

To: BLM_WO_240[blm_wo_240@blm.gov]
From: Foss, Scott
Sent: 2017-10-13T14:26:59-04:00
Importance: Normal
Subject: Fwd: HR 3990 - Specific Reference to Fossils
Received: 2017-10-13T14:27:34-04:00
[H.R. 3990 NM Creation and Protection Act.pdf](#)

This is important. I hope we are asked to comment on it soon.

Scott E. Foss, PhD
BLM Senior Paleontologist
20 M St. SE, Suite 2134, Washington, DC 20003
sfoss@blm.gov, 202-912-7253

----- Forwarded message -----

From: Santucci, Vincent <vincent_santucci@nps.gov>
Date: Fri, Oct 13, 2017 at 11:59 AM
Subject: HR 3990 - Specific Reference to Fossils

FYI -

HR 3990 draft bill and media attached here. Please note that "fossils" are specifically included in "Objects of Antiquity". This is an important discussion.

NATIONAL MONUMENTS

Antiquities Act revision advances

*Jennifer Yachnin, E&E News reporter
Published: Thursday, October 12, 2017*

The House Natural Resources Committee last night voted in favor of legislation that would overhaul the Antiquities Act for the first time since its enactment more than a century ago, approving reforms that would sharply reduce the size of future monuments and create a formal process for reductions.

Lawmakers passed the measure sponsored by Chairman Rob Bishop (R-Utah) on a party-line vote, 23 to 17.

"The only path to transparency and to accountability that we all claim to be seeking, no matter which party controls the White House, is to amend the act itself," Bishop said in his opening remarks.

The Utah lawmaker's legislation, **H.R. 3990**, the "National Monument Creation and Protection Act," would limit the size of new monuments to a maximum of 85,000 acres and require approval from local and state lawmakers and governors, as well as review under the National Environmental Policy Act.

The measure, also known as the "CAP Act," would also limit designations to protect areas with relics, cultural artifacts and fossils, while eliminating the inclusion of "vast landscape domains."

As the law stands now, a president may designate existing public lands as a monument to protect areas of cultural, scientific or historical value, without any restrictions on acreage.

During the committee's markup, Bishop noted the legislation would refocus the law on its original intent of protecting man-made relics, and that requirements for NEPA review and state or local input would provide a formal decisionmaking process for new monuments.

"It establishes a process to get information before the designation, not afterward," Bishop said. He criticized unspecified monuments created in recent years as designations made "not on scientific or archaeological" basis "but for political purposes."

Bishop has been a longtime critic of the Antiquities Act, specifically with sites in his home state including the Bears Ears National Monument created by President Obama in late 2016 and the Grand Staircase-Escalante National Monument created by President Clinton in 1996.

Arizona Rep. Raúl Grijalva, the committee's top Democrat, slammed Bishop's proposal, which he said "essentially destroys the Antiquities Act."

"We need additional national monuments, not fewer. Our national monuments should be larger, not smaller," he later added.

Democratic lawmakers and conservation groups also criticized Bishop's bill ahead of the hearing, arguing its passage would lead to fewer national parks in the future.

About one-third of national monuments created under the Antiquities Act have been converted to national parks, historic parks or sites, national preserves, or other properties controlled by the National Park Service, according to data provided by the Wilderness Society.

But Bishop rebutted those claims as "misinformation" intended to create opposition to his legislation. "With all due respect, Trump Tower could not be made a national monument because that's private property," Bishop noted wryly.

He later added: "The idea that Grand Canyon or Zion National Park would never have been created without this is misinformation. Those are national parks that can only be made by Congress. The idea that this stops the process is simply one of those things you throw out there that is a nice argument, but it's not a real argument."

Democrats did praise provisions in Bishop's bill that would prohibit presidents from reducing a monument by more than 85,000 without agreement of local and state officials.

Opponents have argued presidents do not have authority to reduce monuments under the Antiquities Act and have vowed to challenge the Trump administration in court if it attempts to do so.

Although presidents have previously reduced the size of some monuments, none of those cases has ever been tested in federal court. President Kennedy was the last to do so when he modified the Bandelier National Monument in New Mexico.

"There is something good about this bill," said Virginia Rep. Don McEachin (D). "And that is that it points out that the president has no authority to unilaterally shrink or undesignate a national monument under current law. This admission is useful because the president may soon try to invoke that nonexistent power to the lasting detriment of our country."

Earlier in the day Bishop said that such interpretations are incorrect, stating the bill does not create a "new power" but defines one that already exists ([*E&E News PM*](#), Oct. 11).

Democratic resolution

During the meeting, lawmakers also voted on a resolution of inquiry sponsored by Grijalva that

aimed to force the Trump administration to disclose the details of its recent review of more than two dozen national monuments.

In a private report to President Trump in late August, which leaked to the media last month, Interior Secretary Ryan Zinke recommended reducing the boundaries of six monuments and altering the management plans of a handful more (*Greenwire*, Sept. 18).

Neither the White House nor the Interior Department has commented on that report, which has not been finalized. Noting the Trump administration conducted an "extensive review," Grijalva said Democrats were attempting to force a formal disclosure of the recommendations.

"We would like to read that report," he said. "We would like to see the information that was gathered during the review process so we can make informed decisions regarding the value of the report."

The committee voted along party lines, 23-17, to report the resolution unfavorably to the House, effectively killing the measure.

Reporter Kellie Lunney contributed.

<https://www.eenews.net/eedaily/2017/10/12/stories/1060063399>

Here is the specific language which identifies "fossils" as "Objects of Antiquity":

“(3) OBJECT OR OBJECTS OF ANTIQUITY.

“(A) The term ‘object or objects of antiquity’ means

“(i) relics;

“(ii) artifacts;

“(iii) human or animal skeletal remains;

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

“(v) certain buildings constructed before the date of the enactment of this subsection.

“(B) The term ‘object or objects of antiquity’ does not include

“(i) natural geographic features; and

“(ii) objects not made by humans, except fossils (other than fossil fuels) or human or animal skeletal remains.”.

--

Vincent L. Santucci
Paleontology Program Coordinator
National Park Service
Geologic Resources Division
1849 C Street, NW
Washington, DC 20240
Office: (202) 513-7186
Cell: (202) 359-4124

vincent_santucci@nps.gov

Celebrate National Fossil Day - October 11, 2017
<http://nature.nps.gov/geology/nationalfossilday/>

G:\M\15\BISHUT\BISHUT_007.XML

.....
(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—

G:\M\15\BISHUT\BISHUT 007.XML

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)”; and

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;

G:\M\15\BISHUT\BISHUT 007.XML

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

G:\M\15\BISHUT\BISHUT 007.XML

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-

G:\M\15\BISHUT\BISHUT 007.XML

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

G:\M\15\BISHUT\BISHUT 007.XML

6

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.

G:\M\15\BISHUT\BISHUT 007.XML

7

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;

G:\M\15\BISHUT\BISHUT 007.XML

8

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.”.

```

<?xml version="1.0" encoding="UTF-8"?>
<?xml-stylesheet href="\billres.xml" type="text/xml"?>
<!DOCTYPE bill PUBLIC "-//US Congress//DTDs/bill v2.8 20020720//EN"
"http://xml.house.gov/bill.dtd">
<bill bill-stage="Pre-Introduction" dms-id="H051694817D674143A40481B96E456B1F"
public-private="public" key="H" bill-type="olc">
<pre-form>
<meta-house><holc-filename>G:\M\15\BISHUT\BISHUT_007.XML</holc-filename><holc-attorney>XX
XXXX</holc-attorney><holc-last-author>XXXXXX</holc-last-author><holc-last-saved>10/6/2017
9:42</holc-last-saved><holc-creator>XXXXXXXXXXXX</holc-creator><holc-creation-date>03/15
/2017
10:03</holc-creation-date><version><version-filename>XXXXXXXXXXXXXXXXXXXXXXXXXXXX</versi
on-filename><version-date>XXXXXXXXXXXXXXXXXXXX</version-date><version-creator>XXXXXX</vers
ion-creator></version>
<holc-job-number>1151-0315-128808</holc-job-number><holc-doc-number>654845|4</holc-doc-nu
mber>
</meta-house>
<author-note display="no"><?xm-replace_text {author-note}?></author-note>
<running-header display="no">[Discussion Draft]</running-header>
<legis-counsel/> <reintroduction-code display="no"><?xm-replace_text
{reintroduction-code}?></reintroduction-code>
<signature-line display="yes">(Original Signature of Member)</signature-line>
<first-page-header display="no">[DISCUSSION DRAFT]</first-page-header>
<first-page-date display="no"><?xm-replace_text {first-page-date}?></first-page-date>
<first-page-desc display="no"><?xm-replace_text {first-page-desc}?></first-page-desc>
</pre-form>
<form>
<distribution-code display="no">I</distribution-code>
<congress>115th CONGRESS</congress> <session>1st Session</session>
<legis-num>H. R. __</legis-num>
<current-chamber>IN THE HOUSE OF REPRESENTATIVES</current-chamber>
<action>
<action-date><?xm-replace_text {action-date}?></action-date>
<action-desc><sponsor name-id="B001250">Mr. Bishop of Utah</sponsor> introduced the
following bill; which was referred to the Committee on _____</action-desc>
</action>
<legis-type>A BILL</legis-type>
<official-title>To amend title 54, United States Code, to reform the Antiquities Act of
1906, and for other purposes. </official-title>
</form>
<legis-body id="H69601F9F79F248D1B93C6AD38ED62C0B" style="OLC">
<section id="H02AEE28B71EC42039B3A78D18F67550A"
section-type="section-one"><enum>1.</enum><header>Short title</header><text
display-inline="no-display-inline">This Act may be cited as the
<quote><short-title>National Monument Creation and Protection
Act</short-title></quote>.</text></section>
<section id="HB20BF9592199488DBD16A488951133F2"
section-type="subsequent-section"><enum>2.</enum><header>Limitation on size;
clarification of eligible objects</header><text
display-inline="no-display-inline">Section 320301 of title 54, United States Code, is
amended-</text>
<paragraph id="HE939237FEF6544B38CFCBEFE21B744B1"><enum>(1)</enum><text
display-inline="yes-display-inline">in subsection (a), by striking <quote>historic
landmarks, historic and prehistoric structures, and other objects of historic or
scientific interest</quote> and inserting <quote>object or objects of antiquity</quote>;
</text></paragraph>
<paragraph id="HEFEFF86B4BA749C4B1336FF3278C3FC3"><enum>(2)</enum><text>in subsection
(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>;
and</text></paragraph>
<paragraph id="H758B2BC2082648F4AC5EA83B92EF911E"><enum>(3)</enum><text
display-inline="yes-display-inline">by adding at the end the following:</text>
<quoted-block style="OLC" id="HF548755598194410A76942EB38CE3462"
display-inline="no-display-inline">
<subsection id="H5448DD251BF14AB1BEA2D8C11D44B8E7"><enum>(e)</enum><header>Limitation on
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

```

than 640 acres; and</text></paragraph>
 <paragraph id="H85DBDB54C36240B186B2091A39C725E3"><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>

<subparagraph id="H13F67472C14B47D991574E3A0CDC2936"><enum>(A)</enum><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>