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

Opening Statement by
The Honorable Rob Bishop
Chairman, Subcommittee on Public Lands and Environmental Regulations
At the Legislative Hearing on H.R. 250, H.R. 382, H.R. 432, H.R. 758, H.R. 1512, H.R. 1434, H.R. 1439, H.R. 1459, and H.R. 885
Tuesday, April 16, 2013

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

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

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

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

why reasonable reform is necessary.

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

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

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

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

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

Absent the reforms outlined today, monument designations must be constrained in size and solely limited to contiguous lands that are already owned by the federal government. Private property and inholdings should be excluded from designations. They should be limited to the sites that clearly contain "historic landmarks, historic and prehistoric

structures, and other objects of historic or scientific interest." Monument designations should not be used as a backdoor maneuver to lockup lands for general purposes that deny public access for recreation and job-creation. 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."