Governor Gary R. Herbert
House Committee on Natural Resources
Subcommittee on Public Lands
Legislative Hearing on H.R. 4532
January 9, 2018

Chairman McClintock and Ranking Member Hanabusa, thank you for inviting me here today to offer input on H.R. 4532, the Shash Jaa National Monument and Indian Creek National Monument Act. I also thank Chairman Rob Bishop and Representative John Curtis for developing this legislation and moving so quickly to hold this hearing.

I understand this is a contentious topic and there are well-meaning people on both sides of the debate with strong feelings. The areas we're discussing in San Juan County in Southeastern Utah are beautiful and majestic. They deserve protection. I believe that what we *all* want is to protect the antiquities in this area, but the question is how and through what means.

It will come as no surprise that I supported President Trump's proclamation last month. But whether or not you agree, we now find ourselves with a reset and the opportunity to move forward with a *legislative* process for protecting this area. And that is where I'd like to focus my remarks today—looking to the future and highlighting the reasons I think Representative Curtis's bill helps us protect the antiquities in this area while also including those most impacted by land management decisions in the actual stewardship of these lands, including Native American tribes.

Jefferson said that "the government closest to the people serves the people best" and that certainly applies to managing public lands. I'm pleased to see this legislation move us in that direction with the innovative use of management councils. These councils exemplify the concept of cooperative federalism, with seats mandated for federal, county, and tribal representatives who will work *together* to develop management plans for the monuments.

In our experience, the looting and vandalism in the area is not from lack of legal protections, but from lack of law enforcement. Unlike the original monument designation that protected in name only, this bill provides for increased law enforcement. Rep. Curtis's bill creates an Archaeological Resources Protection Unit for each monument and, additionally, mandates that at least 10 law enforcement personnel be assigned to each monument.

Additionally, this bill precludes any type of mining or development of oil or gas within the boundaries of the 1.35 million acres of the original Bears Ears monument. This should put to rest any suspicion that the monument was reduced in order to advance energy development.

Finally, the bill gives Utah the ability to exchange state land within the monument boundaries for lands elsewhere of equal value. That's an important opportunity to consolidate our lands and generate funds for Utah's school children.

In conclusion, I'd like to encourage the Committee's efforts to reform the Antiquities Act. Like most of what Congress does the Antiquities Act of 1906 was well-intentioned, but it requires modernization. I have long said it is not the use of the Antiquities Act, but rather the abuse of the Antiquities Act — by presidents of both parties — that requires Congress to carefully review this law. A great start would be Congressman Bishop's legislation that requires more public input and local buy-in based on the size of the proposed monument.

I recognize there will continue to be controversy and debate over these remarkable areas. The question is, does there really need to be? Perhaps I am an idealist, but I hope we can come together and work in good faith, recognizing that we *all* want these lands to remain public, and we all want to protect their history, archaeology, and unique nature. We certainly all want our children and grandchildren to be able to enjoy them as we do. I think when we ascribe good motives to each other, we'll be more likely to have a productive conversation and more likely to reach an optimal solution for the use of our public lands that everyone can live with.

Again, I thank you for the opportunity to testify and I'm happy to answer any questions.