

Congress of the United States
House of Representatives
Washington, DC 20515-3305

April 16, 2013

Testimony of Representative Virginia Foxx (NC-05) on H.R. 382, the Preserve Land Freedom for Americans Act. Delivered in front of the Subcommittee on National Parks, Forest and Public Lands, Committee on Natural Resources

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

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

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

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

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

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

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

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

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

Congressional oversight of abusive Antiquities Act designations is not unprecedented. After President Carter's land grab in Alaska, Congress forced enactment of a congressional veto on future National Monument designations in the state. In 1950, a prohibition on the creation of new National Monuments in Wyoming except by express congressional authorization was enacted.

The residents of Alaska and Wyoming merit that protection, but the residents of the remaining 48 states deserve the same. That is why I introduced H.R. 382, the Preserve Land Freedom for Americans Act to require state approval, as granted by the Legislature and Governor of a state, before the President could designate a National Monument within its borders.

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

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

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

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

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

H.R. 382 is cosponsored by 25 Members of the House and supported by ten national motorized recreation organizations, whose letter of support I would like to submit for the record. *(Pause for Chairman to grant consent)*.

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

Virginia Foxx
Representative



February 7, 2013

The Honorable Virginia Foxx
United States House of Representatives
2350 Rayburn House Office Building
Washington, D.C. 20515

Dear Representative Foxx:

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

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

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

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

Sincerely,

Larry Smith
Executive Director
Americans for Responsible Recreational
Access

Christine Jourdain
Executive Director
American Council of Snowmobile
Associations



Sincerely,



Wayne Allard
Vice President
Government Relations
American Motorcyclist Association



Greg Mumm
Executive Director
BlueRibbon Coalition



Duane Taylor
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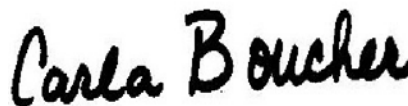
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