

**Statement of  
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U.S. Department of the Interior  
House Committee on Natural Resources**

**Hearing on  
*“Forgotten Voices: The Inadequate Review and Improper  
Alteration of Our National Monuments”***

**March 13, 2019**

Thank you for the opportunity to discuss the review of certain National Monuments designated under the Antiquities Act, as required by Executive Order 13792, as well as the Bureau of Land Management’s (BLM) implementation of Presidential Proclamations 9681 and 9682.

The Department of the Interior (Department) is committed to expanding access to America’s public lands, restoring traditional land use opportunities, and increasing hunting, fishing, and recreational opportunities nationwide. In addition, we are focused on restoring full collaboration and coordination with local communities and making the Department a better neighbor.

**National Monument Review**

Passed in 1906, the Antiquities Act (Act) authorizes the President to “declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government to be national monuments.” The Act states that the President may reserve parcels of Federal land as part of a national monument, but it also expressly states that such reservations shall be limited to “the smallest area compatible with the proper care and management of the objects to be protected.”

In response to strong local concerns about past abuses of the Act, President Trump signed Executive Order (EO) 13792, *Review of Designations Under the Antiquities Act*, on April 26, 2017, which tasked the Secretary of the Interior with conducting a review of all Presidential designations or expansions of designations under the Act made since January 1, 1996, that exceeded 100,000 acres, or any others that were deemed to be made without adequate coordination and outreach to the public.

Although existing monuments have been modified by a number of past Presidents, including 18 reductions in size, there was no established process in place for such modifications. In undertaking its review, the Department instituted and followed a process that included (i) reviewing the original monument proclamations to determine the locations and types of objects to be protected under the Antiquities Act; (ii) determining whether the land designated for the monuments met the requirement that the size of the monument be the smallest area compatible with protecting these objects; (iii) determining whether there was a scientific and reasonable

basis for the existing boundaries, including types of land use within the monument, public access concerns, and appropriate environmental and cultural protections available beyond a monument designation; (iv) working to ensure that local voices and comments were heard by holding meetings with local, State, Tribal, and other elected officials, nonprofit groups, and other stakeholders, as well as providing an online format for public comment; and (v) reviewing policies on public access, hunting and fishing rights, traditional use such as timber production and grazing, economic and environmental impacts, and potential legal conflicts.

The Department's Inspector General Report Number 18-0608 found that the Department established and consistently followed this process when conducting its review, in accordance with EO 13792, of Interior-managed national monuments under consideration for boundary modifications.

In accordance with the EO 13792, then-Secretary Zinke submitted two reports to President Trump for his consideration. The first was an Interim Report specifically addressing the Bears Ears National Monument. The second was a Final Report, which provided an assessment of 27 existing monuments. In addition to recommendations related to these monuments, the Final Report recommended the creation of three new monuments and that the President specifically seek legislation for official Tribal co-management authority for certain monuments. The Final Report also recommended that the President work with Congress to develop legislative reforms that require consultation with local, State, and Tribal governments and communities who would be most impacted by a monument designation. The Department believes that such reforms are important and would ensure that the Act is used appropriately.

In addition to the general process, the Final Report was informed by Secretary Zinke's travel to eight monument sites in six States, including both Bears Ears and Grand Staircase-Escalante National Monuments, as well as more than 60 meetings held by the Secretary and his staff with hundreds of advocates for and opponents of monument designations, ranging from local, State, and Tribal officials to conservation organizations and other non-governmental stakeholders. The Final Report was also informed by multiple Tribal consultations and a review of the more than 2.4 million public comments submitted as part of the first-ever formal public comment period tied to the Act.

Notably, many of the recommendations in the Final Report have been included in S. 47, the John D. Dingell, Jr. Conservation, Management, and Recreation Act, which has passed both bodies of the Congress and has been signed by the President, including the authorization for new national monuments at Camp Nelson in Kentucky and at Medgar and Myrlie Evers home in Mississippi, and the revision of various land designations adjacent to New Mexico's Organ Mountains-Desert Peaks National Monument, among others.

### **Bears Ears & Grand Staircase-Escalante National Monument Boundary Modifications**

On December 4, 2017, President Trump, taking into consideration the Final Report's recommendations, and with the support of Utah's governor, the entire Congressional delegation, local officials, and residents, signed two proclamations modifying the boundaries of Bears Ears and Grand Staircase-Escalante National Monuments in Utah.

Proclamation 9681 modified the boundary of Bears Ears National Monument and identified two units of the monument – Shash Jáa (Navajo for Bears Ears) and Indian Creek – encompassing a total of 228,794 acres of land (169,289 acres managed by BLM, 32,587 acres managed by U.S. Forest Service, and the remaining acres managed by the State of Utah or owned by private landowners). With this modification, Bears Ears remains larger than Utah's Bryce Canyon National Park and Zion National Park combined. Proclamation 9681 allows for increased public access to the land and provides traditional use allowances for activities such as cattle grazing. Objects within the boundaries of the monument units include the namesake Bears Ears buttes, Comb Ridge, numerous cliff dwellings and prehistoric structures like the Moon House, Mule Canyon, and Doll House sites, and many petroglyphs throughout the area, such as Newspaper Rock and the Butler Wash Kachina Panel.

In addition, the Proclamation maintains a Commission made up of elected officers from each of the Tribes that have an ancestral connection to the area, including the Hopi Nation, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and Zuni Tribe, and adds the elected officer of the San Juan County Commission representing District 3, a majority-Native American voting district in that County. The Commission has a special opportunity for meaningful engagement with the agencies in order to provide guidance and recommendations for managing the Shash Jáa unit of the monument.

Proclamation 9682 modified the boundary of Grand Staircase-Escalante National Monument and identified three units of the monument (Grand Staircase, Kaiparowits, and Escalante Canyons) encompassing a combined 1,003,863 acres, which is larger than the State of Rhode Island. In the more than 20 years since designation of Grand Staircase-Escalante National Monument, the objects identified by the original proclamation have been more thoroughly examined and mapped to better understand the significance of these objects and determine the proper size of the reservation necessary to protect them. The modified monument encompasses the areas with the highest concentration of fossil resources, important landscape features such as the Grand Staircase, Upper Paria Canyon System, Kaiparowits Plateau, Escalante Natural Bridge, Upper Escalante Canyons, East Kaibab Monocline, Grosvenor Arch, Old Paria Townsite, and Dance Hall Rock, and relict plant communities such as No Mans Mesa.

Importantly, the Federal lands excluded from both Bears Ears and Grand Staircase-Escalante National Monuments by these proclamations will continue to be managed by the BLM. In the case of Bears Ears specifically, some of the excluded lands will continue to be managed by the U.S. Forest Service. Federal conservation and historic preservation laws will continue to apply to all land that is no longer within the boundaries of Bears Ears and Grand Staircase-Escalante National Monuments, including without limitation the National Historic Preservation Act, the Archeological Resources Protection Act, the Paleontological Resources Preservation Act, the Wilderness Act, the Endangered Species Act, the Federal Land Policy and Management Act, and the National Environmental Policy Act.

### **Next Steps**

In accordance with Presidential proclamations, the BLM is preparing new land use plans for each of the units of the Bears Ears and the Grand Staircase-Escalante National Monuments. The BLM is also drafting a new land use plan for the lands excluded from Grand Staircase-Escalante

National Monument. In late March 2018, the BLM hosted public scoping meetings in Escalante, Kanab, Blanding, and Bluff, Utah, to gather information to begin the resource management planning process. As part of this effort, the BLM encouraged the public to help identify any issues, management questions, or concerns that should be addressed through the planning process. In addition, the public scoping meetings provided the public with an opportunity to talk to resource specialists and submit comments in person.

Following the scoping process, the BLM and cooperating agencies prepared draft land use plans and Environmental Impact Statements, which were made available to the public for a 90-day comment period ending in November 2018. During this comment period, the BLM hosted public meetings in Escalante, Kanab, Blanding, Bluff, and Montezuma Creek, Utah. Also during the public comment period, the BLM signed on additional cooperating agencies, including two Tribes. The BLM received approximately 400,000 comments between the two planning efforts and is currently developing the proposed land use plans and revised Environmental Impact Statements, in coordination with cooperating agencies and taking those comments into consideration.

The BLM has placed a specific emphasis on engagement with Native American Tribes as part of these planning efforts, particularly with regard to the Bears Ears National Monument plan. This has included offering cooperating agency status to every interested Tribe (31 for Bears Ears National Monument, with six of these also for Grand Staircase-Escalante National Monument). Of these Tribes, only two have accepted the invitation to be a cooperating agency; 29 either declined to participate or did not respond.

The BLM has initiated government-to-government consultation with many of the Tribes that are not cooperating agencies. In 2018, the BLM hosted more than 20 meetings with Tribal leadership and traveled to meet with the leaders of the pueblos of Acoma, San Felipe, Laguna, and other Tribes. Through these relationships, the BLM has provided information and updates on the process and received Tribal input on the monument plans. The BLM is also consulting with Tribes under the National Historic Preservation Act on potential effects to cultural resources.

During development of the Bears Ears National Monument plan, the BLM attempted to host meetings of the Shash Jáa Commission, but was notified that the Tribes would not be attending. The BLM will continue to reach out to and, where possible, closely engage with the Shash Jáa Commission and interested Tribes in recognition of the importance of Tribal participation in the proper care and management of the objects and to ensure that management decisions affecting the monuments reflect and are informed by Tribal expertise and traditional and historical knowledge.

The land use plans that the BLM is currently developing will ensure the proper care and management of monument objects and values while providing important access for the public and traditional uses. The Proposed Monument Management Plans/Final Environmental Impact Statement for each monument are expected to be released later this year. These plans will be subject to administrative protest prior to the BLM issuing final decisions. As part of the protest process, anyone who participated in the development of the land use plans will have an

opportunity to ensure that their concerns and suggestions were taken into consideration. Along with the administrative protest, the Governor will have 60 days to ensure that the proposed plans are consistent with any State or local resource management plans.

**Conclusion**

Thank you for the opportunity to present this testimony, and I would be glad to answer any questions you may have.