobs and artifacts do. Creating national monuments that will bring visitors from around the world won't protect antiquities, it will hasten their defacement and destruction. Southern Utah is not just a playground; nor is it just a science lab. Its lands have provided sustenance to those who have had the courage to make it their homes for hundreds of years. National Monuments should be employed judiciously so as not to do unwarranted damage to the lives and cultures, either present or past. The landscape monuments at the Grand Staircase and the Bears Ears as presently configured violate this mandate.

QUESTIONS SUBMITTED FOR THE RECORD TO KATHLEEN CLARKE, DIRECTOR,
UTAH PUBLIC LANDS POLICY COORDINATING OFFICE

Questions Submitted by Subcommittee on Federal Lands

Question 1. What changes, if any, should be made to the Bears Ears National Monument to ensure it is properly managed and protected?

Answer. The Public Lands Policy Coordinating Office does not have responsibility or authority to make recommendations on behalf of the state for modifications to the Bears Ears National Monument. The state's elected officials, including the Governor and congressional delegation, upon request from the President and the Secretary of the Interior, may provide recommendations regarding changes to effectively address the state's concerns regarding the monument lands and resources. Ultimately, the President will make the final determination regarding what changes, if any, are appropriate for the Bears Ears National Monument.

Questions Submitted by Rep. Hanabusa

Question 1. A coalition of scientific and preservation groups—not to mention tribal governments—urged the President to designate the Bears Ears National Monument after the Public Lands Initiative legislative process faltered.

They have publicly stated that, "Bears Ears is one of the most significant cultural landscapes in the United States. It contains more than 100,000 cultural and archaeological sites associated with the Navajo, Ute, Hopi, and Pueblo people who consider this region their homeland . . . [it includes] Ice Age hunting camps, cliff dwellings, prehistoric villages and petroglyph and pictograph panels that tell the diverse stories of 12,000 years of human habitation."

Your testimony states that designating landscape size monuments to protect Native American antiquities is doing “the wrong thing for the right reason” and that “we don’t really know for certain because only 10 percent to 20 percent of the monuments have been inventoried.” Should the Federal Government prioritize the conservation of Native American cultural sites and objects? Is the size of national monument designations your main concern?

Answer. The Federal Government should, and already has, prioritized the conservation of Native American cultural sites and objects. The national monument will do nothing to further the conservation of these items and, as explained in my original testimony, will in fact put these sites and objects at greater risk. The issue is not one of protection, but one of enforcement. It is not only the size of the national monument that causes concern, but also, among other things, the fact that proclaiming the Bears Ears National Monument will harm the resources it purports to protect.

First, cultural resources are already protected by a host of laws. Additional regulation, instead of enforcement, will not conserve Native American cultural sites or objects. Second, Native American cultural practices are protected by law and executive order. The Bears Ears National Monument proclamation does not enhance these uses and may instead burden them. Third, a national monument proclamation does not mean that the area will receive additional funding, meaning that funds that could have been used for enforcement may instead be used in preparing a new management plan and promulgating more regulations. Finally, the nature and extent of archaeological resources in the Bears Ears National Monument is largely unknown because less than 10 percent of the Monument had been inventoried at the time the proclamation was issued. The Antiquities Act was never meant to apply to unknown objects.

Proponents of the proposed national monument claimed that the land, including its archeological sites, is unprotected, despite the existence of several state and Federal statutes and regulations protecting various historical and archeological resources. These laws include the Antiquities Act, 54 U.S.C. §§320101 *et seq.*; the Utah Antiquities Act, Utah Code Ann. §§9–8–301 *et seq.*; the National Historic Preservation Act, 54 U.S.C.A. §§300101 *et seq.*; the Archaeological Resources Protection Act, 16 U.S.C. §§470aa *et seq.*; and the Native American Graves Protection and Repatriation Act, 32 U.S.C. §3001, *et seq.* These laws are more than sufficient to protect cultural resources if they would merely be enforced.

As explained in my original testimony, National Monument designations do not further the protection of Native American cultural sites and resources. As discussed by Utah’s Governor, Gary R. Herbert, in testimony before the U.S. Senate Committee on Energy and Natural Resources:

In 2015, the Grand Staircase-Escalante had 1,400 reported cases of vandalism. According to the BLM, there have been only 25 cases of vandalism reported in the Bears Ears region since 2011. That means the Grand Staircase, with its monument designation, currently experiences 140 times the rate of vandalism as does the Bears Ears region.

Please do not misunderstand me: a single case of vandalism in this area is too much. But the point remains, if we wish to protect and preserve this area, drawing lines on a map that will encourage increased visitation without a corresponding increase in law enforcement and land management resources is not a solution to vandalism and desecration problems. Indeed, it will like [sic] worsen them.

Accordingly, the worst thing that can be done for these sites, which have been preserved because of their remote location and lack of visitors, is to invite unsupervised visitors to an un-policed area where enforcement of existing land use protections are sorely lacking. There are many significant and stringent laws on the books protecting Native American resources; the issue is enforcing those laws rather than creating national monuments that will adversely affect the cultural resources within its boundaries.

Second, a national monument proclamation will not increase protection of traditional Native American practices or activities. A monument proclamation is not needed to recognize such activities or allow them to continue; if anything the proclamation may be used to inhibit or burden the exercise of religious freedoms. Moreover, Native American religious practices are protected by law and executive order. The American Indian Religious Freedom Act, 42 U.S.C. §1996, provides that it is “the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian . . . , including but not limited to access to sites, use

and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.” Similarly, Executive Order No. 13007 (May 24, 1996) provides that “[i]n managing Federal lands, each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites.”

Management restrictions, such as group limitations and permit requirements, may inhibit the exercise of Native American religious practices. In the Grand Staircase-Escalante National Monument, for example, without a permit groups over 25 people are allowed in only 4 percent of the Monument, and in 65 percent of the Monument group sizes are limited to 12 people. Fuel wood harvesting is only allowed in two very small areas and collection of natural materials by Native Americans is allowed only pursuant to a BLM permit.

Third, the Antiquities Act grants no authority whatsoever for the President to fund the national monument designation. National monument designations do not automatically result in funding and at least one Member of Congress has proposed refusing to fund the Bears Ears National Monument. What limited funding available for the land and resources in the Bears Ears region will likely be applied to preparing the management plan and regulations mandated by the proclamation, not enforcing existing laws. No amount of additional regulation will protect the resources without enforcement of existing laws that more than adequately protect the resources.

Finally, the Antiquities Act was never meant to apply to unknown objects or to allow for large, landscape level reservations. It is impossible to reserve the smallest area compatible with the care and management of the object when you don’t know what the object is or where it is located. As of early 2017, there were 8,480 known archaeological sites in the Bears Ears National Monument and 27,734 known sites county-wide. Accordingly, the assertions regarding 100,000 archaeological sites are merely estimates of the number of sites that may exist. Approximately 9 percent of the land within the Bears Ears National Monument’s boundaries has been inventoried, meaning that around 90 percent of the Monument has not been inventoried and unknown archaeological sites in uninventoried areas cannot be used as the basis of a reservation.

The Antiquities Act allows the President to “reserve parcels of land as part of the national monuments,” but limits these reservations to “the smallest area compatible with the proper care and management of the objects to be protected.” 54 U.S.C. §320301(b). By its express terms, the Antiquities Act prescribes an “inside out” approach. This means that the national monument objects must be identified first, followed by a reservation of land that is the smallest necessary to protect those objects. If the location of the objects is unknown, unsurveyed, or uninventoried, then a reservation of land for their care and management is inappropriate. The Antiquities Act does not allow for the drawing of an arbitrary boundary followed by a description of whatever items may be located on the land.

This “inside out” approach was used in early proclamations, but has been abandoned in recent years in favor of locking away large parcels of land. For example, Devil’s Tower, the first National Monument, is a singular monolith for which just over 1,000 acres was reserved. Other early monuments include El Morro National Monument, which is a lone sandstone bluff containing inscriptions spanning hundreds of years; Montezuma Castle, which is a small area containing isolated Native American ruins; Petrified Forest, an area containing large petrified wood trees; Chaco Canyon, a solitary canyon containing numerous large ruins; Cinder Cone and Lassen Peak National Monuments, which included two volcanic peaks, a lava field, and two lakes; and Gila Cliff Dwellings, which is a small area containing Native American ruins. More recent designations, on the other hand, have used an “outside in” approach, which first identifies the area that various special interest groups would like to see designated as a monument and then catalogues every item that may potentially be located on that land, regardless of whether the location is known or fixed. This method of drawing the reservation first and then identifying what objects might exist in that reservation, is inconsistent with the Antiquities Act’s express terms and a gross abuse of the limited reservation authority that was granted.

The recent Bears Ears National Monument is a prime example of the outside-in approach adopted in recent years. Using boundaries largely borrowed from proposed legislation, the proclamation catalogues every item that may be located inside the Monument, regardless of whether its location is fixed or known. Items identified in the proclamation include intangible qualities such as star-filled nights, natural quiet, and deafening silence and common plants and animals such as greasewood,

sagebrush, mule deer, coyotes, and porcupines. Less than 10 percent of the Monument has been inventoried for archaeological resources, which have been showcased as the primary justification for the Monument. Given that the location of items identified in the proclamation is largely unknown and unfixed, the boundaries could not possibly be the smallest area compatible with the objects' care and management. The ambient, common, unfixed, and unknown items, along with many other potential monument objects identified in the proclamation, are well outside the original intent of the Antiquities Act.

The Grand Staircase-Escalante National Monument, proclaimed in 1996, suffers from many of the same defects as the Bears Ears National Monument. Grand Staircase-Escalante contains 1.7 million acres of land and was proclaimed, in part, to prohibit a proposed coal mine. The items mentioned in the proclamation, which are argued to be "objects" under the Antiquities Act, include "clearly exposed stratigraphy and structures"; "1,600 square miles of sedimentary rock"; "cultural resources discovered so far . . ." and "undocumented sites"; "unusual and diverse soils"; "pinon-juniper communities"; "abundance of packrat middens"; and "wildlife." These common objects do not warrant reservation of 1.7 million acres for their protection. It should be noted that portions of the descriptive language from the Grand Staircase-Escalante National Monument proclamation were later recycled and incorporated into the Grand Canyon-Parashant National Monument proclamation, showing the generic nature of the proclamation.

Question 2. The notion that Antiquities Act designations are a "Federal land grab" is a myth propagated by opponents of national monuments. Barring a land exchange, like the one authorized by Congress following the designation of Grand Staircase-Escalante National Monument, national monument designations only affect existing Federal land and do not change the status of any state, school trust, or private lands.

Can you confirm that the Bears Ears National Proclamation, like the Proclamation establishing the Grand Staircase-Escalante National Monument, did not 'take' any non-Federal land or control its disposition?

Can you also confirm that the Antiquities Act does not give the President authority to nullify, cancel or otherwise appropriate valid existing rights?

Answer. While bare legal title before and after the national monument proclamation has remained in the United States, property interests and incidents of ownership, including multiple use of the land, have been taken from the state and the public and reserved to the United States. This retraction of rights previously available and open to the state and public is apparent from the reservation clause in the Bears Ears National Monument proclamation, which proclaimed that:

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws or laws applicable to the U.S. Forest Service, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

The Grand Staircase-Escalante National Monument proclamation contains a reservation clause that withdraws and appropriates Federal land and interests "from entry, location, selection, sale, leasing, or other disposition under the public land laws, other than by exchange that furthers the protective purposes of the monument."

Accordingly, uses and property interests available before a monument, such as the establishment of new roads and rights of way, timber harvest, mineral location, entry, and patent, and mineral leasing have been removed or severely restricted by the proclamation. For example, any new trails or roads for motorized vehicles purportedly must be for public safety or protecting monument objects. The national monument proclamation, and management directives, therefore expressly control the disposition and use of and take from the public various property interests and incidents of ownership that were previously expressly allowed and regulated by law and regulation.

It is true that the Antiquities Act does not give the President any authority whatsoever to nullify, cancel, or otherwise appropriate valid existing rights. Monument proclamations, however, significantly affect valid existing rights. As explained by Professor James R. Rasband, "Making the withdrawal of Federal land 'subject to valid existing rights' offers less protection to the holder of a right in Federal land than might initially appear. The reason is that the existing rights are not absolute but subject to a variety of restrictions." James R. Rasband, *Utah's Grand Staircase:*

The Right Path to Wilderness Preservation?, 70 U. Colo. L. Rev. 483, 518–521 (1999). Protection of valid existing rights has been interpreted to mean only that the restrictions cannot “‘make economic development completely unprofitable’: essentially, as long as it does not constitute a Fifth Amendment taking.” *Id.* at 519–20. Accordingly, “[i]n the end, therefore, the ‘valid existing rights’ language probably does more to protect the Federal treasury than rights holders. The language ensures that the withdrawal itself will not be construed as a taking, but allows a variety of restrictions to avoid degradation or impairment of the lands within the Monument.” *Id.* at 520–21. “Understood in this light, the rights holder might be better off, in many cases, if the withdrawal purported to eliminate her valid existing rights because just compensation would be available.” *Id.* at n.172.

Monument management, as a practical matter, often results in management activities that result in the curtailment of or inability to exercise pre-existing rights. See e.g. Raymond B. Wrabley, Jr., *Managing the Monument: Cows and Conservation in Grandstaircase-Escalante* [sic] *National Monument*, 29 J. Land Resources & Envtl. L. 253 (2009) (detailing disputes over grazing management in the Grand Staircase-Escalante National Monument). As explained above, restrictions on the nature and extent of activities, along with the requirements for permits for many other activities, burden activities that were previously enjoyed within the monument. Unreasonable limitations reduce access and activities on monument land.

Monument proclamations also adversely affect inheld property, such as state trust lands. State trust land tracts that were previously surrounded by multiple-use land are now surrounded by land that, in many cases, are managed to promote preservation and conservation. With these management objectives come increasingly burdensome and restrictive regulations, especially with respect to access. Monument proclamations often contain restrictions on the construction of new roads or trails. Access to state parcels, to the extent it has not already been established, will likely require expensive environmental analyses and result in protracted litigation. Even when access is recognized, it may be difficult to develop the small sections owned by the state instead of having the opportunity to extract the entire available resource. With fluctuating commodity markets and ever-increasing costs of administrative review, many resources may never be developed.

Mr. McCLINTOCK. All right, thank you very much for your testimony. Next the Committee welcomes Mr. Lucas St. Clair, president of Elliotville Plantation, Incorporated, for 5 minutes.

STATEMENT OF LUCAS ST. CLAIR, PRESIDENT, ELLIOTSVILLE PLANTATION INC., PORTLAND, MAINE

Mr. ST. CLAIR. Good morning, and thank you, Chairman Bishop, Chairman McClintock, Ranking Member Hanabusa, and Grijalva, and distinguished members of the House Subcommittee on Federal Lands. It is an honor to speak with you this morning. What I would like to talk to you about are national monuments, and particularly the creation of Katahdin Woods and Waters National Monument in Maine.

My name is Lucas St. Clair, and my family and I donated 87,500 acres of land and \$40 million to the National Park Service for the creation of Katahdin Woods and Waters National Monument. We care deeply about the Katahdin region, where I was born and raised, and the National Park System, as a whole. We have worked hard to continue this Monument and make it a success, and that work continues today.

The land for the Monument was purchased at market rates from timber companies who sold it to our foundation. It is private property given to the National Park Service for the benefit and enjoyment of all people.

The work to create a national monument began many years ago, and over time has changed as more and more people became

involved. We held dozens of outreach meetings, one-on-one conversations, and public forums dating back to 2011 and before. There were public debates and an open and honest conversation. Those meetings included a field hearing by this Committee, followed by a town hall meeting led by Representative Bruce Poliquin, who represents the Monument. At this meeting, supporters of the Monument outnumbered opponents 4 to 1.

At the invitation of U.S. Senator Angus King, National Park Service Director Jonathan Jarvis held two meetings in Maine. The larger of the two was attended by over 1,400 people, the vast majority of whom spoke in support of the National Monument.

Through years of public input, the idea of the National Monument got better by including more and more local voices. And, thanks to public input, traditional outdoor activities such as hunting, snowmobiling, fishing, and cross-country skiing, are forever protected and guaranteed on Monument lands, and why the overall size of the Monument was reduced from 150,000 acres to 87,500, the smallest area that adequately protects the natural and cultural resource.

The voices of the people were heard. Hunting and snowmobiling are an important part of our state's heritage, and that is why we had to make sure that they were protected in the Monument. Our foundation is committed to a \$40 million endowment to help support the operations and maintenance of the new Monument, and that public-private partnership has led to make sure monument lands were open to the public on Day 1 after the designation, and that infrastructure improvements are ongoing.

In October, Maine pollster, Critical Insights, asked Maine their opinion about the National Monument, and 72 percent say they support the Katahdin Woods and Waters. Polling has consistently shown strong support for the Monument.

The Monument has won the support of the Katahdin Area Chamber of Commerce. The President, Gail Fanjoy, is here today, along with others, to represent the support of business leaders from the region. Businesses are starting to grow and expand. Jobs are being created. Real estate prices have started to rebound. And there are new significant private-sector investments, including plans for a \$5 million outdoor recreational school underway.

The local non-profit group which is leading the effort to redevelop a closed mill site near the Monument tells me that the presence of Katahdin Woods and Waters is a selling point, as potential investors recognize the value it provides at attracting employees to the region's quality of life. Even long-time opponents have started to come around, as they have begun to recognize the benefits of having a National Monument near their communities.

Katahdin Woods and Waters is a beautiful and amazing place, and much more than just views of Mount Katahdin or cutover land, as Governor LePage has suggested. It is culturally and historically significant, both to the history of logging and to Maine's Native American communities, who consider the area sacred.

Katahdin Woods and Waters National Monument is a model of how the Antiquities Act should work. It can be used to protect land of national significance, spark economic activity and job creation, and take into account the broad range of ideas.

I hope that you will one day visit Katahdin Woods and Waters and you will see for yourself a community revitalized and hopeful about a stronger and better future. Thank you very much.
[The prepared statement of Mr. St. Clair follows:]

PREPARED STATEMENT OF LUCAS ST. CLAIR, PRESIDENT,
ELLIOTSVILLE PLANTATION INC.

Good morning and thank you Chairman Bishop, Ranking Member Grijalva, Chairman McClintock and Ranking Member Hanabusa for the invitation to testify before the House Natural Resources Federal Lands Subcommittee. I'm pleased to speak with the Committee about an important conservation law, the Antiquities Act, that has preserved some of the most incredible natural wonders including the Grand Canyon and Death Valley National Parks, Native American sites like Mesa Verde, and sites where major historical events took place including Birmingham and Stonewall. We are fortunate that President Teddy Roosevelt had the foresight and wisdom to preserve a broad array of public lands where all Americans can access these places they own, be inspired, pray if they wish, learn and enjoy in perpetuity.

I'm a native Mainer, born and raised. From a young age, the woods were my playground where I climbed hills and mountains, fished in ponds and streams, learned to kayak and hunted woodcock and grouse. Today, I serve as President of Ellitsville Plantation Inc. (EPI), a private operating foundation whose mission is the acquisition and conservation of land and the preservation of open space for the benefit of the public and the conduct of educational and stewardship programs. Over two decades, EPI purchased forestland in northern Maine to further this conservation mission.

In 2011 when I became President of EPI, my focus was working with citizens in Maine to develop a proposal to turn our privately-owned land into a donation to the Federal Government for a national park unit. Our proposal was accepted by the Federal Government and last August, the Katahdin Woods and Waters National Monument was established by presidential proclamation. This Monument includes key features that were essential to gain public support including hunting and snowmobiling on the east side of the East Branch of the Penobscot River. In addition, our foundation will donate \$20 million and raise another \$20 million toward an endowment to manage the Monument. I appreciate the opportunity to share my thoughts about our community-led effort to donate land for our fellow Americans to enjoy and importance of the Antiquities Act.

Let me provide some background on our state where roughly 92 percent of the land is in private ownership. To keep the size of Katahdin Woods and Waters National Monument in perspective, its 87,500 acres is less than 0.4 percent of the land in Maine, and less than 1 percent of the largely undeveloped 10 million-acre area known as Maine's North Woods. While our donation is large enough to help preserve a piece of the North Woods for posterity, it barely registers compared to privately-held land in Maine.

Maine is known for thick, lush northern forests and an unrivaled coast teeming with lobsters. We are proud of these amazing natural resources that have shaped our history, our love for the outdoors, and our economy. In the mid-19th century as timber harvesting grew so did the population in northern Maine. Land was sold to timber barons and the demand for paper and wood products grew at the turn of the century. Mills were built, logs were run down rivers including the Penobscot River, and the timber industry fed Maine's economy.

In my lifetime, I didn't witness the aforementioned heyday. Instead, I grew up in a small town called Dover-Foxcroft with a population of 4,500 people and witnessed a different economic situation. I watched Millinocket, a nearby town where most working-aged men worked in either the paper mill or in the woods supplying the mill, start a slow decline. By 2008, the paper mill in Millinocket closed followed by more mill closures in the region.

Many of my friends moved out of northern Maine seeking jobs further south or elsewhere. Northern Maine is not thriving and the population continues to shrink. This incredible region that so many of us care about is struggling. Let me share with you a couple of sentences from a *Bangor Daily News* editorial (2015) endorsing a national park proposal for northern Maine:

Maine North Woods national park has been the subject of debate for more than two decades. In that time, the economic landscape of the Katahdin region has shifted dramatically—for the worse—and the ownership of much of the timberland stretching from Millinocket to the Canadian border has changed hands. A long tradition of mill jobs available to area residents

right out of high school and open access to mill-owned land has gradually eroded, leaving an uncertain future . . .

The reality in the area is stark. Employment in the paper and forest products industries has dropped by more than half in the last two decades. In early 2015, about 5,500 people were employed by all of Maine's paper mills, according to the Maine Department of Labor. That's about the number of people who worked in the Great Northern Paper Co. mills in Millinocket and East Millinocket alone in the GNP heyday. Mill operators have put the future of more Maine mills in doubt since the Department of Labor's last count, which is bound to further depress employment.

This is northern Maine's reality. Mills are closed and sold for scrap metal. Houses and commercial real estate sit on the market indefinitely. You don't need a degree in business or a certificate of election to know what has been happening to the economy in northern Maine. It's obvious.

My family began acquiring and conserving land in 2000. Timber companies approached us to buy their land near Baxter State Park in full view of the majestic Mt. Katahdin. The land includes three important waterways—the East Branch of the Penobscot River, Sebeois River, and Wassataquoik Stream. As many of you who share my passion for the outdoors can guess, these waterways have fantastic brook trout and smallmouth bass. The watersheds provide wildlife habitat for lynx, bears, moose and bird species like gray jays, boreal chickadees and the American three-toed woodpecker.

The land tells the story of the Wabanaki people who migrated between the property my family donated and the coast to hunt and fish during the year. The land tells the story of the lumberjacks rolling logs down the rivers to the mills. The land tells the story of Teddy Roosevelt who in 1879 summited Katahdin after hiking nearly 40 miles from Island Falls, Maine. Roosevelt and his party crossed the East Branch of the Penobscot River and Wassataquoik Stream in an experience that sparked a life-long commitment to conservation.

My family cares deeply about conservation and felt the best way to preserve the outdoors, tell the stories of the people of northern Maine, and help the economy was to donate our land to the National Park Service.

Starting in 2011, I met with neighbors, business owners, politicians, hotel owners, timber industry executives, snowmobilers, anglers, hikers, skiers, river guides, teachers, mill workers and many other Mainers who care about the future of our local communities and state. I joke about the amount of coffee I drank over 5 years—more than I care to admit. I sat in many living rooms and heard in great detail what folks wanted if a national park were going to be established in northern Maine. I took every conversation to heart and designed a proposed park that responded to what I heard.

Access to hunting, snowmobiling, skiing, and hiking were on the top of the list. Amenities and expectations for the property were very important—more toilets, campgrounds, improved roads and bridges. Essentially, we needed a national park unit with opportunities for sightseeing, hiking, river running, mountain biking and cross country skiing, and also for hunting and snowmobiling. It was essential to include hunting and snowmobiling—two activities that cannot always be counted on from year to year on private land. We needed to ensure that the opportunity for these uses would be guaranteed and supported in this park unit. We consulted with national park experts to determine whether this homegrown conception could become a reality, and developed a national park proposal that provided a range of activities across the landscape from Baxter State Park to the gateway communities.

The national park proposal gained support from important regional business and civic groups including the Katahdin Area Chamber of Commerce, the Katahdin Rotary Club, the Greater Houlton Chamber of Commerce, the Bangor City Council and the Maine Innkeepers Association. More than 200 Maine businesses in the Katahdin, Houlton, Presque Isle, Bangor and Acadia regions—endorsed the park proposal.

In April 2015, a Critical Insights poll showed that 67 percent of residents of Maine's 2nd congressional district (northern, western and eastern Maine) supported the proposed national park unit. In November 2015, advocates delivered more than 13,000 signatures in support of the proposed park unit from residents of 371 Maine towns and 50 states to Maine's congressional delegation.

After the proposal gained momentum in northern Maine, we began exploring a national monument designation. Senator Angus King invited the National Park Service Director to meet with and answer questions for folks in the region. There were several meetings and some impromptu gatherings. The culmination was a well-publicized public meeting in Orono, Maine with over 1,400 Mainers from all

over the state, where the vast majority supported our proposal for a national monument managed by the National Park Service. In a state where the population of 60 percent of our towns is less than 2,000 residents—this was an impressive turnout. In addition, of the roughly 400 handwritten comments collected at the meeting, approximately 95 percent supported a national monument.

I can't overemphasize the amount of transparency and community engagement that preceded the establishment of Katahdin Woods and Waters National Monument. I made many trips to Washington, DC and met with some of you and your colleagues over the years. I met with our delegation in Maine. Based on the strong support demonstrated for our proposal, we offered to donate our properties along the East Branch of the Penobscot River to the National Park Service. The National Park Service indicated that the properties fully met its criteria for units of the National Park System. Once the donation was complete and the title transfers occurred, the land was declared Katahdin Woods and Waters National Monument by the president under his authority in the Antiquities Act.

Do all 87,000 acres meet the criteria under the law? As the proclamation establishing the Monument demonstrates, this very special natural and cultural landscape meets these criteria without question.

The objects of historic and scientific interest occur throughout the landscape, in all the 13 deeded parcels we donated. They include remarkable geology, undeveloped watersheds and stunning hydrological features, significant biodiversity and connectivity for plants and animals, and extraordinary opportunities to observe and study all this natural wonder. The objects also include the history of human activity in this landscape, include its significance to the Wabanaki people, loggers and timber companies, recreationists including hunters, anglers, and hikers, artists including John James Audubon and Frederic Edwin Church, and historic figures including Henry David Thoreau and Theodore Roosevelt whose lives were changed by these North Woods. All the land included in the national monument encompasses, and is essential to the proper care and management of, these objects.

Whether it's the wild rivers, critical wildlife habitat, historical significance, awe-inspiring scenery, or night skies and northern lights—the area is a natural and cultural wonder that Americans should visit and embrace much like Acadia National Park on Maine's coast. Like Katahdin Woods and Waters, Acadia started as a National Monument proclaimed by President Wilson after private land had been donated for it. Without the Antiquities Act, neither of these places that are quintessentially Maine would have had a fighting chance to be preserved for all Americans.

I have heard the notion that the Antiquities Act should only be used in the face of an imminent threat. While nothing in the Act so states, the Act is a very important tool when there is some urgency for protection. So, was there urgency to protect Katahdin Woods and Waters National Monument? Yes, there were lands that were up for sale, and there is economic urgency. Our community needs investment and quickly. My family chose to focus on a national monument as a way to diversify the economy while saving some of the region's defining characteristics. We hope other philanthropists, business owners and real estate investors follow our lead in promoting the regional economy. We have reason to hope this could happen. Last summer, Federal Commerce Department experts came to the region to provide support. A recent news report from centralmaine.com describes this effort:

The team, requested by U.S. Senators Angus King and Susan Collins, is a rare instance of the Federal Government marshaling Federal resources to assist a region experiencing economic distress. Modeled after the national Disaster Recovery Framework, it has been deployed 30 times nationwide in its 40-year history, including to address the Deepwater Horizon oil spill and the collapse of New England's fisheries.

It also comes with \$7.7 million in Federal money to invest in the forest products industry and to support and track the results of the team's visit to Maine.

The state's congressional delegation is part of the team, but no state government officials are. The Maine planning committee is made up of representatives from the private sector.

Much planning and research went into the 3-day tour that concluded Friday, according to officials, who said the involvement of Federal agencies and their work did not end this week, but rather will continue for the next 3 years with the development of an "action plan" and specific goals for the industry.

Collins, King and U.S. Rep. Bruce Poliquin, in a joint statement Friday, thanked the Commerce Department and members of the team for their efforts over the last 3 days and said their work is “an important first step and the beginning of a longer-term process among industry, local stakeholders, and Federal agencies that can revitalize this critical pillar of our economy.”

The statement did not mention the response from state government.

We hope the engagement with the Commerce Department expands and grows. We hope the state government participates. It is critically important for the region to get Federal assistance to design strategies to grow our forest products industries and we believe those efforts are entirely compatible with the Katahdin Woods and Waters National Monument.

In other hopeful news, since the designation of the Katahdin Woods and Waters National Monument, the towns around Katahdin Woods and Waters National Monument are witnessing economic improvement. Real estate sales have picked up, multi-season visitation is increasing and business investments are happening. A foundation is making a \$5 million investment to build an outdoor education facility just south of the National Monument. EPI continues to work with the National Park Service to make infrastructure improvements to the monument as well as raise money toward our commitment of a \$40 million endowment for the monument.

National monuments are one component of the communities which they are a part. Some provide recreation opportunities, some protect sacred sites, some preserve the stories of our past, and some protect our natural resources for the future. They can support tourism or new residents to an area. In our case, I hope the monument attracts a variety of industries so some of my old friends are able to find jobs and move back to the region to raise their families. These communities need diversified economies. The days of one industry dominating an area are long gone.

There was great wisdom in designing a law to allow a president to preserve our heritage for future generations. It has been working for over 100 years and there are more than 150 places that prove the success of this law. I'm grateful that Katahdin Woods and Waters National Monument is a shining example. No adjustment is necessary.

QUESTIONS SUBMITTED FOR THE RECORD TO MR. LUCAS ST. CLAIR, ELLIOTSVILLE
PLANTATION

Questions Submitted by Subcommittee on Federal Lands

Question 1. How much money have you, your family, or organizations associated with your family spent on lobbying, consulting, or public relations for Federal protection for your property (what is now the National Monument)?

Answer. First, let me thank you Chairman Bishop, Ranking Member Grijalva, Chairman McClintock and Ranking Member Hanabusa for the invitation to testify before the House Natural Resources Federal Lands Subcommittee. It was a great opportunity to explain to you and the public the tireless work that my family and I did to meet the public interest while establishing a new National Monument on the private land that we donated to the national park service. We are thrilled to see the economic, recreation, and conservation enhancement that is already happening in this beautiful region of Maine. Below, you will find my responses to the questions that you had asked as a followup to my testimony.

My family's donation of nearly 90k acres of our private land to the public was a large land-based gift to the National Park Service for Mainers and all Americans to enjoy for future generations. Implementing our donative intent required many resources, including hiring consultants, attorneys, scientists, financial advisors, realtors and others. As I stated in my verbal testimony, my family began acquiring land in 1998. In addition to those people hired to facilitate this effort, many business owners, elected officials, recreationists and others made countless in-kind donations of their time to support a national park unit for our property. Any quantification wouldn't do justice to people who supported the effort to create Katahdin Woods and Waters National Monument. It would be impossible to monetize all of these activities.

Question 2. Your organization donated the land on August 12, 2016 and it was accepted by the Federal Government on August 17, 2016. However, the National Monument was not designated until a full week later on August 24, 2016. When

were you first notified that the President intended to designate the Katahdin Woods and Waters National Monument? Who notified you of this decision?

Answer. Because we were private landowners attempting to transfer a large amount of our property, including land, buildings, and other assets, to the Federal Government, we spoke to a variety of entities within the Federal Government over many weeks and months. I can't tell you precisely when the President made the decision to move ahead with the designation. I was notified by staff at the Council on Environmental Quality when the Secretary of the Interior was prepared to accept our donation of property for the Monument.

Question 3. Regarding the pledged \$40 million endowment for the Katahdin Woods and Waters National Monument:

- a. What date was the endowment established?
- b. How much of the additional \$20 million Elliotsville Plantation pledged to raise has actually been donated to the endowment as of May 2, 2017?
- c. Where is the endowment housed?
- d. Who runs the endowment and what is the structure of its Board of Directors?
- e. What is the annual spending rate of the endowment?
- f. Can money from the endowment be used to acquire additional land for the National Monument?
- g. Who would make a final decision on closing the endowment?

Answer. Our family has gifted a \$20 million dollar endowment to the National Park Foundation and created a Friends Group that will be responsible in raising an additional \$20 million. Please direct any other questions you may have to the National Park Foundation, the entity that houses and administers the endowment.

Mr. McCLINTOCK. Thank you.

We now recognize the final witness for this morning, Mr. Knox Marshall, the Vice President of Resources for the Murphy Timber Investments Company.

**STATEMENT OF KNOX MARSHALL, VICE PRESIDENT OF
RESOURCES, MURPHY TIMBER INVESTMENTS LLC, EUGENE,
OREGON**

Mr. MARSHALL. Good morning. Thank you all for the opportunity to speak here today. My name is Knox Marshall. I am a third-generation forester, born and raised in a small logging community in McCloud, California. I have practiced forestry professionally in the Pacific Northwest since 1990 in the politically charged regions including those in Southern Oregon and in Northern California, including the Redwoods on the coast.

I currently am the resource manager for Murphy Company, headquartered in Eugene, Oregon. Murphy Company is led by third-generation president John Murphy, and we have been in the forest product industry since 1909. Our company focuses on processing logs into veneer-raised products, predominantly engineered lumber and high-end decorative hardwood panels and softwood plywood. We have five manufacturing facilities starting in southern Oregon; a veneer plant in White City; a softwood plywood mill in Rogue River; an engineered wood facility in Southerland, Oregon; a hardwood plywood mill in Eugene, Oregon; and finally, a veneer processing facility in Elma, Washington.

Murphy Company currently employs over 750 people with family grade wages in rural communities where we operate, and many more, indirectly. Our wood products enterprise is dependent upon consistent, sustainable production of forest products from our

western forests. We procure in excess of 140 million board feet annually to sustain our businesses and the people we directly and indirectly employ. Approximately 50 to 60 percent of the logs we use are produced from public forestlands.

We are a multi-generational company, and we support responsible forest management, where the long-term health of our forests is the top priority.

The management of Federal lands in southern Oregon has been in steady decline for the last 20-plus years. The forest health on these lands has continued to decline rapidly, and the solution will need to have forest restoration as its primary objective. Pace and scale of these restoration efforts needs to be ramped up, and the forests are on a clear trajectory to be at risk to catastrophic fire and permanent loss.

On January 12, 2017, President Obama, by proclamation, expanded the Cascades-Siskiyou National Monument. First, the Monument removes over 40,000 acres of O&C lands from the timberland base managed by the BLM, which were specifically designated by Congress in the O&C Act of 1937 for permanent timber production. These lands are in desperate need of management, and a significant acreage need immediate forest restoration, which is no longer an option.

The communities in southern Oregon, where we have invested significant capital and the 400-plus family grade wage they support, are again going to be at risk. We have known this for the past 5 years, and the emphasis on managing the high-risk forests in southern Oregon was not a priority because they were too highly controversial. Because of that, we made a leap as a company in 2014, led by myself and our owner, John Murphy, to invest and purchase 50,000 acres of timberland. This was to provide some certainty for our manufacturing facilities and the jobs that they support.

The expansion of this Monument included within its boundary 2,100 acres of our own timberlands, as well as adjacent to another 1,900 acres, where we believe the restrictions on forest management are going to directly correlate to increased risk of catastrophic wildfire.

The expansion of this Monument has significantly decreased the operable land base in southern Oregon on Federal lands and puts our own private lands at risk to catastrophic fire and other infestations of diseases. Murphy Company purchased these timberlands to sustain our manufacturing operations, and the Monument expansion has a direct impact on a significant portion of them.

We have a continued commitment to the southern Oregon rural communities, and will be focused on working toward solutions. Rural communities in Oregon need help. The small community of Rogue River in 2009 was in tough economic condition. With Murphy Company's purchase of the bankrupt plywood mill in 2010, we employed 240 people. Without a sustainable flow of the forest products, communities like Rogue River may suffer again, like many others are suffering right now in the state.

Decisions need to be done thoughtfully with all stakeholders involved, so that reviving and sustaining some of these small rural communities with responsible management of our Federal lands

continues. Creation of the Monument under the Antiquities Act is generally ill-suited to reach durable compromising solutions. These decisions have far-reaching impacts, and should be handled through a legislative process. Thank you.

[The prepared statement of Mr. Marshall follows:]

PREPARED STATEMENT OF KNOX MARSHALL, MURPHY COMPANY

My name is Knox Marshall and I am the Vice President of the Resources Division at Murphy Company, a family-owned wood products manufacturer headquartered in Eugene, Oregon. Murphy Company is a long-time Oregon employer that dates back to 1909 and is presently lead by CEO John Murphy, the grandson of one of our founders. We employ over 750 workers in family wage jobs at four wood products manufacturing plants in Oregon and one in Washington. The Oregon facilities include a veneer plant in White City, a softwood plywood plant in Rogue River, a hardwood plywood specialty plant in Eugene and a laminated veneer lumber ("LVL") facility in Sutherlin. We are especially proud of the LVL plant in Sutherlin, which demonstrates our commitment to staying efficient and innovative in the North American wood products industry that continues to be pressured by international competition. In Washington, we own and operate a veneer plant in Elma to augment our supply of raw material for our Oregon plants.

From a raw material standpoint, all five of our manufacturing plants depend upon a consistent quality log supply flowing to our two veneer plants, which in turn produce the veneer utilized in the value-added plywood and LVL manufactured at our three secondary production plants. On an annual basis, I am responsible for coordinating the acquisition of 140 million plus board feet of logs to meet the raw material needs of Murphy Company's manufacturing operations. In southern Oregon, we depend upon public forests for approximately half of the annual raw material needs of our White City veneer plant. Approximately 20 percent of this volume is timber harvested from lands managed by the Bureau of Land Management, and predominately from O&C lands, which are the focus of my testimony today.

President Obama's January 12, 2017 proclamation expanding the boundaries of the Cascade-Siskiyou National Monument jeopardizes our company's continued operations in two ways. First, the Monument expansion removes over 40,000 acres of O&C lands from the timberland base managed by BLM, lands which were specifically designated by Congress in the O&C Act of 1937 for permanent timber production. Over the last 15 years, we have seen an 80 percent drop in the timber harvest levels from USDA national forest and BLM lands. In timber-dependent counties where Federal forests account for more than half of the acreage in that county, there has been a precipitous decline in quality logging and wood products manufacturing jobs that has both devastated the social fabric of our rural communities and crippled county finances. Douglas County in Oregon, for example, has recently closed its entire public library system because timber sale revenues that previously funded those libraries and a robust set of other public services have largely disappeared.

The loss of another 40,000 acres of productive forestlands from ongoing, active management will cause a further reduction in the supply of timber sold annually by BLM, which jeopardizes Murphy Company's log supply and the jobs of over 400 employees at our four Oregon manufacturing plants. Prohibiting responsible forest management activities will only exacerbate the forest health crisis already threatening these forests and neighboring communities.

In expanding the Cascade-Siskiyou National Monument almost entirely with O&C lands managed by BLM, President Obama ignored past legal advice from the Department of the Interior's Office of Solicitor that a president has no authority to include in a monument lands which Congress has clearly designated for another purpose. In 1940, when President Roosevelt was considering expanding the nearby Oregon Caves National Monument to include O&C lands, the Solicitor made clear that the president had no such authority because it would be inconsistent with the utilization of O&C lands "as directed by Congress." In other words, the top legal officer in the Department of the Interior concluded that it was impossible to reconcile the permanent timber production purpose of the O&C Act with the preservation purpose of the Antiquities Act. Despite the clarity of this legal advice dating back to 1940, President Obama forged ahead with a monument expansion that did not have the support of the local community and which violates the clear designation of these lands for permanent timber production.

Murphy Company feels so strongly about the illegal character of the Cascade-Siskiyou National Monument Expansion that it has filed a lawsuit in Federal court

in Oregon seeking a judicial order vacating President Obama's Proclamation 9564. Two other organizations, the Oregon Association of O&C Counties (AOCC) and the American Forest Resource Council (AFRC) have filed their own cases challenging the Monument Expansion, which are pending in Federal Court in the District of Columbia. AFRC and AOCC have also submitted written testimony for this hearing, both of which I hope will be included in the hearing record.

There is a second way that the Monument Expansion hurts Murphy Company. One of the strategic approaches that our company has taken to address the massive decline in Federal timber harvests in southern Oregon is to invest in the purchase of company timberlands. In 2014, we purchased almost 50,000 acres of southern Oregon timberland in Jackson, Josephine, Klamath and Douglas Counties. President Obama's Proclamation also included 2,101 of these acres within the boundaries of the expanded Cascade-Siskiyou National Monument. We also own almost 1,900 additional acres that are immediately adjacent to the boundaries of the Monument Expansion. I know from the experience of timberland owners in the original Cascade-Siskiyou National Monument that the value and productivity of private timberland decline significantly whenever those lands are included within the boundaries of a national monument. Access is lost because BLM decommissions or abandons its road system within the Monument and refuses to cooperate with private forestland owners on road access issues. The private timberland owner within a national monument also experiences a dramatic increase in the risk of catastrophic wildfires, insects, and disease outbreaks on monument forestlands, which will not be actively managed or thinned to address these risks. This is a very serious threat to our company's timberlands, which represent a major investment for our company.

In conclusion, Murphy Company appreciates the efforts of the House Committee on Natural Resources to provide vigorous oversight of President Obama's use of the Antiquities Act. As the Committee considers its next steps, please consider writing both President Trump and Interior Secretary Zinke urging them to direct the Department of Justice attorneys defending the three lawsuits challenging the Cascade-Siskiyou Monument expansion to concede that the expansion illegally included O&C lands.

Mr. MCCLINTOCK. Thank you very much. That concludes the testimony of our witnesses. We thank them again for being here, and we will now begin with 5-minute questions, beginning with the Chairman.

I read in my opening statement the three over-arching objectives of this Committee: restore public access to the public lands; restore proper management of the public lands; and restore the Federal Government as a good neighbor to those communities affected by the public lands. Governor LePage, I wonder if you could comment on how the designation in your state affects these three objectives, starting with public access.

Governor LEPAGE. Well, I would say this, that I expect that the endowment for \$40 million offered by the Quimby family would be spent much faster than they anticipate. As compared—I would like to talk about how Acadia National Park in Maine has a deferred maintenance backlog in 2015 of over \$60 million. And I want to emphasize Acadia National Park has already burned down flat back in 1948.

So, I think it is very, very important, and I will tell you that states manage their forestland much better than the Federal Government does.

Mr. MCCLINTOCK. Do you expect to see greater public access because of the restrictions in the national monument designation, or—

Governor LEPAGE. No, my original objection to this whole monument and national park was the fact that the Quimby family,

before it became designated, blocked closed roads, blocked roads, prevented people from using snowmobiles, ATVs, hunting, and fishing. So, talk is cheap, actions speak a lot louder.

I would urge this Committee to go to Google Earth, look at Baxter State Park that abuts the Monument, and then look at this designation.

Mr. MCCLINTOCK. Great. Mr. Marshall, could I ask you the same questions of the designation in Oregon? How does that affect public access, proper management, and the Federal Government's relationship with the local communities?

Mr. MARSHALL. The access is probably going to be little to no change. There will be less vehicular access, I am sure, over time. The management of those—

Mr. MCCLINTOCK. Vehicular access is how people get into these areas to enjoy them, correct?

Mr. MARSHALL. Some do. Some walk, as well. I mean, so they are still going to be open to the public, they are public lands. But the management of these lands and all the land adjacent to it, I mean, they are very much overstocked. They are needing forest restoration enhancements to put some resiliency back into these forests. We have had major fires all around the Cascade-Siskiyou National Monument. And it is just a matter of time before they are potentially at risk, as well.

And for us, the restriction of those types of management activities certainly reduces the amount of land base. And the land base is what is important, and what drives our economic engines that support these communities.

Mr. MCCLINTOCK. That was my next question. You have heard the testimony, "Oh, don't worry, even though it is going to cost a lot of timber and other jobs, it will make it up on the tourism." What we found is restrictions on public use reduce public visitation, and the jobs we lose are high-paying, full-time jobs, and they are replaced with low-wage, seasonal jobs. Is that essentially your observation?

Mr. MARSHALL. I grew up in these small rural communities within the Pacific Northwest. As to the loss of jobs, I will bring one example. I grew up in McCloud. In McCloud, there was a very vibrant forest products industry—several mills located within the town. And since then, they have all been washed away.

And the use of the lands is diminishing quickly. The actual jobs supported by those responsible industries are gone. There are three people—plus or minus—in the high school at McCloud now. It is no longer making families. It is a bedroom community—

Mr. MCCLINTOCK. So, people are fleeing.

Mr. MARSHALL. People are fleeing.

Mr. MCCLINTOCK. Governor LePage, the research on the deeds for the Katahdin property, we found that 60 percent of the National Monument is now closed to hunting, 80 percent is closed to snowmobiling. Do you expect this access to increase or decrease?

Governor LEPAGE. I expect it to decrease. And I will say that I have spent most of my career, prior to becoming governor of the state of Maine, in the forest products industry. I was part of a management team that managed over 1 million acres of land in

Maine and in Nova Scotia, purchased many, many acres of forestland.

And I will say that a working forest is good stewardship, working forest meaning that you take all—hunting, fishing, hiking, snowmobiling, all of the above need to be part of the forest. If you restrict it—

Mr. MCCLINTOCK. We discovered that in the Sierra, as well.

Mr. St. Clair, final question. According to our staff report, after your family acquired land for the proposed site, you evicted campers, burned down cabins, and closed the area to hunters and to the snowmobilers who had long relied on it for north-south access. Residents in the surrounding communities overwhelmingly oppose creating the national park due to concerns over limiting historic uses, such as snowmobiling and hunting and the effect of the designation on the local timber industry. I am out of time, but I don't see how that comports with public access to the public lands.

And now I will yield to the Ranking Member for 5 minutes.

Ms. HANABUSA. Thank you, Mr. Chairman.

Mr. St. Clair, maybe you want to comment on what the Chairman just asked.

Mr. ST. CLAIR. I would like to. When we started a public research project in 2011 to find out where public interest was as a respondent to the national monument idea, or the national park idea, we quickly learned that hunting and snowmobiling were integral in the cultural heritage of the region.

Therefore, we started advocating for it, so much to the point where we created the first national park monument that incorporates and allows for hunting and snowmobiling. We quickly realized how important it was to the local communities, and made sure it was protected into perpetuity.

Ms. HANABUSA. Thank you. May I call you Lucas?

Mr. ST. CLAIR. That is fine.

Ms. HANABUSA. Lucas, this is a very unusual situation. Because, first of all, let's all be clear: the 87,500 acres was originally private. In other words, your family foundation is who purchased those lands. Correct?

Mr. ST. CLAIR. That is right.

Ms. HANABUSA. So, unless I am mistaken, I don't believe Maine has a law—or does it have a law—that would somehow allow Maine to tell you what to do with your lands.

Mr. ST. CLAIR. It does not.

Ms. HANABUSA. So, whether it has access or not, it would seem that, since it has become a monument, and it is basically under the control of the National Park Service, the concerns that your governor has should be addressed like any other monument. Because if you were to still hold it, you could deny access completely. Isn't that correct?

Mr. ST. CLAIR. We could.

Ms. HANABUSA. Now, they also mentioned the fact that you do not have roads and so forth. That is not correct, as I understand it, because your family foundation has invested quite a bit in infrastructure. Could you explain that?

Mr. ST. CLAIR. Sure. We realize that people had not had access to this land for quite some time, due to the limited amount of infra-

structure. So, over the last 5 years, our family foundation has invested between \$8 and \$10 million in infrastructure, rebuilding roads, widening roads, building bridges, building viewpoints, bathrooms, campgrounds, boat launches, et cetera, to make it available for the public. And in the last 5 years, and, more specifically, in the last 8 months since it became a National Monument, we have had increased visitation beyond anything that the landscape has seen.

Ms. HANABUSA. The other interesting component is, even the fact that you have given the land to the Federal Government, and it is, by the Antiquities Act, then subject to becoming a Monument, you, your family—or your foundation—has endowed \$40 million for its upkeep and maintenance. Isn't that also correct?

Mr. ST. CLAIR. That is right.

Ms. HANABUSA. And that is something that is not going to end because it is a Monument. That is something that is tied to the fact that it has become a Monument. Isn't that also correct?

Mr. ST. CLAIR. That is right. We have seen the backlog of maintenance at other national parks, and recognized that they needed to be supported both by the Federal Government and also by the private sector.

Ms. HANABUSA. So, your other governor, your prior governor, who has probably long passed, is also a very interesting person, and that is Governor Baxter, who was very committed—he may not have liked the Federal Government, but he was definitely committed to the fact that it would always be preserved in wilderness, and that is the 200,000 acres that he, in 1931, gave to the state of Maine. Isn't that also correct?

Mr. ST. CLAIR. That is right.

Ms. HANABUSA. And your lands, which have now been the Katahdin Woods and Waters National Monument, is also adjacent to that. Correct?

Mr. ST. CLAIR. That is right.

Ms. HANABUSA. So, wouldn't it be—for the people of Maine, and the people of the United States who want to visit, they now have the benefit of about 28,000, almost 300,000 acres of land that they can access and visit.

Mr. ST. CLAIR. That is right. And Baxter State Park and Katahdin Woods and Waters provide a really fantastic complement to one another.

And the thing that Percival Baxter and our family have in common is that we bought this land from the timber industry, from willing sellers, and we were willing buyers. And we paid fair market value for that land, and then worked long and hard to put it into the public trust.

And similar to Katahdin Woods and Waters, there was resistance locally, there was resistance in the legislature, but ultimately prevailed. And now Baxter State Park, as the Governor mentioned, is one of our most beloved crown jewels in the Maine landscape, along with Acadia National Park.

Ms. HANABUSA. And that is exactly how I wanted to end, by saying that—and I am almost out of time, but I wanted to end by saying thank you because, believe me, states like Hawaii are always looking for ways in what we consider the creation of our

legacy lands, and we found that joining with private foundations who are willing to either buy or share is the best way that we have been able to accomplish that.

So, thank you very much, and thank your mother, your foundation. And I yield back.

Mr. MCCLINTOCK. Thank you. Next the Chair recognizes Mr. Westerman of Arkansas for 5 minutes.

Mr. WESTERMAN. Thank you, Mr. Chairman, and thank you to the witnesses for being here today.

Mr. Chairman, monuments are a very important part of our culture, serving as a reminder of our history, and memorializing significant historical events. There is probably no better example of a monument than the large obelisk that is constructed out on the Mall that we affectionately call the Washington Monument.

Not long ago, I visited the USS Arizona Memorial constructed in Pearl Harbor. These cherished monuments and memorials exemplify the dictionary definition of a monument: a statue, building, or other structure erected to commemorate a famous or notable person or event.

The fact that we have living, dynamic forests that are now being designated as monuments should raise a flag, in of itself. We have a process to establish parks, reserves, and wilderness areas. And the fact that we are designating forestland—which is, again, living and dynamic—a monument, causes me great concern. It tells me that we are going around the process and using something that was never intended to set aside forestland to do just that in the Antiquities Act.

Mr. Marshall, given the challenges facing forests in Oregon and California, including drought and insects like bark beetle, what will the elimination of basic forest management techniques like just even thinning do to the forest health and resiliency?

Mr. MARSHALL. The pace and scale of the forest management now is on a pretty slow path, and the expectation to overcome all the issues associated out there are directly correlated to your question. I mean we are seeing some minor progression in the use of forest restoration activities.

But the forests are definitely in decline, from a health perspective. They are overstocked, they need treatment. The treatments can be done in a collaborative way, where the processes get a lot of support. We never can please everybody. And, certainly in some of the areas we operate, it is more difficult—southern Oregon being one of those.

Most of our timber sales are under protest, and they typically—the ones from Federal lands—they typically take a long time to go through a major litigious process. But in the absence of the restoration activities, because of the absence of fire, we definitely have a big backlog that we have to take care of, or we are going to see more catastrophic fires at a pace we are not all happy with.

Mr. WESTERMAN. A monument is put in place to preserve. That is why they are usually built out of stone and metals. But a forest is dynamic, and it is changing. If we don't protect forest health—you talked about catastrophic wildfires—what could essentially happen to these monuments if we get a catastrophic wildfire?

Mr. MARSHALL. The wildfires in this particular region can be extremely large. The monument could burn. I mean it is not unrealistic to say that the entire Cascade-Siskiyou National Monument is on a trajectory to potentially burn.

Mr. WESTERMAN. So, we could have a nice charcoal landscape to memorialize?

Mr. MARSHALL. We have several hundred thousand acres in this area that are already that way.

Mr. WESTERMAN. What would be the economic impact to local communities and small businesses, if a catastrophic wildfire came through the National Monument?

Mr. MARSHALL. We have examples right now where the catastrophic wildfires have been devastating to the communities——

Mr. WESTERMAN. Do you see a lot of tourist activity, people going to look at the charred landscape?

Mr. MARSHALL. Not a lot, no.

Mr. WESTERMAN. Right. So, long after a catastrophic wildfire has been extinguished, communities can experience the negative consequences of the wildfire for years to come, including flooding, mudslides, insect infestations, disease outbreaks, and land and water degradation impacting communities and sensitive species alike.

What impact will this designation have on Federal land managers' ability to mitigate for the consequences of catastrophic wildfire?

Mr. MARSHALL. On the Federal lands, there have been little to no reforestation efforts. So, the lands go into kind of a natural process of restoring themselves. But it is a very, very long process, and the process is something that is not necessarily acceptable and, really, has a negative economic impact to the long-term sustainability of these rural communities, especially where they produce jobs in the forest products industry.

Mr. WESTERMAN. I yield back, Mr. Chairman.

Mr. MCCLINTOCK. All right, thank you. Next is Ms. Tsongas.

Ms. TSONGAS. Thank you, Mr. Chairman, and thank you to our witnesses for being here today. As we discuss the importance of the Antiquities Act, it is rooted in the fact that our Nation has made a commitment that our most significant historical, cultural, and natural sites should be preserved in perpetuity. That means for generations to come, so that all Americans have the opportunity to relish that which is ours, and has made us this uniquely great country.

Since Theodore Roosevelt's designation of the first national monument, presidents from both parties have used the Antiquities Act to protect some of America's best-known and loved landscapes, as well as cultural sites. Many national monuments created through the Antiquities Act have since become some of our greatest national parks. So, they are just a step along the way.

Not only do national monuments protect our Nation's most treasured public lands, but they also directly benefit rural economies. Headwaters Economics, a non-partisan, independent think tank from Montana, found that, on average, counties with protected public lands, including national monuments, see increased economic

performance, including increased employment, personal income, and growth in population.

A study released by the Small Business Majority also found that national monuments designated by President Obama have provided significant boost to small businesses in rural communities who are otherwise suffering, driving \$156 million in annual revenue, and creating more than 1,800 jobs a year.

I also want to emphasize that the Antiquities Act may only be used to create national monuments on existing Federal lands. No monument designation has ever been used to seize private property, and it does not change what a private landowner can or cannot do on their private land. This is not a land grab.

In some cases, land has been generously donated to the Federal Government, and then designated as a National Monument. And we are fortunate to have you, Lucas St. Clair, here with us today, whose family has made a once-in-a-generation gift to the American people, and will continue to support the Monument with a \$40 million endowment, a very generous act, indeed.

So, Mr. St. Clair, I want to go back to the discussion of the public outreach process leading up to President Obama's designation last summer, and your outreach in crafting the private land donation that would be made to the Federal Government. You mentioned in your testimony that your focus from the start was to engage the local community in building support for the Katahdin Woods and Waters National Monument.

So, can you reiterate how you engaged with the public? And as you did, give some examples of the specific problems that were identified as a result of that outreach and how, as a result of that, you were able to resolve differences in the public?

For example, you have talked about the reduction in acreage. You have talked about allowing snowmobiling and hunting, initially not something that was top of mind. So how, in the course of that public outreach, you were able to hear what people had to say, and then come to some accommodation.

Mr. ST. CLAIR. Sure. In the winter of 2012, we began by having listening sessions in the Katahdin region. We had 4 focus groups and 80 in-depth interviews with stakeholders throughout the northern Penobscot County. We learned that size was important. It couldn't be too big. It couldn't infringe on the forest products industry. The hunting, fishing, and snowmobiling were vital to the region and the outdoor economy in the region, so we knew all those things were very important.

And to be clear, we started this as a legislative objective. We worked with our congressional delegation for 4 years, drafting legislation that we hoped would be introduced into Congress. This is the way we felt would be the most effective and the most transparent process.

We worked with our congressional delegation until the summer of 2015, when they had decided they did not feel comfortable introducing legislation. So, at that point we let them know that we were going to start working with the White House to see if they would be willing to take this gift.

With our first meetings with the White House, they told us, "It is very generous. However, you have to prove that there is public

support.” That public support then took a year to identify, and it was with public meetings, town hall listening sessions, letters to the editor, letters to the congressional delegation, to the White House, and to the Department of the Interior.

Over the course of that year, we were able to show hundreds of interest groups, sportsmen organizations, businesses, and individuals who supported it, and ultimately, were able to take all of the public use and access into account, and shape something that was very unique to the Katahdin region, and incorporated all of the things that people wanted.

Mr. MCCLINTOCK. All right, thank you very much. The gentlelady’s time has expired.

I should note it is traditional on this Committee to introduce Members in order of seniority. But those lists are occasionally modified by the Majority or the Minority. So, we will next go to Mr. Pearce.

Mr. PEARCE. Thank you, Mr. Chairman. I appreciate each one of you being here today.

First I would like to submit for the record 29 letters of support of reducing the footprint of the Organ Mountains National Monument.

Mr. MCCLINTOCK. Without objection.

Mr. PEARCE. When it was announced that there was an ongoing effort almost 12 years ago in the Organ Mountains, pretty early on we submitted a bill of 60,000 acres that protected the footprint of the Organs.

That was then sort of the small position in the whole discussion that lasted for almost a decade. And even when the Democrats had full control and a filibuster-proof Senate, they could not pass the big, expansive bill that eventually got put into place by Executive Order because they knew the local people were in deep disregard of the 600,000 acres that eventually got put into the Organ Mountains-Desert Peaks National Monument. The consensus in the community was, yes, we want to protect that, but we also don’t want to take away the economic potential. So, I hear this mantra, that if you have public lands your pay increases. It is one of the strong Democrat counties in my district that keeps pointing out—Grant County is the home to the Gila National Forest, or the Gila Wilderness. That was the first wilderness put into protected status. And they tell me, “We don’t need more wilderness here, because that is choking off our economic potential.” That is in an area that typically doesn’t look at things from a Republican point of view, and yet they are alarmed at this grab going on by the government that has played out in the West. The economic potential does not increase.

In fact, the day the Executive Order was signed that set aside the desert, the Organ Mountains, then the largest kind of off-road competition in the entire Nation decided to leave the area, and they announced they were pulling out. Because of that designation, they would have been able to get in and do their off-road sport, but it just was not going to be worth the effort.

That cost the local community of Las Cruces \$5 million right off the bat. And that has not been replaced. The ranchers invite me out to look through the 600,000 acres and see if there are any cars

out there at all. We will drive around it, and we will be the only car there. I will just tell you that when you get past Texas into these wide-open lands of the West, they are pretty routine, and people don't come out to look at the sagebrush.

So, I think all that is being suggested in this discussion in the hearing and then later, in the presidential actions, is just to retreat back to the footprint that the law initially calls for. The law says you can protect objects. But again, the Organ Mountains designation was very light on object description, and very heavy on prose. And that was what was not supposed to occur.

So, I do think there is a valid reason for reviewing the designations, and there is a valid reason for, in certain cases, when the law has not been followed, that we should, in fact, reduce the acreage.

Now, Ms. Clarke, you have probably seen as closely as anyone, as former director of BLM. Can you tell me what your perspective is on the effect of the public lands in many of these western states. And I am not talking about oil and gas lands, and those, just the broad, open ranges. Can you talk a little bit about how that affects, either plus or minus, the economies?

Ms. CLARKE. Interestingly, I arrived at the BLM at the tail end of the Clinton administration, and many monuments were created in the proceeding months. I visited many communities and their new monuments, and talked to very distressed locals who were upset about it, who were upset that they were not consulted, who were concerned about the economic impacts.

Again, I think these communities work to have a good relationship, and this destroyed all that trust.

Mr. PEARCE. I appreciate that. And just one last thing, Mr. Chairman, before I yield back. The former Sector Chief of both the El Paso and Tucson sectors of the Border Patrol highlights how security of the Nation is affected by these designations, and much of the Organ Mountains Monument lies along our southern border. So, we see what happens to the Organ Pipes over in Arizona. That is also going to happen in that designation.

I thank Ms. Clarke for her comments, and thank the Chairman for his indulgence. I yield back.

Mr. MCCLINTOCK. Thank you. Next is Mr. Grijalva.

Mr. GRIJALVA. Thank you, Mr. Chairman. And welcome, Governor LePage.

My question is, one of the aims of our system of national monuments is to protect and interpret historic, scientific, and environmental assets that need to be protected in perpetuity. Those assets include cultural, ethnic diversity, identity. Do you, as governor, agree that this is an important goal?

Governor LEPAGE. Let me qualify this by saying I think preservation for a forest is devastating. I think conservation of a forest is the proper way to approach it. I think a forest is like a garden—

Mr. GRIJALVA. I know, but my time is—Governor, my question—

Governor LEPAGE. From a cultural point of view, this monument is doing just the opposite of what Maine is used to with its culture. We have had—

Mr. GRIJALVA. Well, this hearing is about the Antiquities Act, and it is particular to the designation that just occurred in your state. But do you think it is important to protect iconic places that tell the story of, for instance, civil rights, gay rights in this country?

Governor LEPAGE. Oh, absolutely. I believe that it is important to protect the culture of the United States. And this designation does not do that.

Mr. GRIJALVA. Just for my own, and the Committee's, what percentage, Governor, of your state's income is based on tourism, if you were to—

Governor LEPAGE. I am sorry, I didn't—

Mr. GRIJALVA. What percentage of your state's income is based on tourism?

Governor LEPAGE. I couldn't tell you that, sir. Between tourism and pulp and paper, I would say tourism probably has a slight edge, but we are still the Number 3 largest paper producer in the United States of America.

Mr. GRIJALVA. If I may, Ms. Clarke, is it true that no administration, whether it is the Grand Staircase or now the discussion about Bears Ears—that no administration, including the one in which you served, has ever attempted to revoke a monument, an existing monument?

Ms. CLARKE. That is my understanding.

Mr. GRIJALVA. Do you believe the president, this president, has the authority to unilaterally abolish national monuments?

Ms. CLARKE. That notion has not been challenged in court. So, I am not going to opine as to whether he has that authority or not.

Mr. GRIJALVA. And, Secretary Zinke, in the review that was mandated to him by the President of the designations for the last 10 years of national monuments, do you think, as you indicated in part of your testimony, do you think that the Secretary on this review is going to do and recommend to the President, should he have public hearings in all of these sites, all 20, 30 that he is reviewing, public hearings, 1, 2 in each one?

Ms. CLARKE. He has been given a very limited time to complete a very demanding process, and I don't know how that will be designed. I am sure he will be reaching out to people in communities.

Mr. GRIJALVA. Thank you. To the whole panel, one of the biggest threats, if not the biggest threat, to our public lands is climate change. And we just witnessed this week millions of Americans calling for action on climate change.

Though I oppose President Trump's Executive Order on monuments, do members of today's panel think these reviews should focus on the growing negative impacts of climate change on our parks and national monuments—I will go down the line, beginning with the Governor, if you don't mind, sir.

Governor LEPAGE. I would say that climate change has a big impact on our planet. But even worse is poor management of our forests.

Mr. GRIJALVA. So, that would be a yes?

Governor LEPAGE. No. I would say that more important than climate change to our existing forests, particularly in Maine, is the management of our forests, which preservation does not do.

Mr. GRIJALVA. Please, Ms. Clarke—

Ms. CLARKE. I am not sure that any of the monument managers or those states can avoid the changes in climate. And, obviously, those are going to be a consideration in management decisions.

Mr. GRIJALVA. Mr. St. Clair?

Mr. ST. CLAIR. I believe the protection of national monuments, and certainly the national monument that was created in Maine, provides fantastic adaptation and mitigation for climate change, going forward, yes.

Mr. GRIJALVA. Sir?

Mr. MARSHALL. I think forest conservation, as the Governor said, is an important part of the absolute mandates that need to be addressed, because forest conservation will be a part of the discussion in climate change, absolutely. Preservation typically leads, in our area, to a catastrophic fire, which has a massive release of carbon.

Mr. GRIJALVA. Thank you, Mr. Chairman. One yes, one almost yes, and two maybes.

[Laughter.]

Mr. MCCLINTOCK. And no more time. Next is Chairman Bishop.

Mr. BISHOP. I appreciate all of you being here. Many of you had difficulty with our names. I want you all to know that you got the name Bishop correct.

[Laughter.]

Mr. BISHOP. Thanks for everything.

Kathleen, let me talk to you first. Amongst your resumé, you were the Federal Bureau of Land Management Director here in Washington between the monuments—the designation of Grand Staircase and the Bears Ears catastrophe. I have 20 minutes of questions I am going to get done in 4 minutes and 34 seconds with all of you, so I am going to do these quickly.

Ms. Clarke, the Utah Geological Survey estimated that the State School Trust Fund had about \$17 to \$25 billion worth of potential revenue coming from Grand Staircase-Escalante. What could that have done to the school kids of Utah?

Ms. CLARKE. That would have been an absolute boon to the kids, and they desperately are in need of increased funding.

Mr. BISHOP. So, SSTL, or the State School Trust Lands, has only 6 percent of Utah. But in Bears Ears, there are 109,000 acres of SSTL lands that are locked in there with nothing else to do about it. What is that going to do to the trust fund for the school kids of Utah?

Ms. CLARKE. Well, clearly, that is going to, again, diminish opportunity. And that is a very significant part of the expectations for budget revenue.

Mr. BISHOP. And I did just talk to Representative Pearce while he was here.

And to Ms. Tsongas, your statement that there were no private lands, that is inaccurate. There are 8,000 acres of private lands that are locked up in the New Mexico one, within the boundaries, that have not been adjudicated, they don't know how to try and get that through. That is why Antiquities Act designations are so desperately bad.

Ms. Clarke, let me come back to you. The Grand Staircase-Escalante designation—when that happened, there were 81 grazing

jobs that were lost, as well as the shutdown of a plant where 1,100 jobs were lost.

Ms. CLARKE. Eleven hundred jobs. The grazing——

Mr. BISHOP. Is there anything in the tourism community that has equaled that down there?

Ms. CLARKE. No, it certainly has not substituted. There are a lot of part-time tourism jobs, taking care of activities in motels and restaurants. But those are seasonal. You go to some of these little communities in December, you cannot even find a place to eat.

Mr. BISHOP. Let's go to San Juan County, then. It has one national monument, one national forest, one national recreation center, three national monuments. Despite that, it is still the poorest county in the state of Utah. It has doubled the unemployment rate, or the people living in poverty in Utah. Will one more national monument help that county prosper?

Ms. CLARKE. Absolutely not.

Mr. BISHOP. And that is the bottom line of what we are doing.

Governor, let me thank you once again for being here, and I appreciate it very much. If I could ask you a couple of simple questions. When Pew did their environmental report on this—on what you have up there, they had some negative things to say about it. And one of the things they said, "Nonetheless, unless a long-standing tradition is suddenly broken, creating any new Federal designation regarding the level of protection it provides must have the backing of key local and statewide constituencies, and a majority of Maine's political leaders."

"Based on our"—this is still Pew—"Based on our interviews, we do not find a strong core support for creating a national park in Maine's north woods, or any new Federal designation for land in that region." Are they off point?

Governor LEPAGE. No, they are right on the money. Matter of fact, one of my recommendations to this Committee and to the Congress is, if you are going to do anything with the Antiquities Act, make sure that the state in which the monuments or the parks are going to be designated from, that they have a dialogue with their legislature, with the public, and with the governor.

Mr. BISHOP. So, let me get this right. The governor posed it, the state passed a bipartisan bill against the monuments. The Senators and the Congressmen sent letters expressing serious concerns about the reservation—73 out of 75 local elected officials opposed the National Monument in the only Park Service listening session that they had up there.

We have something here that—this was created by fiat. Nobody in the delegation, who actually even introduced a study resolution—and I appreciate the fact that some of the people in Maine wouldn't take no for an answer, but that was essentially the no.

Also, the Ellitsville Plantation, Incorporated did an evaluation on a proposed national park up there. And their evaluation judged the proposal met in all aspects and criteria except for feasibility. Do you believe that the Ellitsville Plantation did not press the Members of Congress to introduce a bill on feasibility because their own report said they did not meet the needs of that study?

Governor LEPAGE. They did not meet the needs.

Mr. BISHOP. I am sorry, that was—thank you. You gave a short answer; I gave a long question. There are more long questions to do in the next 19 seconds. No, I can't do it.

Mr. St. Clair, I do have a question for you. Thank you for being here. I wish you had been at the other, earlier hearing that we had that you called a sham. I am glad that you are finally here for this one. But there are some concepts I have specifically about the \$40 million, as well as some of the concepts you said about deeds. And I will be asking that at a later time, or maybe for the record. I yield back.

Mr. MCCLINTOCK. Thank you.

Mr. Panetta.

Mr. PANETTA. Thank you, Mr. Chairman.

First of all, thanks to all four of you for being here, taking the time and the preparation to come here. I know it can be difficult. So, thank you very much; I appreciate it.

I hail from the central coast of California, the 20th congressional district there—Monterey, Santa Cruz, Salinas, what I would consider one of the most beautiful areas in the Nation. And I think, because of that, we have had three national monuments in my district: the Fort Ord National Monument; the California Coastal National Monument; and recently we had the Pinnacles National Monument, which then became the 59th State Park recently, the latest state park—national park, excuse me, the Pinnacles National Park.

All three of those national monuments contributed greatly, and continue to contribute greatly to the economic and environment impact of that area. There is no doubt about it. I mean if you look at the Fort Ord National Monument, which was created—20,000 acres created on the former Fort Ord, now we have biking, we have hiking, we have horseback riding, we have trail guides, and have a number of businesses and a number of jobs that have been created because of that national monument.

Pinnacles now-National Park has an economic impact of over \$13 million to the local communities each year. Yes, mainly, that can be contributed to the fact that it became a national park recently. But there were a number of visitors there, prior, when it was a national monument.

And environmentally, it is where my family, my grandfather, who was an Italian immigrant, came to that area. My father was raised there, I was raised there, my daughters are going to be raised there. I look at these national monuments. They are basically living postcards that we can send to our future generations. And I am fortunate for that.

So I feel, despite what we have heard today, that, at least on the central coast of California, there are a number of benefits that these national monuments can have on certain areas. So, I guess my question would be to Mr. St. Clair, what would you say would be the positive economic benefits, or environmental benefits, to the national monuments that you discussed earlier?

Mr. ST. CLAIR. Well, the National Monument that was created in Maine lives in the National Park System, and so the legislation that created the National Park Service, the Organic Act, says to conserve unimpaired for future generations and enjoyment.

So, not only does it talk about the conservation implications, but it is for people. And that is the piece that brings people and jobs and boosts the economy around national parks. We are very fortunate to have those benefits, and in the short 8 months since the creation, already have started to feel the increase in visitation and the increase in jobs.

Mr. PANETTA. Great. Now, you talked earlier about—a question was posed to you about the input that you received from the local communities, correct?

Mr. ST. CLAIR. Yes.

Mr. PANETTA. And you actually did polling, as well, is that true?

Mr. ST. CLAIR. Several polls, yes.

Mr. PANETTA. How did that turn out?

Mr. ST. CLAIR. They were never—they were always in support. And, as the years went on, support increased.

Mr. PANETTA. The information that you gathered from your outreach and input that you took in from the local communities, did you provide that to the executive branch when you were lobbying them?

Mr. ST. CLAIR. Absolutely. And, to make the point more clear, the report that Pew did that was referenced by Chairman Bishop was done in 2011. That was when I began work in the Katahdin region. And to see our body of work was the amount of support that started with very little in 2011 to a lot in August of 2016.

Mr. PANETTA. Great. Thank you. I appreciate it. And, once again, thanks to all four witnesses.

Mr. ST. CLAIR. Absolutely.

Mr. PANETTA. I yield back my time.

Mr. MCCLINTOCK. Thank you. Next is Congressman Thompson.

Mr. THOMPSON. Thank you, Chairman. And thanks to the members of the panel that are here.

Mr. Marshall, according to your testimony, the entire public library system in Douglas County needed to be shut down for the lack of revenue from the Federal forests. If this expansion results in further decline of timber production, what other public services could the surrounding communities lose?

Mr. MARSHALL. Yes, you are referencing the O&C lands. The O&C lands directly—the funds from the timber harvest paid by the timber companies go directly into the counties for funding for essential public services, including libraries, police protection, and other things like street maintenance, et cetera.

There is a full suite of public services that, as the land base continues to diminish, and the outputs continue to go down, that are impacted directly by the lack of funding.

Mr. THOMPSON. Because of the decline in revenues and increased restrictions in the national monument, much of the infrastructure is either deteriorating or blocked off by the BLM. In the event of a catastrophic wildfire, what challenges could this create for firefighters?

Mr. MARSHALL. Infrastructure is critically important to initial attack to put out these fires. The first designation of the Cascade-Siskiyou National Monument included an expansion into the wilderness and further putting roads back off the grid, actually decommissioning roads throughout the landscape. So, initial attack

becomes a very big challenge. In our western forest landscapes, if you are not there in the first critical moments of a fire, the expansion becomes very fast and very aggressive in these overstocked forest stand conditions.

Mr. THOMPSON. With your background and, Governor LePage, your background in forest products, isn't it true that a forest that has good, healthy, active management is basically a carbon sink? It is not carbon-neutral, it is carbon-negative, whereas a forest that is locked up, preservation, unattended to, not actively managed actually becomes a carbon emitter? Is that correct?

Governor LEPAGE. That is correct. As I tried to say earlier, a forest is like a garden. It just takes a lot of years to grow. If it is not properly managed, it will get weeds, you get blow-downs, dead wood, it covers the bottom floor. It becomes a very, very risky proposition, and a nasty objection that I have to preservation versus conservation. Conservation keeps a healthy forest, keeps the young growth healthy and growing, keeps the older growth, the class balance of your forest growing.

A working forest has a good class-age distribution. And that is what I think you lack when you preserve. And you can see that in some of our national parks, and that is why some of the wildfires we have are catastrophic.

Mr. THOMPSON. Some have said that the forest products industry is in decline, but the mills still provide good jobs in this area. And Maine's forest products industry contributes \$8 billion annually to the economy, based on what I read. How does this designation affect local businesses struggling to survive and limit future growth in the forest product industry, and Maine, generally?

Governor LEPAGE. Well, particularly in this area, here, right now we have on the drawing board a very large investment that is being proposed. The problem is you are taking land out of production that is near to this facility.

This region of Millinocket, East Millinocket and Medway, has been hit very, very severely with the loss of two paper mills. We have investors interested in coming back to the region, but they need to have the availability of resource. With the Baxter State Park and the Monument, it is taking a lot of land off the rolls. And therefore, they are just going to have to look at other areas, which leaves this particular area vulnerable for growth.

Mr. THOMPSON. Thank you, Chairman. I yield back.

Mr. MCCLINTOCK. Thank you. Next, Mr. Brown of Maryland.

Mr. BROWN. Thank you, Mr. Chairman. I do want to thank the members of the panel. This hearing is focused primarily on large-scale monuments, specifically on large forests and the management of and public access to them. However, the Executive Order on the review of designations under the Antiquities Act includes a confusing clause that leaves open the possibility of a review of any monument of any size declared since 1996 that the Secretary personally determines was established without sufficient local input. This leaves any monument open to review.

Maryland is home to both the Chesapeake and Ohio Canal National Historic Park and the Harriet Tubman Underground Railroad National Historic Park. Like many national parks, these areas first began as monuments created by presidents under the

Antiquities Act, to be preserved for their historic and cultural significance. The use of the Antiquities Act made certain that these areas would be preserved in the public domain indefinitely, and to be kept accessible for generations to come, so that they could experience that cultural and historical significance.

Monuments such as those for Harriet Tubman are particularly important. National monuments tell our story, as Americans. And, as of 2014, only 26 monuments recognized the achievements of the African-American community; 19 monuments for the Latino community; and 8 for women. The Antiquities Act is a critical tool used in ensuring under-represented communities are commemorated for their contributions to American history.

In addition to the Harriet Tubman Underground Railroad National Monument, President Obama used the Act for sites commemorating Cesar Chavez, a National Monument in California; Colonel Charles Young and the Charles Young Buffalo Soldiers National Monument in Ohio; the Belmont-Paul Women's Equality National Monument in Washington, DC; the Hanalei National Monument in Hawaii; and the Stonewall National Monument in New York. Together, these tell the diverse story of America, interwoven from the experience of so many different people from all nationalities, creeds, and backgrounds.

Mr. Chairman, I now ask unanimous consent to enter into the record testimony from Ms. Stephanie Meeks, President and CEO of the National Trust for Historic Preservation. In her testimony, Ms. Meeks further outlines the need to protect the Antiquities Act to preserve our national landscapes, as well as our cultural monuments that show who we are, as a country, and how far we have come.

[Pause]

Mr. BROWN. Unanimous consent to enter——

Mr. MCCLINTOCK. Oh, I am sorry——

Mr. BROWN. No, that is OK.

Mr. MCCLINTOCK. Yes, without objection.

Mr. BROWN. OK, Mr. Chairman, I yield back the balance of my time.

Mr. MCCLINTOCK. OK. That is what I was waiting for. Next is Mr. Labrador.

Mr. LABRADOR. Thank you, Mr. Chairman, and thank you for holding this hearing today. And thank you, all of you, for being here.

Since I was first elected to Congress in 2010, I have introduced legislation in each Congress to amend the Antiquities Act. I know that I am not the only Member who has introduced legislation related to this. But, Governor, you will be happy to know that I am reintroducing my bill today that will require states to approve monument——

Governor LEPAGE. Thank you.

Mr. LABRADOR. And I hope that we can have a hearing soon on it, and have it pass in the Senate.

I am pleased that last week President Trump ordered a review of national monument designations designated by his predecessors. But we cannot stop there. I am hopeful that this Congress will build on the President's actions and re-assert its authority over our

public lands, and pass legislation to permanently reform the Antiquities Act.

Individuals who live near our public lands and state and local elected officials know how to best protect our cherished lands more than any bureaucrat in Washington, DC, or any think tank, or any other group like that, or even the President of the United States. We must make sure that those who live and work on and near our public lands have a voice when it comes to decisions regarding the designation of national monuments.

Governor, did the state of Maine or any of the localities around the Monument support President Obama's decision to designate the National Monument?

Governor LEPAGE. Not that I am aware of. It was not a very pleasant time for the state. In fact, they had a public hearing at the University of Maine in Orono about the Monument. People were bussed in, proponents were bussed in, while the opponents had to come at their own expense. And that was telling, really telling to me, when you have to bus people in from southern Maine up to the university, so that you can have a public hearing, and then most of the people that showed up were people from the general community, surrounding communities, who were opposed to having it.

Mr. LABRADOR. But Mr. St. Clair just said that all their data shows that the public supported it.

Governor LEPAGE. Well, I'll tell you, he also said—I heard somebody say that information was given to the executive, and that is clearly not true. I just met Mr. St. Clair for the first time this morning.

Mr. LABRADOR. Were you or any other state or local elected officials involved in the development of the proposal?

Governor LEPAGE. No. And when Secretary Salazar came to Maine to visit, they deliberately forgot to invite the Governor's Office or to let the executive know he was in town.

Mr. LABRADOR. Because governors don't matter that much, right?

Governor LEPAGE. That is right.

Mr. LABRADOR. Were you asked to provide feedback as the Monument was being developed?

Governor LEPAGE. No, never.

Mr. LABRADOR. What recourse do you have, now that President Obama has designated the Monument?

Governor LEPAGE. The only recourse, I believe, the solid recourse would be Congress changing the Antiquities Act and taking a hard look at it. Second—because I do believe that if a president can unilaterally take action, then I think another president should also be able to take unilateral action.

Mr. LABRADOR. According to Mr. St. Clair, there have been a bunch of jobs created because of the Monument. What has been your experience, as the governor of the state?

Governor LEPAGE. Well, the area that he is speaking about is one of the highest unemployment areas in the state of Maine. And I will say this—the state of Maine's unemployment right now is at 3 percent, which is very, very pleasant. And we are trying to get people to Maine to take some of these jobs.

So, I will say this to Mr. St. Clair. The growth in the state of Maine is on the coast. Between May 31 and Labor Day we will have 40 million visitors, but they will be to the coast. Very few are going to be in the——

Mr. LABRADOR. Ms. Clarke, again, thank you for being here to testify. Based on your experiences in Utah, does the creation of a national monument boost economic activity?

Ms. CLARKE. I do not believe it does at all, because it shuts down the kind of economic activity that pays good jobs and supports families.

Mr. LABRADOR. Can you provide some examples of the negative economic impacts of national monument designations?

Ms. CLARKE. Gateway communities near the Grand Staircase National Monument are dying. Last year, the County Commissioners in Garfield County sent a letter to the Governor, asking him to declare a school disaster, an education disaster in the county, because his schools have lost so many students that they are not getting enough funding to keep them supported. Right now there are only 57 students in those schools. Families are leaving.

Mr. LABRADOR. Are there better ways to protect these areas, instead of a designation of a national monument?

Ms. CLARKE. You know, these areas in Utah are bold and they are not going anywhere. They are not fragile. And the locals have been there and cared for them for generations.

I think, as I stated in my testimony, the designation, if anything, brings folks in and they do more harm than good.

Mr. MCCLINTOCK. Thank you.

Mr. LABRADOR. All right, thank you.

Mr. MCCLINTOCK. Next is Mrs. Torres.

Mrs. TORRES. Thank you, Mr. Chairman.

Mr. St. Clair, it seems that we are playing a little bit what came first, the chicken or the egg, here. And it has me a little bit confused as to exactly how much public input—it appeared from your statement that community went all out and provided for a lot of input.

Can you respond to some of the comments that were made by the Governor? Oftentimes, our big egos in government get hurt if we don't receive a special invitation. Was he not given a special invitation to attend any of these hearings?

Mr. ST. CLAIR. Well, we did reach out to the Governor's Office a number of times, and he was invited to all the public meetings, including the field hearing that this Committee had in the Katahdin region, where the Governor did come.

I had met with his chief counsel every day a number of times, sat next to him at the public meeting that Senator King and Director Jarvis had in Orono, and sent numerous letters of support from the local chambers of commerce, Rotary, hospital boards, and elected officials from the Katahdin region and Penobscot County directly to the Governor.

So, we had done our best to make clear that support was there and, in fact, growing.

Mrs. TORRES. So, in your opinion, the community came out to build up this monument, to create something to leave back for future generations? It appears to me now, in hearing some of the

testimony and some of the comments, that this is now a Congress-created paranoia to tear down this monument, to take away what the community had built for all of these years of open hearings and community outreach.

Mr. ST. CLAIR. Yes, that is right. And many of the community members are here in the audience today who supported the Monument. And ultimately, we would have liked to have seen legislation pass through Congress, and that is still our goal. I think that is the most effective way to do this.

Mrs. TORRES. The proclamation for the Katahdin Woods states that there is significant opportunity for scientific discovery because much remains to be discovered about Native Americans who once lived in the area.

How do you respond to the statements that monuments are too big, when much is unknown still, and this violates the smallest area compatible portion of the Antiquities Act?

Mr. ST. CLAIR. Well, the exact inverse is true in Maine, where our initial proposal and the proposal that got public support was for 150,000 acres. And when we started working with the White House, they said, "Look, the only way that we will do this is if it is the smallest possible area, and only land owned and donated by your foundation." So, ultimately, it became quite small.

Mrs. TORRES. Thank you. I am going to yield my 2 minutes to our Ranking Member.

Ms. HANABUSA. Thank you, Mr. Chair. I assume that that is OK with you.

Mr. MCCLINTOCK. It is.

Ms. HANABUSA. Mr. Chair, one of the things that has been said is—and we want to clarify this—that in the case of monuments, just like in parks and forests, they can and do include what is called Federal in-holdings. The monument does not alter the rights of those non-Federal owners. And that is why local landowners support the Cascade—I am going to say this wrong—Siskiyou Monument.

For that reason, Mr. Chair, I ask that the document, Cascade-Siskiyou Monument Expansion 2016 Campaign—and these contain letters of support—be included in the record.

Mr. MCCLINTOCK. Pronounced Siskiyou.

Ms. HANABUSA. Siskiyou. I got it.

Mr. MCCLINTOCK. Without objection.

Ms. HANABUSA. Thank you. And I yield back.

Mr. MCCLINTOCK. Does the gentlelady yield back? Mrs. Torres?

Mrs. TORRES. I will ask one more question.

The mission statement of the Department of the Interior literally says that the Department protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities, or special commitments to American Indians, Alaska Natives, and affiliated island communities.

Mr. St. Clair, in your opinion, how does the shrinking of, or rescinding of, a national monument designation help the agency fulfill its obligations?

Mr. ST. CLAIR. I don't think it would. I think that it is important that—certainly, the native Penobscots, in the case of Maine, their

sacred land is protected and interpreted to the best of the agency's ability.

Mrs. TORRES. Can you speak to the impact the designation has for the—I am going to say this probably wrong—Wabanake people? And particularly the Penobscot Indian Nation.

Mr. MCCLINTOCK. I am afraid that is going to be a yes or no. The time has expired.

Mr. ST. CLAIR. It has been positive.

Mrs. TORRES. Thank you.

Mr. MCCLINTOCK. Great, thank you. Next is Mr. Tipton of Colorado.

Mr. TIPTON. Thank you, Mr. Chairman, and thank you for holding this hearing. I thank our panel for taking the time to be able to be here.

I would actually like to be able to follow up, because I think it was a pretty good segue in regards to the Ranking Member's statement, saying that the designation of a monument does not alter the rights of the landholders.

Living in Colorado, we have had in-holdings on those lands. And, Mr. Knox, would you maybe speak to this? I think you had cited a solicitor general opinion earlier in regards to, once we have a presidential designation, not going through the legislative process, not having Congress involved in the process, you do catch up private lands that are then included in a designation. Can you speak to that?

Mr. MARSHALL. I think your question is twofold. The O&C lands are unique, and they are designated by Congress under the O&C Act of 1937 to be dedicated to permanent timber production. That is one question of the president proclaiming them for another use.

The private landholdings I will speak to. We are an owner that has the boundaries. The ownership in the Cascade-Siskiyou National Monument is checkerboard. Within that are access agreements with the BLM that basically give us opportunities to move and remove our forest products.

With the access—the management guidelines for the Monument do not run parallel to the management guidelines of industrial forests. So, the forests are going to be subject to long-term restrictions on access and long-term increased threat of wildfire from the neighbors' activities, which will not be for forest resiliency and forest health. It will be for forest preservation.

So, it is true that we still have rights to do some of the things we want to do removing these lands. But within this checkerboard—all four of our boundaries of some of our lands are national monuments now—we are going to see limitations on access, and we are going to see conflicts with the use next door.

And I say it simply as, we have the Pacific Crest Trail that runs through these properties, and they are going to be walking through one section of a monument at risk to catastrophic fire. Then, the next section will be industrial forestlands. They are just not parallel uses.

Mr. TIPTON. I don't want to put words in your mouth, and you can comment on this—would it have been perhaps a more effective way, a more deliberate way, to—if we were going to designate an area as a monument, to have gone through the legislative process

to be able to explore some of the challenges, some of the access issues, some of the cooperation that you were citing?

Mr. MARSHALL. Yes, I absolutely believe so. I think a good forest conservation effort would look at the entire landscape. It would not just simply recognize section lines.

The process—we did engage with folks and said if we really are looking at protections, and we are looking at the scientific and the ecological value structure of these landscapes, they need to be inclusive of all the lands, not just necessarily the lands withheld in the ownership.

So, things like trades, boundary adjustments, et cetera would have been a good thing to have in a discussion in front of Congress, so that we could have made some progress to make some of the decisions more clear and more beneficial to the ecosystem.

Mr. TIPTON. Thank you, Mr. Knox.

And Ms. Clarke, maybe you could speak. We happen to have a common boundary along the Colorado and Utah borders they are going through. Just exclusive even of a designation process that is going in, let's go back to what I was just visiting with Mr. Knox on.

When the President, the executive branch, unilaterally makes a decision, what forethought is going into what some of the needs are going to be needed for enforcement, for the resources that are going to be available to actually address those needs? Is there any forethought that goes in when we have unilateral designation by the President?

Ms. CLARKE. I doubt there is forethought. There certainly isn't any provision made for those communities. And they immediately feel a need for increased police presence. In the Grand Staircase, they have done a lot of search and rescue. That is an expensive operation. The communities have people coming and going. Their waste systems are challenged. But there is no additional money.

So, I think they do put burdens on those communities, and I think they are created without regard to those more practical, mundane situations.

Mr. TIPTON. Do you think it would be useful for Congress to maybe be playing a role, if something is to be designated, does have community support, to think those issues out beforehand?

Ms. CLARKE. I absolutely think Congress should do this. And if Congress is unwilling, that should send a very clear message that this is not a good idea, and we should not embrace it through another means.

Mr. TIPTON. Thank you, Ms. Clarke. My time has expired.

I yield back, Mr. Chairman.

Mr. MCCLINTOCK. Great, thank you.

Mr. HUFFMAN.

Mr. HUFFMAN. Thank you, Mr. Chairman. And thanks to our witnesses here today.

I think it is important to remember that the Antiquities Act has historically always been a strongly bipartisan piece of public policy. And it was just a few years ago that I wrote an Op Ed on the Antiquities Act with a Republican colleague, Chris Gibson of New York. We talked about not only the conservation benefits of this

legislation, but also the significant economic boost that it invariably gives to local communities.

Governor LePage, I listened carefully to your testimony, and I heard you paint a fairly dark picture about the impacts that some of these out-of-state visitors presumably would bring to this National Monument. You talked about them being uninspired by the cutover lands, maybe spilling over and overburdening the nearby state park. You talked about traffic and safety implications. It was almost reminiscent of one of your more colorful statements about outsiders coming into Maine and causing other problems.

Governor LePAGE. You mean drug problems?

Mr. HUFFMAN. I am sorry?

Governor LePAGE. Yes, you are talking about the drug problem comment?

Mr. HUFFMAN. I did note a similar theme. You didn't mention——

Governor LePAGE. People die every day, sir.

Mr. HUFFMAN. You didn't mention impregnating young white girls, as you did previously. But certainly you are laying a lot of blame on outsiders coming in to Maine.

And I noted you didn't talk about any benefits at all to this National Monument designated. Do you see no economic benefits, no benefits at all to——

Governor LePAGE. Sir, I will say this. The Acadia National Park, right now, which is a jewel in the state of Maine, has \$65 million in arrears, and I am afraid what is going to happen to that park in my lifetime will be what happened in 1948, because it is not properly managed.

What is going to happen to this Monument, which borders and abuts one of our jewels in the state of Maine, a State Park, is going to make it vulnerable to catastrophic fires because, sir, the Federal Government——

Mr. HUFFMAN. My question, though——

Governor LePAGE. The Federal——

Mr. HUFFMAN. My question, Mr. Governor, is do you see any economic benefit——

Governor LePAGE. Sir, let me finish please.

Mr. HUFFMAN. You have mentioned——

Governor LePAGE. Let me finish, please.

Mr. HUFFMAN. I heard your testimony about the fire risk.

Governor LePAGE. Sir——

Mr. HUFFMAN. My question to you is do you see any economic benefit.

Governor LePAGE. Not in this area, not in my lifetime.

Mr. HUFFMAN. Thank you.

Governor LePAGE. Not until this forest grows up again.

Mr. HUFFMAN. Fair enough. Thank you. You also talked about the trade-off between the tourist economy and pulp and paper. If you had to look into the future for the economy of Maine, do you see a lot of upside in paper? Do you see——

Governor LePAGE. Tissue paper, yes.

Mr. HUFFMAN [continuing]. Paper as a growth industry?

Governor LePAGE. Tissue paper, yes. I think printing paper, no.

Mr. HUFFMAN. I noted that a couple years ago we hit peak paper, and that now, on an annual basis, we and the rest of the world are consuming less paper each and every year.

Governor LEPAGE. Printing paper.

Mr. HUFFMAN. OK.

Governor LEPAGE. Because nobody is reading newspapers. But there are all kinds of other papers making—like tissue paper, paper towels, waxed paper. The economy in Maine—we are now seeing people going away from plastic in grocery stores, and coming back to waxed paper.

So, yes, I think there is a big growth in the paper industry, and I think we should be on the forefront of it.

Mr. HUFFMAN. All right. Mr. St. Clair, could you speak to this view that there is no upside whatsoever to the monument designation, only downside?

Mr. ST. CLAIR. Sure. Well, we are already experiencing increase in visitation, and the economy is starting to come back through real estate values, through expansion of existing businesses, and the opening of new businesses. We have seen that in just the 8 months.

And I also want to be clear, this is not a zero-sum game. This is not that we cannot have a tourism industry without the forest products industry, and we cannot have a forest products industry with a tourism industry. They both work hand in hand. This is a region that has lost 5,000 jobs in the paper industry in the last three decades, so attention needs to be brought to the region, both for new forest products industry jobs and for tourism.

Mr. HUFFMAN. All right. It has been mentioned that somehow forestlands are inappropriate for national monument designation under the Antiquities Act. I just want to point out that I represent a forest that was one of the first monument designations, Muir Woods National Monument. That was Teddy Roosevelt himself who did it in 1908. I think he probably had a pretty good handle in 1908 about what the Antiquities Act meant.

And I note that we have numerous times since then designated forests. I know that Giant Sequoia National Monument is another great example. If I could, in the remaining seconds, what is so special about these forestlands?

I know that Gifford Pinchot himself was inspired by the fact that we had abused a lot of the Northeast forests and created the National Forest Service. Why do you and your family want to protect these forestlands?

Mr. ST. CLAIR. It is not only the—

Mr. MCCLINTOCK. The gentleman's time has expired, so be very brief.

Mr. ST. CLAIR. Sure. It is one of the last intact forests in the East. It has incredible waterways—the Penobscot, the Sebobeis streams—and an incredible amount of cultural heritage, including a place where a young Theodore Roosevelt learned about being an outdoorsman.

Mr. MCCLINTOCK. Thank you. Mr. Gosar.

Dr. GOSAR. I thank the gentleman. The President's ability to set aside land for monuments and national parks comes from the outdated Antiquities Act of 1906, which was originally intended to

protect prehistoric Indian ruins and artifacts on Federal lands in the West.

More than 100 years later, the original intent of this law, which included language to limit these designations to the smallest area compatible with proper care and management of the objects, has been significantly abused.

Would the staff bring up the first graphic.

[Slide]

Dr. GOSAR. This is a pie chart compiled from information the *Washington Post* obtained from the Department of the Interior. And as you can see, this 1906 law has been abused by presidents of both parties.

However, President Obama exceeded the intent of the Antiquities Act more than any other president in the history of this country.

And now the second one.

[Slide]

Dr. GOSAR. Wow. During his presidency, President Obama designated or expanded 34 national monuments, locking up 544.7 million acres of water, and 8.8 million acres of land. In the past, national monument designations on the Antiquities Act have significant consequences, negatively affecting grazing rights, water rights, wildfire prevention management, as well as hunting, fishing, and other recreational activities.

Ms. Clarke, recently, former Secretary Sally Jewell was quoted by the *Salt Lake City Tribune* as saying, "Every member of Utah's delegation and Governor's office knew for years we would use the Antiquities Act by the end of the Obama administration if they were not successful at getting legislation passed. None of this was a surprise."

However, when I asked Secretary Jewell in a March 2016 hearing whether the President intended to use the Antiquities Act, she said he had given her absolutely zip about what designations he planned to make.

Given your expertise in the Governor's Office, and the former BLM's director, can you describe the amount of transparency the Administration had before this designation?

Ms. CLARKE. My understanding is it was zero. I believe there was a report put out by the Minority party that detailed a whole lot of exchange of information and e-mails. That had nothing to do with the monument designation. Those were all about something called the Public Land Initiative that was a grassroots effort to find ways to both conserve areas and make other areas available for development or community expansion. So—

Dr. GOSAR. Did they consult with your office about maps, legal descriptions, specific details of the proposal before the designation?

Ms. CLARKE. Absolutely not. We heard none of that.

Dr. GOSAR. Well, that is enlightening. Because also in March of 2016, I pressed BLM Director Neil Kornze on the coordination between the White House, Federal land management agencies, Democrats, and extremist environmental groups. Director Kornze initially testified that no coordination was taking place.

When I reminded him that he was under oath, and asked if my FOIA request would support his statements, his face went pale. He

mumbled something about maybe they had a few meetings, and then he subsequently refused to testify before Congress ever again.

I would now like to submit minutes obtained from the Grand Canyon Trust October 2016 meeting for the record.

Mr. MCCLINTOCK. Without objection.

Dr. GOSAR. The minutes show coordination was taking place between the Obama administration, Federal land management agencies, and environmental groups.

Specifically on page 35, the minutes reference a proposed 1.7 million-acre monument in Arizona, stating, "The Grand Canyon Trust is now playing a central role in the campaign, coordinating closely with Congressman Grijalva's office, Sierra Club leadership, and leadership with the Department of the Interior and the Department of Agriculture."

Ms. Clarke, is it safe to say that, rather than coordinating with states and local stakeholders like they should have been, the Obama administration instead was coordinating with special interest groups that supported the misguided far-left agenda in order to lock up more land and water?

Ms. CLARKE. I absolutely concur.

Dr. GOSAR. Now I am going to end with my long last question.

Mr. St. Clair, let's do a civics lesson.

The Antiquities is an Executive Order, is it not?

Mr. ST. CLAIR. That is right.

Dr. GOSAR. So, it can be rescinded by an Executive Order, right?

Mr. ST. CLAIR. I don't believe it can.

Dr. GOSAR. Yes, it can. And so can Congress. As any other aspect that we have seen with an Executive Order, one Executive Order can trump another one. The only thing is it just has not been done. Let's get back to civics.

I yield back.

Mr. MCCLINTOCK. Thank you. Next is Mr. Beyer.

Mr. BEYER. Thank you, Mr. Chairman, very much. And thank all of you for being here. I have almost as many questions as Chairman Bishop, so I would appreciate maybe one-paragraph answers.

Mr. Marshall, did the Pacific Crest Trail Community support the monument designation? And are you really making the case that those hikers and riders would rather ride through your cutoff lands, rather than the parks and the monuments?

Mr. MARSHALL. I don't know what they represented. But I will tell you—a managed forest for conservation values can be just as attractive as an industrial forest. And the Pacific Crest Trail folks may or may not want to walk through fire-prone landscape. But if they do, the landscapes over time are going to change.

Mr. BEYER. It seems like the common theme here from the Majority witnesses is catastrophic fires. The last Ice Age ended 11,000 years ago. Forestry came to this country 300, 400 years ago. What about those intervening 10,500 years? What did we do about catastrophic fires then? Why does nature somehow now require men to manage it?

Mr. MARSHALL. Because men stopped the fire cycle, and the fire cycle was very important to the resiliency of the forest. We, as citizens, decided that fire was not attractive, so we stopped managing

the forests, and letting them progress naturally. So, now the forests have grown in. It is like the Governor said, it is a garden. And we have let the garden become overstocked. And those overstocked gardens need to be managed, and they need to be put back on a trajectory so that they are healthy.

And you know what? We, as citizens, love to have forest products in our buildings, in our homes, so we need to have some sort of—

Mr. BEYER. I am not a professional forester, but why not allow the fire cycle to continue, as is happening in many places around the world?

Mr. MARSHALL. I think what you see is these catastrophic fires are truly that. I mean it is not just a simple term to use. They are burning at a rate that is unnatural. So, the process of elimination of fire is an unnatural consequence, and we are seeing some of these things lead to deforestation. The forests are not coming back in these landscapes.

Mr. BEYER. Mr. St. Clair, how do you reconcile the positive polling the new Katahdin worked with the referenda in East Millinocket-Medway—

Mr. ST. CLAIR. Well, the votes that were taken in those three towns were a small fraction of the total population of the town, so it was not a great representation of the population.

Mr. BEYER. Could your family simply not have put a permanent easement on those 90,000 acres, also?

Mr. ST. CLAIR. We could have. We could have also blocked access—I mean it was private property. We could have done just about whatever we wanted with it.

Mr. BEYER. Governor, you mentioned that, in trying to attract a forester back to Maine, that it was sort of sad that Baxter State Park and the new Katahdin Monument took all that forestry out—

Governor LEPAGE. Well, Baxter State Park does cut logs. They manage the forest. So, that is a working forest. It is different than the Federal Government, where they make it in preservation. Baxter State Park does allow for management.

Mr. BEYER. Ms. Clarke, in your testimony you talked about—let me see if I can quote—that increased access, increased visitation, leads to greater desecration. Governor LePage had the opposite thing, that they are closing the campsites, closing the ATV and snowmobile trails, closing the forest roads.

So, is it too much—too many visitors, or too few visitors? Too much visitation?

Ms. CLARKE. The visitation in the Grand Staircase Monument, we can document that there have been more problems, more damage, artifacts we believe are being taken.

So, we think if your goal is to protect artifacts, and Indian artifacts, more people are going to cause you more problems and more degradation.

Mr. BEYER. Mr. Marshall, you talked a lot about the insect infestation. How much impact has the gradual warming of climate change impacted that—as an Oregon forester?

Mr. MARSHALL. The exact science around that is in debate still, and it is developing. I mean this is a new topic, and we are going to follow it through. Again, I believe forest management has a

place in the discussion. I think the overstock stands are nature's way of bringing them back to a stocking level that is in equilibrium with their actual capability—one of the methods is the infestation of bugs.

Now, those things spread rapidly. Once they start, they are really hard to get stopped, and they continue to eat up more of the forest in the West Coast. Whether or not that is a specific reaction from the overstock conditions or climate change, I think we will see that prove out in science over the next couple of decades.

Mr. BEYER. Yes. Every study I have seen shows that as the temperatures continue to go up, the insects continue to move north.

Mr. MCCLINTOCK. Thank you.

Mr. BEYER. Thank you, and I yield back.

Mr. MCCLINTOCK. Mr. LaMalfa.

Mr. LAMALFA. Thank you, Mr. Chairman. I am glad we can have this hearing today. It is a long time coming on an issue that has been controversial to this Committee.

We see that the vast majority of this has been affecting the West, with these new Antiquities Act monument designations, although Governor LePage makes very strong cases how negatively it affects his state, as well, in trampling the views of the people who actually live and work in those rural areas.

I think the whole concept with the monuments, which I would not have nearly the problem with, is the size of the designations. And size matters. So, if you have a particular area within the scope that needs protecting, I think we can find a lot of positive ground there. But indeed, many, many thousands or millions of acres is very detrimental to the locals.

So, a key element of this—with the consent of the governed is when these things should happen. In my district, the previous administration designated thousands of acres of monument land in Siskiyou County, as was noted a while ago, over the direct protest of the residents and local governments. The county is so concerned with the impacts it sent a letter, which, Mr. Chairman, I would like to submit for the record a letter from the Siskiyou County Board of Supervisors.

Mr. MCCLINTOCK. Without objection.

[The information follows:]

COUNTY OF SISKIYOU, CALIFORNIA,
BOARD OF SUPERVISORS,
YREKA, CALIFORNIA

February 14, 2017

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Subject: Expansion of the Cascade-Siskiyou National Monument

Dear President Trump:

We write this letter to draw attention to the irresponsible and potentially illegal expansion of the Cascade Siskiyou National Monument (Monument), approved by President Barack Obama on January 12, 2017. The Monument was originally established by Presidential Proclamation 7318 under President Bill Clinton, and encompassed approximately 66,000 acres within its boundaries in Southern Oregon. In October 2016, Oregon Senators Ron Wyden and Jeff Merkley reached out to

Secretary of the Interior, Sally Jewell, proposing to expand the Monument by approximately 65,000 acres, 10,000 of which are located in Siskiyou County, California.

The expansion is likely to affect the natural resources, economy and citizens of Siskiyou County, through the restrictions that are put into place after Monuments are designated. In many instances roads within Monument boundaries are no longer allowed for use and are not maintained, timber harvest is prohibited, wildfire outbreak becomes more prevalent as a result of non-management, public grazing lands are eventually severely restricted, and private lands included in Monument boundaries are turned over to federal agencies due to pressure to include these lands in the Monuments management policies.

We raise three main issues concerning the legality and process for expansion of the Monument, the first being the lack of public engagement that took place prior to approval of the expansion. As part of their process in reaching out to the Department of the Interior, and the Department's subsequent involvement in the expansion, Oregon Senators Wyden and Merkley held a public hearing in Ashland, Oregon on October 14, 2016. There were no other attempts by the Senators, or the Department of the Interior, to hold any other public meetings, and specifically there were no hearings or meetings held in California. In an attempt to garnish public input, the Siskiyou County Board of Supervisors held their own meeting on November 17, 2016, and submitted all written and verbal comments provided during that meeting to the Department of the Interior for consideration. It seems extremely unprofessional that there were no attempts by the proponents of the expansion to hold public meetings in the state in which a portion of the Monument would encompass, and appears to be an attempt to stifle public engagement and input.

Second, the original Monument and the expansion were both designated under the Antiquities Act through Presidential Proclamation 7318, which allows the President of the United States to approve Monuments by signature. However, the intent of the Antiquities Act is to protect archeological and Native American areas by giving the President of the United States power to declare as Monuments "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" while at the same time limiting that designation to the "smallest area compatible with proper care and management of the *objects* to be protected." Based on this direction, it is our position that the broad designation of the Monument and the expansion under the Antiquities Act is misuse of the Act itself, and does not follow the spirit and intent of the Act.

Lastly, we believe that the Monument expansion is potentially illegal as it does not meet Article 1, Section 10 of the United States Constitution stating that "No state shall, without the consent of Congress . . . enter into any agreement with another state . . .", and Article IV, Section 3, Clause 2 which states that "The Congress shall have power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States . . ." An example of a situation where Congress was needed to approve such an action is Congress' approval of the Tahoe Regional Planning Agency, which was required before engaging the States of Nevada and California in mutual planning processes. The designation of the Monument expansion triggers the need for the states of Oregon and California, and state and federal agencies, to be formally engaged together in management responsibilities for the Monument; however no such approval through Congress was ever established.

We hope that as time allows you are able to have some time to look into this issue. We look forward to the opportunity to work with you and provide additional information on this matter.

Sincerely,

MICHAEL N. KOBSEFF, CHAIR,
Board of Supervisors.

Mr. LAMALFA. OK, thank you. They are concerned about the impacts of the designation on the increased wildfire risk, decreased timber harvest, restriction on road maintenance, limited access associated with the Monument, and noted that the Obama administration held exactly zero public forums on the issue in California.

The order by President Trump to review monument designations will shed new light on the over 500 million acres that the Administration previously unilaterally imposed Federal control over. I think we will find a common theme that these designations were made over the protests of those affected by that.

And Siskiyou County points out that their designation, as has been the theme today, should be the smallest area compatible with proper care and management of the objects to be protected. Based on this direction, their position in Siskiyou County, the designation is a misuse of the Act, and does not follow the spirit and intent of the Act. So, we have a giant problem here.

So, from the panelists, just quickly, we see that—well, to the Governor there, the Katahdin designation was touted as protecting hunting and angling access, yet hunting is only allowed on approximately 40 percent of the impacted land. Does that jive with you, Governor?

Governor LEPAGE. Yes.

Mr. LAMALFA. Yes, 40 percent—so promise semi, mostly broken. California, the Castle Mountain Monument was included in a designation that claimed to protect sporting access, yet the Park Service immediately closed the area to hunting.

So, for each of our panelists—and I have to go quickly here, so a yes or no would be appreciated—would you support legislation asserting that hunting and angling is allowed at every monument, if it was allowed prior to the designation, please?

Governor LEPAGE. Absolutely.

Mr. LAMALFA. Thank you.

Ma'am?

Ms. CLARKE. Absolutely, because hunting and angling is a big economic force, as well as a recreational activity.

Mr. LAMALFA. OK.

Mr. ST. CLAIR. Also, yes.

Mr. LAMALFA. OK.

Mr. MARSHALL. Yes, absolutely.

Mr. LAMALFA. OK, thank you. What continues to mystify me on this is that, if you have the great lands of Maine or other areas of the United States that people are attracted to, how is a monument designation being listed in a book going to somehow have people that would not normally have been attracted to those lands say, "Oh, I am going to go there now because it is now designated a monument," where in many cases they are actually cut off to access, less roads, roads are taken out, all these things that make it harder for people to use them.

So, with that, Mr. Chairman, I would like to yield my time back to the Chairman, Chairman Bishop. I will hold there, I will yield back.

Mr. MCCLINTOCK. The gentleman yields back?

Mr. LAMALFA. I yield back.

Mr. MCCLINTOCK. As the Chairman said, we have a request for a second round of questions, which is an indication of the Committee's interest in this subject and the quality of our witnesses. I will begin the second round with Governor LePage.

When residents in Maine expressed concerns that the Administration would listen to Ms. Quimby over the voices of local people,

due to her status on the National Park Foundation Board, the National Park Service Director Jonathan Jarvis said the following, "So, let me explain who the National Park Foundation is. They are wealthy people. We like wealthy people, because they give us their money, and they know other wealthy people who also give us their money." Do you believe the Administration paid as much attention to local residents in rural Maine as they did to donors with deep pockets?

Governor LEPAGE. No, not at all. In fact, I think that they ignored the will of the governed.

Mr. MCCLINTOCK. And that will was expressed in what way?

Governor LEPAGE. Expressed—Mr. St. Clair said that there was a small vote in the referendum. Well, as people show up to vote, they express their feelings. It is no different than a poll. In fact, I would argue that the people that vote is a much larger poll than those—

Mr. MCCLINTOCK. Well, according to his testimony, he was unable to find Democrats or Republicans holding Federal office in Maine who were willing to take this bill to the Congress.

Governor LEPAGE. That is correct.

Mr. MCCLINTOCK. Does that reflect the public will?

Governor LEPAGE. That is correct. They ignored the will of the governed. And this is what I find the most disconcerting about what is happening in these Federal lands, and this whole process.

The people of Maine would welcome this Katahdin Woods if they would have worked with the Baxter State Park and made it work together, because it is a crown jewel. One of the biggest concerns that we have—

Mr. MCCLINTOCK. Which, I might add, is why Congress, and not the President, is given the authority under the Constitution to manage the Federal lands.

Governor LEPAGE. That is correct. And our biggest fear—and I have expressed it once before, maybe several times today—is the lack of management that the Federal Government provides on their lands. And it borders onto Baxter State Park, which is properly managed. And as I said earlier, Acadia is one of my biggest fears, because of the deferred maintenance that is going on to that national park.

Mr. MCCLINTOCK. We have already established that the jobs that are being destroyed are high-paying, full-time jobs, and the tourism jobs that are being promised are, at best, part-time seasonal jobs. Of course, you have a background in the lumber and paper companies before your time as governor. Could you talk about the types of jobs in the forest products industry that we are losing because of these actions?

Governor LEPAGE. Oh, yes. We are losing paper makers. I mean these are career jobs. These are people that raise families, generation after generation in this industry. And the tourism jobs—which I don't make light of them, they are very, very important—but, as you said, they are working in restaurants and hotels, and they are not a job, they are more of an entry-level job, rather than a career development—

Mr. MCCLINTOCK. I might add that is precisely the experience we have had in the Sierra Nevada. These restrictions have not only

killed our forests, they have destroyed the economies of our local communities that used to thrive on the harvest of surplus timber.

As one forester told me, all that excess timber comes out one way or another. It is either carried out or it burns out. When we carried it out, we had healthy forests and a healthy economy. And since these restrictions have been imposed, we have seen dying forests and a languishing economy.

Mr. Marshall, Franklin Roosevelt's Solicitor General, when he wanted to designate O&C lands as a national monument, his Solicitor General said, "You can't do that. That is clearly against the Constitution," and the President backed off. President Obama has done the same thing with Cascade-Siskiyou, 40,000 acres of O&C lands, but in defiance of that Solicitor General's approval.

Can you explain the ways the President's designation contradicts the congressionally mandated use of this land?

Mr. MARSHALL. I am no particular expert on the exact limitations that it imposes, but that the designation does forbid future forest production.

Mr. MCCLINTOCK. Right. One more question maybe for the future edification of Mr. Beyer. He says that it is global warming that is causing the bark beetle infestation, also acknowledging it has been going on for 11,000 years.

Question—how did trees normally defend themselves against a bark beetle?

Mr. MARSHALL. They normally defend themselves by using their pitch in their systems to actually pitch out the bugs——

Mr. MCCLINTOCK. They can do that as long as they are healthy, as long as they are not——

Mr. MARSHALL. As long as they are healthy and have a satisfactory amount of water. The overstock conditions in the——

Mr. MCCLINTOCK. But if the forest is desperately overcrowded, trees do not have enough room to grow and thrive. They are fighting for their lives against other trees. In that stressed condition, do they lose their defense against the bark beetle?

Mr. MARSHALL. They do, and they are suffering for water to continue.

Mr. MCCLINTOCK. Great, thank you.

Ms. Hanabusa.

Ms. HANABUSA. Thank you, Mr. Chair. And I do want to thank all of you for being here today. I went into the questions the last time failing to do that.

Mr. Marshall, what is the relationship between Murphy Company and Murphy Timber Investment, LLC?

Mr. MARSHALL. Murphy Company is our manufacturing operation, where all our manufacturing assets are held. Murphy Timber Investments is where we started a new business to actually start acquiring lands and managing them for the production of forest products.

Ms. HANABUSA. So, that is the one that you mentioned that you have 50,000 acres.

Mr. MARSHALL. Correct, it is under Murphy Timber Investments.

Ms. HANABUSA. On February 17 of this year, both of those entities sued Donald Trump, President Trump, in the U.S. District Court in the District of Oregon. I assume it is about this designa-

tion somehow. Can you explain what it is that is the—what we call the prayer, the relief that both of those companies are seeking?

Mr. MARSHALL. Again, we are 100 percent dependent on the yield of the forest in the area where we operate. The yield of the forest from the excessive litigation and the lack of management on the Federal lands has reduced the available wood products for our facilities. That is why we made the leap to invest in the timberlands, so the claim is twofold.

We see a reduction in the available lands to produce forest products from the Federal lands, plus they incorporated the lands we have. We are a multi-generational company, we look out into the long term. The prior ownerships within the first monument yielded a very difficult situation to continue to manage those lands. And they were actually eventually transferred and put back into the Monument.

So, the reduction of the landscape is difficult. We do not want to see the landscape shrink. We want to see it be entirely, as much possible, utilized for forest conservation. There are certain areas that need to be protected, and there are certainly areas that need our help for forest restoration. And that is where we think there needs to be a broader discussion.

Ms. HANABUSA. So, the companies have taken it to Federal court—that is the bottom line—to get this determination.

Mr. MARSHALL. We have, correct.

Ms. HANABUSA. Thank you.

Governor LePage, I am kind of confused and I would just like to know from you straight on—if the Elliotsville Plantation, the Quimby family, had, in essence, given this land to the state like Governor Baxter did, you would have no objection to that. Am I understanding you correctly?

Governor LEPAGE. No, we would have negotiated some positions. If they would have given the land and it could be operated as Baxter State Park, with the same conditions and managing the forest—in other words, the working forest—we would have been far more receptive to it.

Ms. HANABUSA. So, you would not just want land. It is not that you would think that it is in Maine's interest to have a land like—and I understand that Governor Baxter said it is to be preserved, basically, as a wildlife kind of refuge.

Governor LEPAGE. Right. It is a working forest.

Ms. HANABUSA. So, that is what I find confusing, that you would not want the lands from the Elliotsville Plantation. You want it under certain conditions? Is that what you are saying?

Governor LEPAGE. What I am saying—it abuts Baxter State Park; and as a Federal monument, we know that Federal lands are not managed to the same level as we do the Baxter State Park.

Ms. HANABUSA. That is what I am saying, Governor, in all due respect, is that if you could have the lands, you would be fine with it. But because it is Federal lands, you don't want it.

Governor LEPAGE. No. What I am saying is if it is land that is properly managed, it is valuable. If it is land that is just going to be put into preservation, it is dangerous.

Ms. HANABUSA. So, you are saying that because it is a monument, and because of Acadia, you are assuming that it will not be managed properly. Is that correct?

Governor LEPAGE. Well, I am just—no, nationally. Nationally, the deferred spending on our parks and our monuments is in the billions of dollars. And that is what I fear.

Ms. HANABUSA. But you do know that there is an endowment that comes with—

Governor LEPAGE. Forty million dollars for a forest is—just Acadia alone is already deferred of \$60 million.

Ms. HANABUSA. How large is Acadia?

Governor LEPAGE. I don't know, I am really not certain.

Ms. HANABUSA. So, it is like you are saying that all that they are saying is we are going to give \$40 million, which is more than what the Federal Government—you know, the Federal Government is also giving money to the management of these lands, so that is an additional \$40 million. And you are still not convinced that it will be managed properly.

Governor LEPAGE. That is correct, ma'am.

Ms. HANABUSA. All right. Thank you. I yield back.

Mr. MCCLINTOCK. The Chair is informed Acadia is 49,000 acres.

Mr. Bishop, Chairman Bishop, to close.

Mr. BISHOP. Thank you again. As a lead-in to that, it is the issue of management of these areas, because that is what I would like to go to—Ms. Clarke, I would like to talk to you about the management of these areas again.

In 2015, Garfield County declared a state of emergency, due in large part to the Federal land management practices. And it indicates the problems with the Antiquities Act. Instead of working out what the practices will be ahead of time, you declare a monument and then you try and go back and figure it out later on. And no one is actually ever sure what those managements will be. And I think, Governor, that is what you were saying, that you cannot guarantee what those future managements will be.

Governor LEPAGE. That is correct.

Mr. BISHOP. I want Ms. Clarke to address Bears Ears again, because there has been another false narrative out there that this is the first time that Native Americans will be in a co-management situation on a national monument.

You were the BLM Director. You understand that instead of actually giving them the ability of making decisions, they have a planning advisory committee—

Ms. CLARKE. Yes.

Mr. BISHOP [continuing]. That is there. Do planning advisory committees actually have the ability of making final decisions, or do you even think it has the propensity of making final decisions?

Ms. CLARKE. No, absolutely not. They can advise, and then the Federal Government makes the decisions.

Mr. BISHOP. So, in the decision, in the monument declaration that President Obama did, even though he said they were giving them management, there is no real management.

Ms. CLARKE. That is right.

Mr. BISHOP. And I understand that, because he has no power to do that. Only Congress can do that, and that is one of the reasons

why we would like this thing to be a do-over, so that we can actually establish it at the right size, with the management practices stated up front, and truly give co-management authority to the Native Americans who live in San Juan County to manage their area. And it hasn't happened, doesn't happen, can't happen, and the statements that it did happen are just flat-out inaccurate.

So, basically, who do you think actually benefits the most from these designations, the local community? Or is it the tourists who go there? Or the special interest groups that advocate for it?

Ms. CLARKE. I think it is the special interest groups. They certainly are the ones that have promoted this. We were aware of people that were bussed in from Texas to some of the hearings, because they were offered 2 nights at a nice motel, and meals along the way. And they said, "Boy, that is a deal," and they didn't know why they were there.

Mr. BISHOP. My kid was down there. He met them, as well. They were promised a free road trip to Utah, they took it, they had no idea what Bears Ears was.

Ms. CLARKE. That is right.

Mr. BISHOP. Neither did the President.

All right, so let's talk about this. Three months after the designation, in March of this year, one of the environmental groups sued to block an ATV trail that the county and BLM had been working on for a decade, and the BLM had already previously approved. Do these designations then solve these problems forever, or do they exacerbate them?

Ms. CLARKE. They exacerbate them, absolutely. My experience is as soon as you designate an area as a monument, or an ACEC, or something special, it is a target; and every multiple use in that area will be challenged. And ultimately, they die away because of those pressures that come from the agency, as well as from environmental groups.

Mr. BISHOP. All right. Governor, I am looking at this as spur of the moment here. I am sorry. Give me your indication—we talked about management here, we talked about what the tourism will be. Can you give me just your implication of what you think tourism jobs will mean in the National Monument—7, 10 months from now?

Governor LEPAGE. I really don't know that they are going to be very many. We have—

Mr. BISHOP. You said people visit the coast. To go to Baxter Park, you have to want to go there. To go to this new monument—

Governor LEPAGE. Yes, it is a destination.

Mr. BISHOP [continuing]. It is an end destination. You don't go through that to get to someplace else.

Governor LEPAGE. No.

Mr. BISHOP. So, you have to be wanting to be there the first time.

Governor LEPAGE. That is correct.

Mr. BISHOP. I think it is what Mr. Westerman, who is a trained forester, was saying about that area in which he was skeptical, as far as its viability.

Mr. St. Clair, I have one last thing to tell you. You said in the *Bangor News* last week that you thought restrictions in the deed prohibit the transfer of this land. The Congressional Research Service looked at the claim and the deed, and they simply concluded the deeds neither restrict the grantee's use of the land to a national monument, nor otherwise expressly mention national monument status. Thus, nothing in the deeds themselves address or precludes subsequent changes in the status of the land as a national monument.

They further concluded that nothing in the deeds prohibited administrative transfers of land to other agencies or preclude Congress from transferring management or ownership to the land anywhere else. I hope you would modify those statements that were inappropriately said to the *Bangor Daily News*, or we could go with that.

I have 2 seconds left. Thank you for holding this hearing. Thank you guys for coming here and traveling to Washington to do it. I appreciate it very much.

Mr. McCLINTOCK. Great. Thank you very much. That concludes our questions. I really want to thank our witnesses for being here today. I think you brought this issue into very sharp focus for us, and I appreciate your traveling all the way to do so.

The members of the Committee may have additional questions for the witnesses. We would ask that you respond to those in writing. Under Committee Rule 3(o), members of the Committee have to submit witness questions within 3 business days following the hearing. The hearing record will be held open for 10 business days for these responses.

If there is no further business, without objection, the Subcommittee stands adjourned.

[Whereupon, at 12:20 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

STATE OF UTAH
OFFICE OF THE GOVERNOR
SALT LAKE CITY, UTAH

May 1, 2017

Hon. ROB BISHOP, *Chairman*,
Hon. RAÚL M. GRIJALVA, *Ranking Member*,
House Committee on Natural Resources,
1324 Longworth House Office Building,
Washington, DC 20515.

Dear Chairman Bishop and Congressman Grijalva:

Utah is home to five national parks, six national forests, one national historic site, two national recreation areas, 43 state parks, and eight national monuments. Roughly 37 million out of 54 total million acres (two-thirds) of the entire state land mass of Utah is public land.

Utahns are proud of our public lands. We love their grandeur and beauty. We love the opportunities they create for solitude and recreation. While the vast majority of these lands need to remain open to the public for access, use, and enjoyment, we also recognize there are many areas that must be preserved and protected.

Federal land policy attempts to find the appropriate balance between multiple use and preservation. In many cases, federal law has found that balance. Unfortunately,

some laws have grown outdated or have been abused over time and strayed far from their intended use. The 1906 Antiquities Act is one of those laws.

Utah has a mixed relationship with the Antiquities Act. Over the course of its 110-year history the state has benefited from assertive, yet measured, presidential action using this tool. On the other hand, we have also felt a deep and lasting burden when the Act has been misused.

Four of Utah's five magnificent national parks began as national monuments. Utah is delighted today to be the proud host of these national parks, but the associated monument designations were small, appropriate and fell within the clear scope and intent of the law. These designations encompassed the smallest area necessary to protect the objects in question—sometimes a few thousand acres. Additionally, they enjoyed the support of Utah's leaders and the local communities impacted by the designations.

Utah, however, has also experienced the downside of the Antiquities Act as it began to be misused and abused for political purposes. The Grand Staircase Escalante designation and the recent controversial Bears Ears designation are key examples of this. The 1996 designation of the Grand Staircase Escalante National Monument continues to be a source of mistrust, frustration, and acrimony toward the federal government among local residents. I'm afraid the way that local citizens in San Juan County were ignored in the lead up to the designation of the Bears Ears is setting us on the same path to disappointment and dissension.

In the early days of the Antiquities Act, the average size of national monuments was in the hundreds of acres per monument. Now it's not uncommon for a monument to exceed a million or more acres. It is hard to look at the massive landscape, million plus acre designations that have occurred over the past several decades and see how those actions square with the clear language and intent of the law.

Based on our experience in Utah, we believe the creation of million-acre plus national monuments to protect thousands of archeological sites is counter-productive. It is doing the wrong thing for the right reason. The Antiquities Act requires the monuments be "confined to the smallest area compatible with the proper care and management of the objects to be protected." Neither the Grand Staircase nor the Bears Ears meets this test.

The intent behind the Antiquities Act is laudable and a great deal of good has been accomplished nationwide through its use throughout the last 110 years. But there should be limits upon the nature of the objects that may be protected, and the size of monuments should be limited to that which allows necessary protections for those objects. Any perceived benefits from the designation of huge "landscape" monuments need to be weighed against the impacts suffered by those who have traditionally used the lands. National monuments should be employed judiciously so as not to do unwarranted damage to lives and cultures, past, present, or future. The landscape monuments at the Grand Staircase and the Bears Ears as presently configured violate this mandate.

Thank you again for addressing this important issue. Utah stands ready to work with Congress and the administration to ensure that the Antiquities Act is utilized judiciously, appropriately, and according to its intended scope and use.

Sincerely,

GARY R. HERBERT,
Governor.

OFFICIAL TESTIMONY—HUNTER MOORE, NATURAL RESOURCES POLICY ADVISOR TO
ARIZONA GOVERNOR DOUG DUCEY

Chairman Bishop, and honorable members of the Committee, for the record, my name is Hunter Moore, and I submit this testimony to you in my official capacity as Natural Resources Policy Advisor to Governor Ducey of Arizona.

I want to express gratitude for the opportunity to provide this committee with testimony related to Arizona's federal nexus and concerns with the Antiquities Act of 1906 (Act), and the challenges to state management of Arizona lands under various federal land ownerships which account for approximately 70 percent of the total 73 million acres of Arizona's land base.

Last year (2016), Congressman Paul Gosar of Arizona, hosted a field hearing related to a proposed monument designation of 1.7 million acres of land adjacent to the *existing* Grand Canyon National Park and Grand Canyon Parashant National

Monument, both created by Presidential Proclamations and together total approximately 2 million acres.

Several industries, individuals and state and local agencies, including the Arizona Game and Fish Commission, and the State Land Department, provided testimony for the record regarding potential harm from such a large-scale designation, and generally expressed ardent opposition to imposing land use restrictions that are inconsistent with the intent of the Act and defy its explicit authorities for small, historic set-asides. The Antiquities Act was passed in 1906 to protect historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest. The Act clearly says a designation shall constitute “the smallest amount of land possible to protect the artifact.”

Arizona Senators McCain and Flake also addressed the issue of a proposed monument in correspondence to the former President—expressing concerns that a “unilateral” designation would negatively impact forest and watershed management. Moreover, they stated that imposing land use restrictions pursuant to the Act in designating the Grand Canyon Watershed National Monument would have extended “far afield from the intent of the Antiquities Act.”

We concur with the concerns expressed by so many, and now must actively pursue remedies for the aggrieved.

Federal special land use designations, in general, whether created by executive order, congressional legislation or an administrative action, are eroding the ability of states’ and industries to capture revenues from longstanding investments that have been contributed to those federal lands and resources. Further, both consumptive and non-consumptive industries plan for and invest a great deal of resources into federal lands; which helps offsetting federal costs to manage them. Whether those generated revenues come as a result of mitigation costs from extractive industries, conservation projects by hunters, or land treatment costs from ranchers, the benefits are realizable to all that enjoy Arizona’s public land, and reduce federal appropriations for active land management. Creating spurious, unilateral restrictions, such as through the Act, essentially cuts-off that investment and the active management of each respective landscape.

Arizona relies heavily on its ability to balance conservation and multiple-use principles to provide its citizens and visitors with economic opportunity, jobs, recreation, and an overall quality of life. Restrictive land prescriptions induce unfair shifts to land planning priorities and prior/expended private investments. These shifts are not only fiscally harmful to investors and businesses; they hinder the effective management of the natural resources that they were intending to protect. New management plans must be drafted at the federal agency level, along with their layers of bureaucracy that result in project delays, increased costs, increased man hours and legal challenges that slowly choke-out the effectiveness and general meaning of the multiple use doctrine. Despite claims that designations won’t impact current uses, the clear intention is to dismantle the multi-use doctrine, which has been the centerpiece of public lands management for generations. This system afforded our nation the best recreational, wildlife and local economic opportunity on public lands in the history of the world. Those who want to reduce access, reduce recreation, reduce historical rural economic activity know that these designations are the quickest route to achieve their objectives.

There are many examples of negative impacts on the State’s ability to manage wildlife. Upon designation of the Sonoran Desert National Monument in 2001, the Bureau of Land Management was charged with developing an area management plan. The development of this plan took place over the period of 11 years during which time the Arizona Game and Fish Department experienced detrimental delays and prohibitions for critical wildlife management actions. A stark illustration of the specific impact this protracted process has had on the Department’s mission can be seen in the Maricopa Mountains. These mountains, included in Sonoran Desert National Monument, were home to at least 103 Bighorn sheep, as counted by department biologists in 1999. There were fewer than 35 counted in 2015. The Department experienced detrimental delays, outright prohibitions of necessary wildlife management actions and a crippling lack of access to the area stemming from designation of the monument. With no management plan to address these concerns, the departments found it extremely difficult to provide the sustainable water sources these sheep require.

Recreational shooting, a traditional activity practiced by citizens since territorial days, is also being restricted in the Sonoran Desert National Monument, as well as other national monuments. This will leave Arizona’s hunters with fewer places to safely and responsibly exercise their Second Amendment Rights.

Arizona currently has 18 monuments, the most in the nation. 77% of Arizona’s lands have restrictions relate to public access and recreational use. The State’s

ability to conserve, manage and protect Arizona's wildlife resources is negatively impacted on a total of 10.3 million acres. Land tenure in Arizona is one of the most complex in the nation, with federal, state and private lands intermingled, or checker-boarded. This complexity results in challenges for all land managers, and those challenges are aggravated with restrictive federal regulations. The State has 9.2 million acres of State Trust land, with nearly 350,000 acres of surface and sub-surface estates trapped within special federal land use designations. Those trapped, encumbered acres were given to Arizona, by Congress, at statehood to hold in Trust for the benefit of 13 public beneficiaries. The Federal Government has failed to provide the trust with compensation for lost revenues because of their actions that result in forced restrictions and cutoff access.

Arizona's current Administration is looking to advance a common-sense approach to managing government purview, specifically reducing or eliminating regulations and government actions that inhibit economic prosperity, and waste finite resources. The Antiquities Act of 1906 is not an effective or appropriate tool for managing resources, and it is as antiquated as the historic artifacts it was and is intended to protect. The open and scenic landscapes of Arizona require active, multiple-use management from users, conservationists and industry that spend their dollar and time in establishing compatible plans that facilitate treatment for range, habitat and conservation goals. Government, especially local and state government, should assist with creating those plans, and serve as a resource to stakeholders providing them expertise and other forms of support.

Designations created by the Act have not advanced collaboration amongst consumptive and non-consumptive users; and they have not resulted in sufficient land health and economic sustainability.

We ask Congress to amend the Act to reflect its intended application; revisions should provide more explicit provisional authorities including: a more robust process for designations, more clearly defined application or limitation on amount of designations, and detailed consultation with respective states and stakeholders.

Creating an industry and tourism-friendly environment is what all levels of government should be prioritizing—and moreover, government should be focused on opportunities, such as this hearing, to facilitate an open dialogue toward improving that environment through revising laws and administrative rules that not only inhibit future potential of private industries and citizens to achieve growth, but also harm everyone by designating lands where resources and monies have been invested and planned. We, as public servants, have a responsibility to serve our citizens through responsible, process-driven laws and programs that are responsive to their needs to earn a living, feed families and enjoy beautiful landscapes for generations.

Unfortunately, the Antiquities Act is not balanced, nor fair and it enacts restrictions that are fiscally and ethically harmful. It is incumbent upon us, as public servants, to correct this 100-year-old historic course and adapt our governance to 21st century goals.

[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD RETAINED IN THE
COMMITTEE'S OFFICIAL FILES]

Rep. McClintock Submissions

- Letter to Chairman Tom McClintock and Ranking Member Hanabusa from the American Motorcyclist Association.
- Letter to Chairman Tom McClintock and the Members of the Subcommittee on Federal Lands from Edward Madden and the Arizona Fish and Game Department.
- Testimony from the Association of O&C Counties regarding the Antiquities Act.
- Letter to Chairman Tom McClintock and the Subcommittee on Federal Lands from the Association of Oregon Counties.
- Letter to Chairman Bishop and Ranking Member Grijalva from the Douglas County-Carson City Farm Bureau.

- Letter to Chairman Bishop and Ranking Member Grijalva from Garfield County Commissioners.
- Letter to Chairman Bishop and Ranking Member Grijalva from Daniel Chadwick on behalf of the Idaho Association of Counties.
- Letter to Chairman Bishop from the Jackson County, Oregon Board of Commissioners.
- Letter to House Committee on Natural Resources, Subcommittee on Federal Lands from the Klamath County Commissioners.
- Letter to Chairman Tom McClintock from John Hinz, President of KTM Group.
- Letter to Chairman Bishop and Ranking Member Grijalva from the National Association of Counties and Western Interstate Region.
- Letter to Chairman Bishop and Ranking Member Grijalva from Tyler Massey and Steve Kopelman on behalf of the New Mexico Association of Counties.
- Letter to Chairman Bishop and Ranking Member Grijalva from Jeffery Fontaine on behalf of the Nevada Association of Counties.
- Letter to House Committee on Natural Resources from John O'Keefe on behalf of the Oregon Cattlemen's Association.
- Letter to Chairman Bishop and Ranking Member Grijalva from Barry Bushue on behalf of the Oregon Farm Bureau.
- Letter to Secretary Zinke from former BLM director Edward Shepard.
- Letter to Chairman Bishop and Ranking Member Grijalva from Boyd Matheson and Matthew Anderson of the Sutherland Institute.
- Letter to Chairman Bishop and Ranking Member Grijalva from the Utah Association of Counties.
- Letter to Chairman Bishop and Ranking Member Grijalva from Director Curtis Kennedy of the Utah Snowmobile Association.
- Letter to Chairman McClintock and Ranking Member Hanabusa from Rob Hendry of the Wyoming County Commissioners Association.

Rep. Hanabusa Submissions

- Testimony from the Appalachian Mountain Club in support of Katahdin Woods and Waters.
- Testimony from Michael C. Blumm, Professor at Lewis and Clark Law School.
- Book containing expressions of support by various parties for the Cascade-Siskiyou National Monument.
- Letter to Senator Angus King from Jon Ellis, owner of Ellis Family Market.

- Letter to Chairman Bishop, Ranking Member Grijalva, and the Members of the Committee on Natural Resources from Gail Fanjoy on behalf of the Katahdin Area Chamber of Commerce.
- Letter to Senators Collins and King, Congressmen Poliquin and Pingree from Katahdin Region Businesses in support of Katahdin Woods and Waters National Monument.
- Book in support of Mojave Trails, Sand to Snow, and Castle Mountains National Monument.
- Letter from Kristin Brengel on behalf of the National Parks Conservation Association.
- Support Book for Organ Mountains-Desert Peaks National Monument.
- Letter to Senators Udall and Heinrich, Congressmen Luján, Lujan Grisham, and Pearce from Santa Fe Green Chamber of Congress, Partnership for Responsible Business, and Las Cruces Green Chamber of Congress.
- Support book for protecting the Rio Grande Del Norte National Monument.
- Testimony from the Soda Mountain Wilderness Council in defense of the Cascade-Siskiyou National Monument.
- Letter to Senator Angus King from Jon Ellis, James Talbott, and Steve Richardson.

Rep. Grijalva Submission

- Letter to President Trump, Secretaries Zinke and Ross from 450 organizations in support of the Monument designation.

Rep. Brown Submission

- Testimony from Stephanie Meeks on behalf of the National Trust for Historic Preservation.

Rep. Gosar Submission

- Report from the Grand Canyon Trust in favor of the Bears Ears National Monument.

Rep. Pearce Submission

- Support book in favor of modifying the boundaries of the Organ Mountains-Desert Peaks National Monument.

Rep. Tsongas Submission

- Statement for the record with testimony from the Appalachian Mountain Club.