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From: Ralston, Jill
Sent: 2017-10-10T15:48:37-04:00
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Subject: Summary of HR 3990, The National Monument Creation and Protection Act
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[HR 3990.pdf](#)
[H.R. 3990 National Monument Creation and Protection Act, SUMMARY 101017.docx](#)

FYI -

The House Natural Resources Committee is scheduled to markup H.R. 3990, The National Monument Creation and Protection Act tomorrow at 4:00PM. Both the bill and a summary are attached. I've also forwarded a related E&E story below.

Please let me know if you have any questions,

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AN E&E NEWS PUBLICATION

NATIONAL MONUMENTS

Committee to advance bill limiting new designations

Jennifer Yachnin, E&E News reporter

Published: Tuesday, October 10, 2017

The House Natural Resources Committee this week will vote on a bill to overhaul the Antiquities Act of 1906, putting strict limits on the size of future national monuments while also reining in the law to prohibit new designations to protect "geographic features" or submerged lands or water.

The bill was introduced yesterday by Chairman Rob Bishop (R-Utah), a vocal critic of the 111-year-old law that allows presidents to designate public lands as monuments to protect areas of historic, scientific or cultural importance. In particular, he has blasted a pair of monuments in his home state that each covers more than 1 million acres ([Greenwire](#), Oct. 4).

"The 1906 Antiquities Act was originally intended as an executive tool to protect historical and archeological artifacts and structures under threat," Bishop said in a statement. "Regrettably, this worthy goal has been manipulated for ulterior political purposes. Today the Act is too often used as an excuse for presidents to unilaterally lock up vast tracts of public land without any mechanism for people to provide input or voice concerns. This is wrong."

Under H.R. 3990, the "National Monument Creation and Protection Act," Bishop would curtail the use of the Antiquities Act by putting specific limits on the size of new monuments.

To date, presidents have faced no acreage restrictions when designating new monuments, with the exception of Wyoming, which is excluded from the Antiquities Act, and Alaska, where Congress must approve new monuments that would cover more than 5,000 acres. President Obama, for example, created the 1.35-million-acre Bears Ears National Monument in Utah in late 2016.

In Bishop's reformed version of the law, presidents could only designate monuments of up to 640 acres without additional input.

In order to establish larger monuments of up to 5,000 acres, a president would need to first seek a National Environmental Policy Act review. Monuments up to 10,000 acres would also need an environmental assessment (EA) or environmental impact statement (EIS).

The maximum size for new monuments would top out at 85,000 acres, which would require a president to order an NEPA review and EA or EIS, as well as seek approval by county governments, state legislators and governors in the impacted area.

One exception would allow a president to declare an "emergency national monument" for a period of up to one year without a limitation on size.

"This legislation provides for accountability in the Act's uses," Bishop said. "It modernizes the law to restore its intent, allowing for the protection of actual antiquities without disenfranchisement of local voices and perspectives."

The legislation would also strictly limit what objects a president could site when designating public lands under monument protections.

While presidents have protected archaeological sites, monuments have also been established to conserve geologic formations like the Grand Canyon and the Devils Tower, as well as for biodiversity with the Cascade-Siskiyou National Monument that straddles southern Oregon and Northern California.

But Bishop's bill would reduce that power by reserving antiquities designations for "relics," "artifacts," "human or animal skeletal remains," "fossils (other than fossil fuels)," and "certain buildings constructed before the date of the enactment of this subsection."

The bill would expressly prohibit "natural geographic features" and "objects not made by humans" from protection, as well as submerged lands and waters. The latter would bar the creation of future

marine monuments, which the Trump administration has criticized.

The measure also seeks to protect state and private landowners with inholdings within public lands. Bishop would require the White House to seek "express written consent" for new monuments when states or individuals would see their land wholly included in a monument's boundaries.

The legislation would also codify the president's powers to reduce the size of monuments — a point of contention between Republican and Democratic lawmakers who have disagreed over whether the commander in chief has the authority to do so.

Under Bishop's bill, the president would be permitted to reduce any national monument by 85,000 acres or less without congressional approval.

The president could reduce a monument by more than that limit if he first received approval from the county government, state legislature and state governor where the site is located, and conducts an NEPA review.

"If my colleagues are serious about their calls for accountability under this Act — no matter which party controls the White House — they will support this bill," Bishop said.

But conservation groups including the Center for Western Priorities and the Southern Utah Wilderness Alliance disparaged Bishop's reforms, noting that such language would have prevented the creation of numerous national monuments that were later converted to national parks by Congress.

"If the rules proposed in this bill would have been in place in the original Antiquities Act, Americans would not be lucky enough to have [Utah's] Arches, Zion, Bryce Canyon or Capitol Reef national parks today — all of which were first protected as national monuments," said SUWA Legislative Director Jen Ujifusa. "This is another extreme attack against our public lands from the very congressional delegation that should instead be taking pride in protecting them."

Ujifusa also contended that the legislation counters Bishop's own arguments that a president may reduce a monument without congressional action.

"By putting forth this legislation, Congressman Bishop has conceded that President Trump currently has no authority to shrink national monuments," she said.

Resolution of inquiry

At that time, the committee will also review a [resolution](#) of inquiry filed last week by Arizona Rep. Raúl Grijalva, the panel's top Democrat ([E&E News PM](#), Oct. 4).

The resolution is aimed at forcing the Trump administration to fully disclose the details of its review of dozens of national monuments that ended with Interior Secretary Ryan Zinke's call to reduce or otherwise modify 10 sites.

In the resolution, Grijalva also sought to obtain an official copy of the report Zinke submitted to Trump in late August. The report was leaked to the media, but the White House has yet to issue any statement on its contents ([*Greenwire*](#), Sept. 18).

Under House rules, the resolution of inquiry, H.R. 555, which is co-sponsored by 25 Democrats, must be considered by the House Natural Resources panel within 14 legislative days. At that time, Grijalva could use a privileged motion to discharge the bill from committee and force its consideration on the House floor.

Schedule: The markup is Wednesday, Oct. 11, at 4 p.m. in 1334 Longworth.

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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. 3990

To amend title 54, United States Code, to reform the Antiquities Act of 1906, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BISHOP of Utah introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 54, United States Code, to reform the Antiquities Act of 1906, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Monument
5 Creation and Protection Act”.

6 **SEC. 2. LIMITATION ON SIZE; CLARIFICATION OF ELIGIBLE**
7 **OBJECTS.**

8 Section 320301 of title 54, United States Code, is
9 amended—

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1 (1) in subsection (a), by striking “historic land-
2 marks, historic and prehistoric structures, and other
3 objects of historic or scientific interest” and insert-
4 ing “object or objects of antiquity”;

5 (2) in subsection (b), by striking “confined to
6 the smallest area compatible with the proper care
7 and management of the objects to be protected” and
8 inserting “in accordance with the limitations out-
9 lined in subsections (e), (f), (g), and (h)”;

10 (3) by adding at the end the following:

11 “(e) LIMITATION ON SIZE OF NATIONAL MONU-
12 MENTS. Except as provided by subsections (f), (g), and
13 (h), after the date of the enactment of this subsection,
14 land may not be declared under this section in a configura-
15 tion that would create a national monument

16 “(1) that is more than 640 acres; and

17 “(2) whose exterior boundary is less than 50
18 miles from the closest exterior boundary of another
19 national monument declared under this section.

20 “(f) EXCEPTION FOR MONUMENTS OF LESS THAN
21 5,000 ACRES. Subsection (e) shall not apply to the des-
22 ignation of a national monument under this section if the
23 national monument so designated

24 “(1) would be less than 5000 acres;

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1 “(2) would have all exterior boundaries 50
2 miles or more from the closest exterior boundary of
3 another national monument declared under this sec-
4 tion; and

5 “(3) has been reviewed under the National En-
6 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
7 seq.) by the Secretary of the Interior or the Sec-
8 retary of Agriculture, as appropriate.

9 “(g) EXCEPTION FOR MONUMENTS OF 5,000 ACRES
10 AND UP TO 10,000 ACRES.

11 “(1) IN GENERAL. Subsection (e) shall not
12 apply to the designation of a national monument
13 under this section if the national monument so des-
14 ignated

15 “(A) would be at least 5000 acres but not
16 more than 10,000 acres; and

17 “(B) would have all exterior boundaries 50
18 miles or more from the closest exterior bound-
19 ary of another national monument declaration
20 under this section.

21 “(2) OTHER REQUIREMENT. A monument de-
22 scribed in this subsection shall be subject to the
23 preparation of an environmental assessment or envi-
24 ronmental impact statement as part of a review
25 under the National Environmental Policy Act of

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1 1969 (42 U.S.C. 4321 et seq.). The choice of envi-
2 ronmental review document shall be within the dis-
3 cretion of the Secretary of the Interior or the Sec-
4 retary of Agriculture, as appropriate.

5 “(h) EXCEPTION FOR MONUMENTS 10,000 ACRES
6 AND UP TO 85,000 ACRES. Subsection (e) shall not apply
7 to the designation of a national monument under this sec-
8 tion if the national monument so designated

9 “(1) would be at least 10,000 acres but not
10 more than 85,000 acres;

11 “(2) would have all exterior boundaries 50
12 miles or more from the closest exterior boundary of
13 another national monument declaration under this
14 section; and

15 “(3) has been approved by the elected gov-
16 erning body of each county (or county equivalent),
17 the legislature of each State, and the Governor of
18 each State within whose boundaries the national
19 monument will be located (and the Governor of each
20 such State has transmitted a copy of each such ap-
21 proval to the President).

22 “(i) EXCEPTION FOR EMERGENCY DESIGNATION.

23 “(1) IN GENERAL. Subsection (e) shall not
24 apply to the designation under this section of a na-
25 tional monument of any acreage amount if designa-

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1 tion is made to prevent imminent and irreparable
2 harm to the object or objects of antiquity to be pro-
3 tected by the designation.

4 “(2) ONE YEAR LIMITATION. A national
5 monument designation under this subsection shall
6 terminate on the date that is one calendar year after
7 the date of the designation.

8 “(3) ONE TIME DESIGNATION. Land des-
9 ignated as a national monument under this sub-
10 section

11 “(A) may only be so designated one time;
12 and

13 “(B) may not also be permanently des-
14 ignated as a national monument under this sec-
15 tion.

16 “(4) RIGHTS AND USES. Land designated as a
17 national monument under this subsection shall re-
18 main subject to

19 “(A) valid existing rights; and

20 “(B) uses allowed on the day before such
21 designation under an applicable Resource Man-
22 agement Plan or Forest Plan.

23 “(j) PRESIDENTIAL AUTHORITY TO REDUCE SIZE OF
24 DECLARED MONUMENTS. The President may

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1 “(1) reduce the size of any national monument
2 declared under this section by 85,000 acres or less;
3 or

4 “(2) reduce the size of any national monument
5 declared under this section by more than 85,000
6 acres only if the reduction

7 “(A) has been approved by the elected gov-
8 erning body of each county (or county equiva-
9 lent), the legislature of each State, and the
10 Governor of each State within whose boundaries
11 the national monument will be located (and the
12 Governor of each such State has transmitted a
13 copy of each such approval to the President);
14 and

15 “(B) has been reviewed under the National
16 Environmental Policy Act of 1969 (42 U.S.C.
17 4321 et seq.) by the Secretary of the Interior
18 or the Secretary of Agriculture, as appropriate.

19 “(k) NON-FEDERALLY OWNED PROPERTY. After
20 the date of the enactment of this subsection, land may
21 not be declared as a national monument under this section
22 in a configuration that would place non-federally owned
23 property within the exterior boundaries of the national
24 monument without the express written consent of the own-
25 ers of that non-federally owned property.

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1 “(l) EFFECT OF DECLARATION ON FEDERAL
2 FUNDS. No declaration under this section shall be con-
3 strued to increase the amount of Federal funds that are
4 authorized to be appropriated for any fiscal year.

5 “(m) WATER RIGHTS ASSOCIATED WITH A DEC-
6 LARATION. Water rights associated with a declaration
7 under this section

8 “(1) may not be reserved expressly or by impli-
9 cation by a declaration under this section; and

10 “(2) may be acquired for a declaration under
11 this section only in accordance with the laws of the
12 State in which the water rights are based.

13 “(n) DEFINITIONS. For the purposes of this section:

14 “(1) DECLARATION; DECLARED. The terms
15 ‘declaration’ and ‘declared’ shall only include the
16 creation or expansion of a national monument under
17 this section.

18 “(2) LAND. The term ‘land’ shall not include
19 submerged land or water.

20 “(3) OBJECT OR OBJECTS OF ANTIQUITY.

21 “(A) The term ‘object or objects of antiq-
22 uity’ means

23 “(i) relics;

24 “(ii) artifacts;

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1 “(iii) human or animal skeletal re-
2 mains;

3 “(iv) fossils (other than fossil fuels);
4 and

5 “(v) certain buildings constructed be-
6 fore the date of the enactment of this sub-
7 section.

8 “(B) The term ‘object or objects of antiq-
9 uity’ does not include

10 “(i) natural geographic features; and

11 “(ii) objects not made by humans, ex-
12 cept fossils (other than fossil fuels) or
13 human or animal skeletal remains.”.

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(b), by striking <quote>confined to the smallest area compatible with the proper care
and management of the objects to be protected</quote> and inserting <quote>in accordance
with the limitations outlined in subsections (e), (f), (g), and (h)</quote>;
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size of national monuments</header><text display-inline="yes-display-inline">Except as
provided by subsections (f), (g), and (h), after the date of the enactment of this
subsection, land may not be declared under this section in a configuration that would
create a national monument-</text>
<paragraph id="H1013A9F565744053AC5285B662669C17"><enum>(1)</enum><text>that is more

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than 640 acres; and</text></paragraph>
 <paragraph id="H85DBB54C36240B186B2091A39C725E3"><enum>(2)</enum><text>whose exterior boundary is less than 50 miles from the closest exterior boundary of another national monument declared under this section.</text></paragraph></subsection>
 <subsection id="HDEE6B06EE3644F62952EC84F4CF51C26"><enum>(f)</enum><header>Exception for monuments of less than 5,000 acres</header><text display-inline="yes-display-inline">Subsection (e) shall not apply to the designation of a national monument under this section if the national monument so designated—</text>
 <paragraph id="HA0EECB27BF3A4D229A75528CD64FCFCF"><enum>(1)</enum><text>would be less than 5000 acres;</text></paragraph>
 <paragraph id="HC94038AF23D5443C8D188E403003E90E"><enum>(2)</enum><text display-inline="yes-display-inline">would have all exterior boundaries 50 miles or more from the closest exterior boundary of another national monument declared under this section; and</text></paragraph>
 <paragraph id="H1322EBA2BD2E4D02936B66883FE49797"><enum>(3)</enum><text display-inline="yes-display-inline">has been reviewed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the Secretary of the Interior or the Secretary of Agriculture, as appropriate.</text></paragraph></subsection>
 <subsection id="HD241591E7D79450C95ADEA0E390E6E5E"><enum>(g)</enum><header>Exception for monuments of 5,000 acres and up to 10,000 acres</header>
 <paragraph id="HD09AACCE5C80446DB2F9C244ABAB88E9"><enum>(1)</enum><header>In general</header><text>Subsection (e) shall not apply to the designation of a national monument under this section if the national monument so designated—</text>
 <subparagraph id="H5E5FD30C8B3F469F85E5C9A74357484B"><enum>(A)</enum><text>would be at least 5000 acres but not more than 10,000 acres; and</text></subparagraph>
 <subparagraph id="HE3C5FA4A7C7149F8A510ADBFCCE2585F6"><enum>(B)</enum><text>would have all exterior boundaries 50 miles or more from the closest exterior boundary of another national monument declaration under this section.</text></subparagraph></paragraph>
 <paragraph id="H6B120F68336546E887ABEF97DA03DC6F"><enum>(2)</enum><header>Other requirement</header><text>A monument described in this subsection shall be subject to the preparation of an environmental assessment or environmental impact statement as part of a review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The choice of environmental review document shall be within the discretion of the Secretary of the Interior or the Secretary of Agriculture, as appropriate.</text></paragraph></subsection>
 <subsection id="H8B1EDA290E9849FE979A314013EB09AD"><enum>(h)</enum><header>Exception for monuments 10,000 acres and up to 85,000 acres</header><text display-inline="yes-display-inline">Subsection (e) shall not apply to the designation of a national monument under this section if the national monument so designated— </text>
 <paragraph id="H5944744569B94048BB0A8FCBAFCCF4AA"><enum>(1)</enum><text>would be at least 10,000 acres but not more than 85,000 acres; </text></paragraph>
 <paragraph id="H25B2904A880246F2B34D3A0D0DFED393"><enum>(2)</enum><text>would have all exterior boundaries 50 miles or more from the closest exterior boundary of another national monument declaration under this section; and </text></paragraph>
 <paragraph id="HB27C3F7D8D4F497E96B852C8D5FC86A6"><enum>(3)</enum><text>has been approved by the elected governing body of each county (or county equivalent), the legislature of each State, and the Governor of each State within whose boundaries the national monument will be located (and the Governor of each such State has transmitted a copy of each such approval to the President).</text></paragraph></subsection>
 <subsection id="H52BB2926C28F4DE3B955733F7A0100D8"><enum>(i)</enum><header>Exception for emergency designation</header>
 <paragraph id="HBC3EF710A0B848A6BC24217E8FCB59FB"><enum>(1)</enum><header>In general</header><text>Subsection (e) shall not apply to the designation under this section of a national monument of any acreage amount if designation is made to prevent imminent and irreparable harm to the object or objects of antiquity to be protected by the designation.</text></paragraph>
 <paragraph id="HBD3565578C994F0689455CAF4A298AA6"><enum>(2)</enum><header>One year limitation</header><text>A national monument designation under this subsection shall terminate on the date that is one calendar year after the date of the designation.</text></paragraph>
 <paragraph id="H92324484F6EF4B0C9B67656054682A8F"><enum>(3)</enum><header>One time designation</header><text>Land designated as a national monument under this subsection—</text>
 <subparagraph id="H3D1A1D267DC245E9B94FFE1FB9A8D856"><enum>(A)</enum><text>may only be so designated one time; and</text></subparagraph>
 <subparagraph id="HC6FF03CB38AB42D88113FE4F50E38C7A"><enum>(B)</enum><text>may not also be permanently designated as a national monument under this section.</text></subparagraph></paragraph>
 <paragraph id="H27CFF235CB584A2F8EA0D8C49B1684A8"><enum>(4)</enum><header>Rights and Uses</header><text display-inline="yes-display-inline">Land designated as a national monument under this subsection shall remain subject to—</text>

<subparagraph id="HFC2B484E4650415A92B9446E8309F3F7"><enum>(A)</enum><text>valid existing rights; and</text></subparagraph>

<subparagraph id="H5056CE42BCF84C458325A755F7F47E60"><enum>(B)</enum><text>uses allowed on the day before such designation under an applicable Resource Management Plan or Forest Plan.</text></subparagraph></paragraph></subsection>

<subsection id="H676107CA08944CB49A993CCE1EB6049D"><enum>(j)</enum><header>Presidential authority to reduce size of declared monuments</header><text>The President may</text>

<paragraph id="H8BFB5E22E5E844C3A7FC64B188B64EF4"><enum>(1)</enum><text display-inline="yes-display-inline">reduce the size of any national monument declared under this section by 85,000 acres or less; or</text></paragraph>

<paragraph id="HA3A48A98F5224F378EF687F396CE2B45"><enum>(2)</enum><text>reduce the size of any national monument declared under this section by more than 85,000 acres only if the reduction</text>

<subparagraph id="H4AF61494AAAA4977B74C831EB40E6EDB"><enum>(A)</enum><text display-inline="yes-display-inline">has been approved by the elected governing body of each county (or county equivalent), the legislature of each State, and the Governor of each State within whose boundaries the national monument will be located (and the Governor of each such State has transmitted a copy of each such approval to the President); and</text></subparagraph>

<subparagraph id="H9C824FA7404441ADB77A53E5D900695A"><enum>(B)</enum><text>has been reviewed under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the Secretary of the Interior or the Secretary of Agriculture, as appropriate.</text></subparagraph></paragraph></subsection>

<subsection id="HC0B8518A96464C2E9826351C0A1FD8C8"><enum>(k)</enum><header>Non-federally owned property</header><text display-inline="yes-display-inline">After the date of the enactment of this subsection, land may not be declared as a national monument under this section in a configuration that would place non-federally owned property within the exterior boundaries of the national monument without the express written consent of the owners of that non-federally owned property.</text></subsection>

<subsection id="H96B400A39E934702AA3FE076F599B09D"><enum>(l)</enum><header>Effect of declaration on federal funds</header><text>No declaration under this section shall be construed to increase the amount of Federal funds that are authorized to be appropriated for any fiscal year.</text></subsection>

<subsection id="H65347C83D8224BB3AE8F87C17C757C80"><enum>(m)</enum><header>Water rights associated with a declaration</header><text>Water rights associated with a declaration under this section</text>

<paragraph id="H80696705B0B34F8C9AE8152EDF50814A"><enum>(1)</enum><text>may not be reserved expressly or by implication by a declaration under this section; and</text></paragraph>

<paragraph id="H269F548D1A5D4E8B898677F15C3D96AC"><enum>(2)</enum><text>may be acquired for a declaration under this section only in accordance with the laws of the State in which the water rights are based.</text></paragraph></subsection>

<subsection id="H256485EC5A214D6A8B7C162726B22471"><enum>(n)</enum><header>Definitions</header><text>For the purposes of this section:</text>

<paragraph id="H986C9EFEE940493796CFEAF7BEF3B785"><enum>(1)</enum><header>Declaration; declared</header><text>The terms <quote>declaration</quote> and <quote>declared</quote> shall only include the creation or expansion of a national monument under this section.</text></paragraph>

<paragraph id="H604EF656FF804F5087FF6CE80BF8E5E0"><enum>(2)</enum><header>Land</header><text>The term <term>land</term> shall not include submerged land or water.</text></paragraph>

<paragraph id="H78F1B349E8444791887E8974AFA5150F"><enum>(3)</enum><header>Object or objects of antiquity</header><text>The term <term>object or objects of antiquity</term> means</text>

<clause id="H22DAE23281EC45F8A6313F0EA27F9A2C"><enum>(i)</enum><text>relics;</text></clause>

<clause id="H817808AB24A54DAAAAAC854B7EF187EF"><enum>(ii)</enum><text>artifacts;</text></clause>

<clause id="HEF2962A92F3B4761938AD19BF2FEFDE0"><enum>(iii)</enum><text>human or animal skeletal remains;</text></clause>

<clause id="H0B73CEF721BA4606931B81A05C4A0EDD"><enum>(iv)</enum><text>fossils (other than fossil fuels); and</text></clause>

<clause id="H19EF617E429B428CA5F9C05B3E7A27A4"><enum>(v)</enum><text>certain buildings constructed before the date of the enactment of this subsection.</text></clause></subparagraph>

<subparagraph id="H07212FBBE72C46DB957E248248285C8c"><enum>(B)</enum><text>The term <term>object or objects of antiquity</term> does not include</text>

<clause id="H3D3529779998419DA3B6C48D36204946"><enum>(i)</enum><text>natural geographic features; and</text></clause>

<clause id="H0BBB53007057474AB5411A1F6C691FB3"><enum>(ii)</enum><text
display-inline="yes-display-inline">objects not made by humans, except fossils (other
than fossil fuels) or human or animal skeletal
remains.</text></clause></subparagraph></paragraph></subsection><after-quoted-block>.</af
ter-quoted-block></quoted-block></paragraph></section>
</legis-body>
</bill>

H.R. 3990, National Monument Creation and Protection Act
Rep. Bishop, 115th Congress
WO-620 Bill Summary

H.R. 3990, the National Monument Creation and Protection Act, amends the Antiquities Act of 1906 by placing discrete limitations on national monument proclamations and including requirements for NEPA analysis and private landowner and/or local and state government consent. The bill also refines what objects qualify under the Act and removes water and submerged lands from the applicable areas of designation. Under the bill, national monuments by presidential proclamation would be subject to acreage limitations of 640 acres or less, 5,000 acres or less, 5,000-10,000 acres, 10,000-85,000 acres, and one-year emergency designations of unlimited acreage. National monuments would have to be 50 miles or more from the closest boundary of another national monument declared under the bill.

The bill would also establish Presidential authority to reduce the size of national monuments of 85,000 acres or less that are declared under the bill. Presidents would be allowed to reduce monuments by more than 85,000 acres if the reduction has been approved by relevant county government(s), state legislature(s), and state governor(s) by letter(s) of support to the President, as well as review of the reduction under NEPA. Additionally, the President would need express written consent from non-federal landowners for national monuments containing non-federally owned property within the boundaries. Finally, the bill specifies that water rights may not be reserved with a national monument designation, but may be acquired in accordance with state laws.

Comparison of Requirements by National Monument Acreage			
Size	Consenting Parties	NEPA Analysis Required	Other Requirements
< 640 acres	N/A	None	N/A
< 5,000 acres	N/A	NEPA review	N/A
5,000 - 10,000 acres	N/A	EA or EIS	N/A
10,000 - 85,000 acres	County government(s), state legislature(s), and state governor(s) (via letter(s) to President)	N/A	N/A
Unlimited ("emergency designation")	N/A	N/A	One time only and one year limitation on designation term; subject to valid existing rights, and allows uses authorized under current RMP or forest plan.