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**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

**Opening Statement of  
Chairman Rob Bishop**  
**Subcommittee on National Parks, Forests and Public Lands**  
**Legislative Hearing On**  
**H.R. 302, H.R. 758, H.R. 817, H.R. 845, H.R. 846 and H.R. 2147**  
**Tuesday, September 13, 2011 at 10:00 a.m.**

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*As prepared for delivery.*

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

Since its inception in 1906, Presidents have proclaimed a total of 128 monuments. While some have received little to no opposition, some have been much more contentious, like the creation of Grand Staircase-Escalante National Monument in the State of Utah. Like other designations before it, this led to litigation and a litany of other problems. The Antiquities Act has been abused by Presidents of both parties but it is in the West where the timing and large scope of many designations like the Grand Staircase-Escalante have resulted in unnecessary hardship to local communities dependent upon access and use of the land and resources. In Escalante, as we will hear from their mayor today, this created particular hardship and put one of the nation's largest coal reserves off limits.

While no court challenges have succeeded in undoing a presidential designation, Presidential authority under the Antiquities Act has successfully been curbed twice. Following the unpopular 1943 proclamation of Jackson Hole National Monument, legislation incorporating Jackson Hole into Grand Teton National Park included a requirement for Congressional consent for any future creation or enlargement of National Monuments in Wyoming. Similarly, controversial designations in Alaska in 1978 spurred legislation requiring congressional approval for withdrawals in Alaska greater than 5,000 acres.

Last year, contrary to the claims of increased transparency, an internal document from the Interior Department revealed that the Obama Administration may be planning to designate as many as 14 new National Monuments under the Antiquities Act. The proposed designations

would lock-up millions of acres of public lands in the West, without Congressional approval, and restrict access for energy production, recreation, and other job-creating economic activities for numerous rural communities throughout the West. Following the models of Wyoming and Alaska, the bills that we will examine at today's hearing would prevent any unilateral Administrative action and require either state approval or authorization by Congress prior to a national monument designation.

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

While I appreciate the administration's willingness to abandon their terrible Wild Lands proposal and additional commitments to allow for the consideration and coordination at the local level by those who are impacted most, my predecessor received similar commitments from the Clinton administration and yet the Grand Staircase-Escalante National Monument was thrust upon us anyway.

America is in the midst of a recession with elevated unemployment, yet the Obama Administration continues to push a "wilderness agenda" that competes with our national priorities of job creation and domestic energy independence. This is counter-productive.

The Republican Majority in Congress understands that we are at a critical juncture when it comes to managing our nation's assets and the current state of our economy mandates that we do more with less. It is imperative that we begin to manage our federal lands and natural resources for a maximum return on conservation, economic and public benefit. Improved management of our federal lands and resources will create much-needed jobs, amplify conservation efforts and make America more self-reliant and insulated from global market fluctuations of energy and critical minerals.

Wilderness is attainable but it also has to be considered with other factors and uses of the land in mind. We cannot afford to do one at the expense of the other. Any designations must be very constrained in size and solely limited to contiguous lands already owned by the federal government. They should be limited to the sites that clearly contain "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest." Monument designations should not be used as a backdoor maneuver to lockup lands for general purposes that deny public access for recreation and job-creation. Private property and inholdings should be excluded from designations. Designations should also be limited to areas that face clearly-articulated, imminent threats. The simplistic, generalized notion that any potential commercial use is a threat is neither correct nor adequate justification for peremptory action.

I look forward to hearing from our witnesses today.

I now recognize the Ranking Member for his opening statement.