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[WO400 Comments on S22 the Nevada Land Sovereignty Act \(1\).docx](#)

Can you look this over before we send in? I made some final edits.  
S33 to follow

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**WO-410 Draft Legislative Report on S. 22 -  
Nevada Land Sovereignty Act**

**From:** National Conservation Lands and Community Partnerships Directorate

**Date:** February 17, 2017

**Position:** The Antiquities Act has been an important conservation tool used by 16 of the last 19 Presidents to preserve our Nation's history, natural areas, and cultural landmarks. The Bureau of Land Management (BLM) would appreciate the opportunity to work with the bill sponsor on this legislation. While BLM is not involved in the designation of national monuments, the BLM has concerns about limiting mechanisms, such as the Antiquities Act, which allow for timely action to protect irreplaceable scientific, culturally significant, and historical objects.

**Background:** With the passage of the Public Law 59-209 in 1906, the 59th United States Congress gave the President of the United States the authority to protect objects of historic or scientific interest. This includes historic and prehistoric structures, significant biologic and geologic resources, noteworthy landscapes, and other objects. This legislation would prevent further designations by the President on public lands in the State of Nevada, without express authorization of Congress.

Since it became law in 1906, this authority has been used by 16 of the last 19 Presidents to protect public lands for current and future generations. Many national monuments, which were designated by the President, have since been made national parks or world heritage sites. In the past, the Antiquities Act has allowed the President to preserve an area relative short time, and then Congress has acted to create Congressional designations including national parks. The Grand Canyon National Park, Zion National Park, Arches National Park, Bryce Canyon National Park, and Grand Teton National Park all had their start as national monuments under the Antiquities Act. Seven of the 20 world heritage sites in the United States were first national monuments.

Further exceptions to the Antiquities Act, would take away from the President's ability to use the Antiquities Act to preserve objects with scientific and historic values. Wyoming is currently the only state where the President does not have the authority to enlarge or establish national monuments, except through express authorization of Congress, and extending this exception to the State of Nevada could create further inconsistencies on public lands.

The amendment to the Antiquities Act that prevents its use in Wyoming stems from the controversy surrounding the designation of Jackson Hole National Monument by President Franklin Roosevelt in 1943. The members of the surrounding community had mixed feelings regarding designation. The Wyoming Congressional delegation was opposed to the monument designation as were some members of the community. Other members of the community supported the designation. There were multiple attempts to eliminate the designation in Congress. These efforts ultimately culminated in the passage of an Act establishing a new Grand Teton National Park in the State of Wyoming, and for other purposes. Those other

purposes included language stating that there would be no further extension or establishment of national monuments in Wyoming, without the express authorization of Congress. The Park included lands that were a part of the former Grand Teton National Park (Congress established the original park in 1929) and much of the land included in Jackson Hole National Monument. The rest of Jackson Hole National Monument was made a part of the National Elk Refuge.

The 59th Congress gave the President the authority to act quickly to preserve objects of scientific and historical significance. Timely actions have allowed the President to prevent further degradation of the remarkable historical resources found on public lands. Many of the objects of interest within national monuments include remarkable archeological sites, geologic features, and historic artifacts. Without protections, these fragile and significant resources may have been lost.

Many of these objects exist in Nevada. Tule Springs Fossil Beds, Basin and Range, and Gold Butte, have been designated as national monuments because of their historic and scientific values. Timely action has helped ensure that these areas will retain their scientific and cultural objects. Without the express authorization for the President to designate these lands through the Antiquities Act, there could be one less mechanism to respond to the public's feedback on land management.

**Section-by-Section Analysis:** No comments or modification suggestions.