

From: Chambers, Micah
To: [Bowman, Randal](#); [Magallanes, Downey](#)
Subject: Fwd: Letter re: National Monument review
Date: Monday, June 12, 2017 3:45:57 PM
Attachments: [ATT00001.txt](#)
[06.12.17 Letter to DOI re National Monuments Review.pdf](#)

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

From: **Podolak, Chuck (Flake)** <Chuck.Podolak@flake.senate.gov>
Date: Mon, Jun 12, 2017 at 4:35 PM
Subject: Letter re: National Monument review
To: Micah Chambers <micah_chambers@ios.doi.gov>

Micah,

Please find attached Senator Flake's comments on the Department's review of National Monuments.

Chuck

--

Micah Chambers
Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

JEFF FLAKE

ARIZONA

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June 12, 2017

The Honorable Ryan Zinke
Secretary
U.S. Department of Interior
1849 C Street, NW, Room 6313
Washington DC, 20240

Dear Secretary Zinke,

Thank you for your letter on May 12 requesting input on national monuments in Arizona. I appreciate the Department's ongoing review of monuments created recently under the Antiquities Act, including the Grand Canyon-Parashant, Ironwood Forest, Sonoran Desert, and Vermillion Cliffs National Monuments. I am opposed to the unilateral use of the Antiquities Act to lockup federal lands without the federal government first engaging in full and meaningful consultation with all affected stakeholders, and was pleased that the proposal to create a large new national monument in northern Arizona was not acted upon. I support efforts to modify the Antiquities Act to ensure all interested parties can provide input. To that end, I have cosponsored the Improved National Monument Designation Process Act, S.33, which establishes a consultation process for the President to carry out before declaring a national monument.

I have heard from many Arizona stakeholders whose livelihoods depend on multiple-use federal lands for recreation, tourism, grazing, and natural resources development. These individuals have raised concerns about monument designations and their impact on the ability to use and manage public lands. I have included these concerns in the enclosed letter.

I have also received specific examples of impacts on natural resource from the management of the four National Monuments in Arizona subject to your review. These include:

- The removal of 77,708 acres from the Conley grazing allotment in the Sonoran Desert National Monument, despite an explicit provision in the Proclamation which provided for continued grazing north of Interstate 8.
- The complete ban on recreational shooting in the Ironwood Forest National Monument and temporary and permanent restrictions on recreational shooting in the Sonoran Desert National Monuments, both of which are contrary to the spirit of Executive Order 13443.
- "Temporary" closures of 88 miles of road in the Sonoran Desert National Monument that have persisted for nine years.
- A four-year delay in a cooperative proposal to allow the Arizona Department of Game and Fish to upgrade wildlife watering facilities on the Sonoran Desert National Monument, accompanied by a decrease in the bighorn sheep population from 100 animals in 1999 when the Monument was created to approximately 35 animals in recent years.
- A five-year delay in a similar cooperative water proposal in the Vermillion Cliffs National Monument.

I ask you take into account these management challenges imposed by the monuments under review, as well as the comments by state agencies, local governments, elected officials, conservation districts, sportsmen's groups, cattlemen, and tour operators attesting to the lack of full and meaningful consultation in National Monument decisions. As always, I ask that this matter be handled in strict accordance with all applicable agency rules, regulations, and ethical guidelines.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Flake", is positioned above a horizontal line.

JEFF FLAKE
United States Senator

Enclosures:

1. October 3, 2016 Letter to the President of the United States

United States Senate

WASHINGTON, DC 20510

October 3, 2016

The Honorable Barack Obama
President
1600 Pennsylvania Avenue, NW
Washington DC, 20500-0004

Dear Mr. President,

We write to ask that you refrain from designating any additional national monuments in Arizona without first engaging in full and meaningful consultation with affected stakeholders, including local governments and state agencies. Your administration has repeatedly assured Congress that it will engage with affected stakeholders prior to any such designations, including written commitments from Secretary Jewell, and others (see enclosure). However, despite these assurances, we remain concerned that the proposed designation of nearly two million acres as a national monument in northern Arizona may move forward without any meaningful engagement, to the detriment of affected stakeholders in Arizona.

Only 18 percent of Arizona is privately owned, which means that federal public lands play a disproportionately large role in Arizona's economy. Multiple-use lands managed by the Bureau of Land Management and Forest Service provide opportunities for recreation, tourism, grazing, and natural resource development. Designation of a new monument would severely limit these activities. We have heard from a variety of local stakeholders all of whom have serious concerns about the designation of a new monument in Arizona:

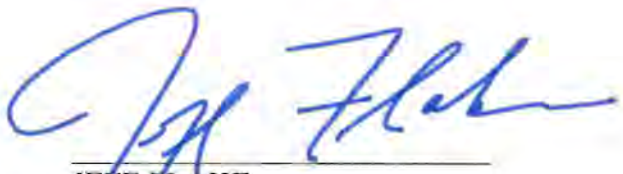
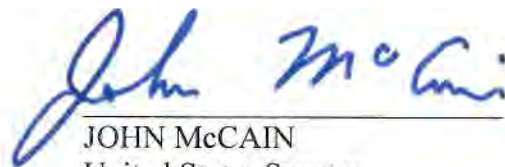
- The lands within the proposed national monument are used for motorized and non-motorized recreation and hunting, and the proposed monument has created concerns by several sportsmen's and recreation groups (see attached letters);
- Wildlife resources in Arizona, and water supplies to sustain that wildlife, are managed by the Arizona Game and Fish Department, which has raised concerns about its ability to manage wildlife within a new monument (see attached letter);
- The boundaries of the proposed national monument encompass roughly 64,000 acres of state trust land. The Arizona State Land Department serves as the trustee and is concerned that the proposed designation would impact its constitutional obligations to manage the land for a number of beneficiaries, including public schools (see attached letter); and
- The Grand Canyon National Park draws more than five million visitors each year, and businesses providing services to these visitors have expressed concerns that the proposal would negatively affect the operation of the Grand Canyon Airport and the tourism industry in the Town of Tusayan (see attached letters).

Potentially even more significant is the effect a new national monument could have on efforts to prevent catastrophic wildfires. A collaboration between federal agencies, local governments, the

forest products industry, sportsmen's groups, academic researchers, and environmental groups has resulted in the largest forest restoration project in the country, known as the Four Forest Restoration Initiative (4FRI). The positive steps that have resulted from this delicately balanced collaboration, including the largest Environmental Impact Statement of its type, are jeopardized by the inclusion of 4FRI project lands in the proposed national monument. Transferring management of the monument lands to the Department of the Interior and developing a new management plan will upend the collaborative and deal a setback that Arizona forests cannot afford.

As Arizonans, we respect the natural beauty of the Grand Canyon and the importance that it holds for the people of Arizona. Managing the Grand Canyon National Park to protect this national treasure can be done in a way that still respects the wide range of federal land users in Arizona. Acting unilaterally to designate a new national monument without meaningful engagement would omit consideration of issues that are important to Arizona. We respectfully request that your administration engage in a robust consultation with the affected stakeholders before making any new monument designations. As always we ask that this matter be handled in strict accordance with all applicable agency rules, regulations, and ethical guidelines.

Sincerely,


JEFF FLAKE
United States Senator
JOHN MCCAIN
United States Senator

Enclosures:

1. Administration statements on consultation before national monument designation
2. Governor Ducey statement
3. Arizona Game and Fish Department statement
4. Arizona State Lands Department statement
5. State Senator Griffin letter
6. State Senator Pierce letter
7. Mohave County Supervisor Johnson letter
8. Eastern Arizona Counties Organization letter
9. Arizona-Utah Local Economic Coalition letter
10. Town of Tusayan letter
11. Arizona Association of Conservation Districts letter
12. Arizona sportsmen's group letter
13. Theodore Roosevelt Conservation Partnership letter
14. Arizona Chamber of Commerce and Industry statement

15. Air tour operators' letter
16. Arizona Cattle Grower's Association

cc: The Honorable Sally Jewell, Department of the Interior
The Honorable Thomas Vilsack, Department of Agriculture
Christy Goldfuss, Council on Environmental Quality

Administration statements to Senator Flake on consultation before a national monument designation

Secretary Jewell, Secretary, Department of the Interior

Senate Energy and Natural Resources Committee Hearing

February 24, 2015

- **Question (Flake)** (*written*) - There is a proposal for the President to bypass Congress and designate over 1.7 million acres of land in northern Arizona as the Grand Canyon Watershed National Monument. This would lock up not only Federal land, but over 60,000 acres of State Trust land and nearly 30,000 acres of private land. Such a designation would have a devastating effect on the economic productivity of State trust land which is managed primarily to benefit Arizona public schools. It would have a similarly chilling effect on the economic productivity on private land and existing mining operations. The creation of this monument has been strongly opposed by the State of Arizona. Would any of the Department's proposed funding be used to pursue the designation of a National Monument in Arizona?
- **Response (Jewell)** (*written*) - The Department has no current plans to propose a designation of monuments in Arizona under this authority. Moreover, the Department engages in robust consultation with national, state, local, and tribal stakeholders prior to the designation of any monument, in keeping with the President's commitment.

Mr. Tim Murphy, Bureau of Land Management, Department of the Interior

Senate Energy and Natural Resources Committee Hearing

May 21, 2015

- **Question (Flake)** (*written*) - Please describe the consultation process between BLM, OMB, and state governments that takes place prior to a Presidential designation of a National Monument.
- **Answer (Murphy)** (*written*) - This Administration has demonstrated a commitment to working with Governors, Congress, county commissioners, tribal governments, and the public in making Federal land use decisions. The Administration recognizes and respects the importance of public and congressional input in considering protections for natural, historic, and cultural treasures. The Administration constantly strives to take into account the interests of a wide range of stakeholders both to protect America's public lands and provide for economic development in a manner that is consistent with applicable laws and sound public policy.
- **Question (Flake)** (*written*) - Please provide a list of any National Monuments that are presently under consideration for designation by the President under the Antiquities Act.
- **Answer (Murphy)** (*written*) - I am not aware of any list of proposed National Monuments under consideration by the President.

The Honorable Jonathon Jarvis, Director, National Park Service, Department of the Interior

Senate Energy and Natural Resources Committee Hearing

December 8, 2015

- **Question (Flake)** (*written*) - As you know I have expressed opposition to any unilateral executive action to designate more national monuments in Arizona. Is the Department working with the President to prepare a monument designation for the Grand Canyon watershed?
- **Answer (Jarvis)** (*written*) - The Department has no current plans to propose a designation of monuments in Arizona under the authority of the Antiquities Act. Moreover, the Department engages in robust consultation with national, state, local, and tribal stakeholders prior to the designation of any monument, in keeping with the President's commitment.

Secretary Jewell, Secretary, Department of the Interior

Senate Energy and Natural Resources Committee Hearing

February 23, 2016

- **Question (Flake)** - Secretary Jewell, I'm told that Senator Lee talked about National Monuments and designation and the importance of consultation with local and state governments and in this regard I just want to add my voice to his that when these measures are taken that these consultations are made prior

to. It's extremely important for states like Arizona, Utah, and others where the impacts on the economic viability of these local communities is really impacted.

- **Answer (Jewell)** - As I said to Senator Lee, in all the monument designations that the President has done there has been outreach within local communities and meetings held on the ground in local communities and we're committed to continuing to do that.

Secretary Jewell, Secretary, Department of the Interior

Senate Energy and Natural Resources Committee Hearing

February 23, 2016

- **Question (Flake)** (*written*) - There is a proposal for the President to bypass Congress and designate over 1.7 million acres of land in northern Arizona as the Grand Canyon Watershed National Monument. A designation could significantly limit many of the uses of public, private, and state trust land in Northern Arizona. Within Arizona the potential new monument designations have been opposed by elected officials at all levels, numerous local municipalities, sportsmen's groups, and conservation organizations. In our neighboring states we have seen troubling Presidential designations over the past year. A 700,000 acre monument was designated in Nevada last summer and three monuments totaling nearly 1.8 million acres in California were created this month. Many in Arizona are increasingly worried that we are next. Because nearly half of the land proposed for the monument is managed by the BLM I would expect the Department of the Interior to play a role in any upcoming designation.
 - **a)** What actions, if any, has the Department taken in regard to a possible designation of a new National Monument in Arizona?
 - **b)** Are you aware of any plans by the President to designate a new National Monument in Arizona?
- **Answer (Jewell)** (*written*) - Designation of monuments under the Antiquities Act is a Presidential, not Departmental, action. When examining whether to recommend particular monuments for Presidential action, the Department engages in consultation with national, state, local, and tribal stakeholders, in keeping with the President's commitment.

The Honorable Thomas Tidwell, Chief, US Forest Service, Department of Agriculture

Senate Energy and Natural Resources Committee Hearing

March 8, 2016

- **Question (Flake)** (*written*) - There is a proposal for the President to bypass Congress and designate over 1.7 million acres of land in northern Arizona as the Grand Canyon Watershed National Monument. A designation could significantly limit many of the uses of public, private, and state trust land in Northern Arizona. Within Arizona the potential new monument designations have been opposed by elected officials at all levels, numerous local municipalities, sportsmen's groups, and conservation organizations. In neighboring states there have been troubling Presidential designations over the past year. A 700,000 acre monument was designated in Nevada last summer and three monuments totaling nearly 1.8 million acres in California were created last month. Many in Arizona are increasingly worried that Arizona is next. Because over half of the land proposed for the monument is managed by the Forest Service I would expect the Forest Service to play a role in any upcoming designation.
 - **a)** What actions, if any, has the Service taken in regard to a possible designation of a new National Monument in Arizona?
 - **b)** Are you aware of any plans by the President to designate a new National Monument in Arizona?
- **Answer (Tidwell)** (*written*) - The Forest Service has not taken any action nor are we aware of a proposal to designate a national monument.



DOUGLAS A. DUCEY
GOVERNOR

STATE OF ARIZONA
OFFICE OF THE GOVERNOR

EXECUTIVE OFFICE

Statement for the Record

State of Arizona

Governor Douglas A. Ducey

U.S. Senate Committee on Energy & Natural Resources,

Full Committee Hearing to Consider Pending Legislation

September 22, 2016

On behalf of the State of Arizona, I appreciate the opportunity to provide written comment for the Congressional Record regarding pending legislation related to the designation of national monuments through unilateral authorities prescribed under the Antiquities Act of 1906. These designations ultimately result in restrictive use of natural resources and water rights belonging to private and state land owners and prohibitions for the public's full enjoyment and use of their public federal land.

Arizona proudly boasts some of the country's most unique and majestic landscapes that entice visitors and businesses to this epicenter of western progress. My administration is focused on building upon opportunity: laying foundations for improving government efficiencies that truly reduce the bottom line, and modernize what are outdated rules and regulations that thwart sound principles of governance.

Proposals that encourage protection, preservation or limitations on use of certain lands in the west have been advanced through various legal and administrative processes. Congressional actions and administrative withdrawals of certain lands including areas around the Grand Canyon have signified historic successes of multiple stakeholders to advance objectives that have been publicly vetted.

The 1.7 million proposed GCWNM designation is different. By Presidential Proclamation authorized by Antiquities Act of 1906 (Act), the land becomes set aside in perpetuity without input from the State or its citizens and without any feasibility or economic impact analyses. The Act's passage in 1906 was to provide the President with the ability to protect certain artifacts that otherwise had no lawful protections at that time.

It may have made sense at the time, too. Between 1906 and 1909, President Theodore Roosevelt issued executive proclamation creating 18 scientific areas or natural monuments under the authority granted to him by the Act - all of them in far western states, thousands of miles from Washington, D.C., in remote areas where thieves, bandits, and the dregs of society were destroying Native American sites. That is NOT how the Antiquities Act is being applied today. Today, the Antiquities Act is being used to lock- up private and public landscapes from common, legal, and necessary economic activities that are vital and necessary to the economic prosperity of our great nation.

This administration represents progressive 21st century management that provides opportunities for ALL, and seeks to reduce and eliminate unreasonable and outdated regulations that are exclusionary and harmful to developing industries of all kinds. In 21st Century land management practices, the Act represents as antiquated a system as the antiquities it was created to protect. Its process is flawed and has evolved into a practice that resembles feudalism, serving only very small and limited interests. The Act does not require substantive input or analysis, and has never been challenged judicially.

Aside from the immense failure of governing and process that the Antiquities Act represents and that GCWNM proponents promote, the creation of federal land use designations also has far-reaching detrimental effects. By their very nature, federal land use designations such as this impede economic opportunity and the private property rights of landowners throughout the region. Let's be clear - these designations are purely about preservation, not multiple-use management that, as the first Chief of the Forest Service Gifford Pinchot would say, achieves "the greatest good for the greatest number in the long run." Multiple-use land management is an essential component of Arizona's economy: recreation, mining, agriculture, and grazing. Put another way, four of the "Five C's" represented in the great Seal of Arizona (copper, cattle, cotton, and citrus) would not exist if we did not allow for multiple uses of public lands, and of course the ability to recreate in Arizona 365 days per year relies on the fifth C (climate). Imposition of a preservation management objective overlay on 1.7 million acres of land in Arizona thwarts Arizona's land management objectives and values, and it does so by bypassing a public process that would most certainly result in a much more thoughtful result.

The GCWNM is not narrow, targeted, warranted, or being considered through an open, cooperative public process. The State opposes outdated laws and rules that violate a good faith contract between state and federal entities to work cooperatively to identify natural resources that require active or immediate action; and to undertake such efforts in a manner that is consistent with a balanced public process applicable to all other land management decisions. The State supports conservation and considerate management of its culture, history, and landscapes. There may be areas in the United States where creation of narrow, targeted preservation areas is warranted; however, the process should include considerable efforts to identify, balance, and mitigate impacts to economies, other potential resources, and to personal property rights.

We, the State of Arizona, encourage a fair alternative to the proposed use of the Antiquities Act to create the GCWNM, which will unfairly limit access and prohibit the ability of private entities to conduct business on 1.7 million acres of lands in Arizona. Resource and land management decisions best serve all constituents when state and federal interests are intermingled; which results in true partnerships and democratically balanced outcomes. We ask that the United States Congress review and amend the Antiquities Act of 1906 as it is unrepresentative of the principles on which this great nation was founded: a robust system of checks and balances to ensure that government is honest, and making decisions that best serve all citizens.



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

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GOVERNOR

DOUGLAS A. DUCEY

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DIRECTOR

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DEPUTY DIRECTOR

TY E. GRAY



As Chairman of the Commission, I thank the Senate Energy and Natural Resources Committee for the opportunity to submit this testimony for the record.

The Arizona Game and Fish Commission (Commission) supports multiple use of public lands that provides Arizona's residents and the resource with net benefits, and continues to oppose federal special land-use designations that impact the ability of the Arizona Game and Fish Department (Department) to fulfill its public-trust responsibility and mission to conserve Arizona's diverse wildlife resources and to manage for safe, compatible outdoor recreation opportunities for current and future generations. Such a threat to this responsibility often looms in the waning days of a presidential administration in the form of the Antiquities Act.

Intended to curtail the looting and destruction of objects of historical or scientific interest, the 1906 act granted the President of the United States unchecked authority to reserve a national monument of "the smallest area compatible with the proper care and management of the objects to be protected." The Act was well-intentioned and effective in its purpose, but remains outside the framework of checks and balances that ensures responsible governance.

The power of the President to designate federal lands as a National Monument without the consent of Congress, local governments, or affected citizens is not consistent with the principles of a government by and for the people.

Arizona currently has 18 monument designations, the most of any state. These existing designations have negatively impacted the Department's ability to develop and maintain critical water sources, manage wildlife, restore habitat, and perform wildlife translocations. For example, in 1999 Department biologists counted at least 103 bighorn sheep making their home in the Maricopa Mountains of what later became the Sonoran Desert National Monument. The Department experienced detrimental delays, outright prohibitions of necessary wildlife management actions and a crippling lack of access to the area after the 2001 designation necessitated a management plan to authorize the means and methods previously used to successfully nurture this wildlife resource. After the 11 year process of developing the plan was completed and another population survey could finally be conducted in 2015, 35 bighorn sheep remained.

Time and again the Commission has seen the multiple use doctrine curtailed and the ability of Arizonans to recreate on their lands fundamentally impacted by special land use designations. Even designations that seek to preserve existing uses require management plans that must be drafted at the federal agency level, navigating layers of bureaucracy that result in project delays, increased costs, increased man hours and legal challenges. Road closures and use restrictions by federal agencies managing these lands are common. Especially relevant are those lands managed

by the National Park System, where access roads deteriorate and are subsequently closed as a consequence of the System's \$11.9 billion backlog of deferred maintenance, \$329 million of which is attributed to the existing 1.2 million acres of the Grand Canyon National Park alone.

However, the Antiquities Act does not include a process for public input, so there is no place for the Commission, or any other citizens, to formally bring such concerns or past experiences.

The Antiquities Act has bestowed unilateral power upon the President of the United States to designate federal lands as a National Monument without the consent of Congress, local governments or affected citizens. The federal reserved water rights doctrine, established in 1908 and expanded through decades of court battles ensures that when the federal government reserves public land for uses such as a monument, it also implicitly reserves sufficient water to satisfy the purposes for which the land-use designation was created.

In 1952 Arizona began an 11 year Supreme Court battle to settle questions of allotments before it could begin to build the Central Arizona Project. The use of Colorado River water requires successful navigation of a century of laws, treaties, court decisions, decrees, contracts and guidelines that form the "Law of the River" and determine appropriate use of water in the Colorado River Basin. It also requires a contract with the Secretary of the Interior.

In Arizona, an application to appropriate public water that is under the jurisdiction of the state costs a minimum of \$1,000. The administrative review of this application takes 20 days and, if found to be complete, the substantive review of the request can range from 100 to 420 days depending on use. This lengthy review is conducted to verify that the use of water does not conflict with vested rights, is not a menace to public safety, and does not run counter to the interests and welfare of the public.

In Washington D.C. the right to use water anywhere in the country can be reserved in exactly as much time as it takes for the President to sign his name.

Designations made either by presidential executive fiat or those made by an act of Congress have implied reserved rights, but only one of those requires a public process. Only Congress is required to publically consider the interest and welfare of the people of Arizona. The lack of oversight inherent to the Antiquities Act could be devastating to Arizona's water future both statewide and in nearby local communities.

The Game and Fish Commission supports the limitation of reserve water rights in a national monument. By requiring that water rights for a monument created by Presidential decree be secured through the laws of the state, S.1416 ensures that Arizona's water future remains in the hands of its own citizens.

- Edward "Pat" Madden
Chairman, Game and Fish Commission

Douglas A. Ducey
Governor



Lisa A. Atkins
Commissioner

Arizona State Land Department

1616 West Adams, Phoenix, AZ 85007
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Statement for the Record

Arizona State Land Department

Lisa A. Atkins, Commissioner

U.S. Senate Committee on Energy & Natural Resource

On

S.437, Improved National Monument Designation Process

September 22, 2016

The Arizona State Land Department (ASLD) appreciates the opportunity to provide this statement in support of S.437, proposed by Chairman Murkowski and Senator Sullivan, to require congressional approval for monument designations and imposition of subsequent land use restrictions.

Arizona is exemplary of conservation and preservation practices for the majestic landscapes within its borders. Arizona citizens are exemplary of cooperative resource management that advances both protection of historic and cultural sites and promotion of multiple-use land management.

Congress granted lands to the western states as they were admitted into the Union to support endowed public institutions in perpetuity, with K-12 being the primary beneficiary. The ASLD serves as Trustee and fiduciary for the Arizona State Land Trust (Trust), a multi-generational, perpetual Trust consisting of 9.2 million acres. The Trust has a specific and unwavering obligation to ensure that the Beneficiaries are not only compensated for use of their land, but that decisions made on their behalf are consistently for best possible use.

Throughout the 20th Century, Congressional and Executive actions have created special land designations that have narrowed the State and the ASLD's abilities to establish long-term land use plans compromising ASLD's constitutional obligations to serve its Beneficiaries. Further, the State's land base has been segregated into a patchwork of awkward land management boundaries.

The Beneficiaries have never been compensated for the impacts of having trapped lands within the land designations such as National Monuments.

S. 437 represents a first reasonable step toward mending a process where the federal government giveth and then taketh away. The Antiquities Act has been used by several U.S. Presidents within Arizona's borders that has resulted in encumbering several hundred thousand acres of surface and subsurface estate of State Trust land.

Grand Canyon-Parashant National Monument, Ironwood Forest National Monument, Vermillion Cliffs National Monument, Redfield Canyon, and Eagletail Mountains are examples of the continued erosion of the State's ability to rightfully plan and generate revenue from its original congressional land conveyance of Trust lands.

The process of the Antiquities Act of 1906 (Act) (54 U.S.C. §§ 320301-320303) is as antiquated as the objects and places it was created to protect. The State of Arizona has expressed increasing concerns of proposed designations under the Act, such as the Grand Canyon Watershed National Monument, which will result in increased management challenges and lost revenues to the State and Trust.

Arizona is an epicenter of innovation and growth in the West. Infrastructure needs, trade routes, transportation corridors, urban development, military missions and outdoor recreation pose planning and resource allocation challenges for the State. Increased land restrictions through monument designations impose even greater challenges and financial burdens on public and private sectors, particularly when done without consultation or compensation.

The Act was intended to serve as an emergency authority to allow Presidential protections of special artifacts and areas treasured by the American public. The emergency provision authorizes only a most minimal footprint necessary for their continued existence. Unfortunately, the Act has been applied much more broadly and, we believe, inappropriately used as a means to prevent consumptive land uses and as a de facto conservation tool.

While S. 437 does not prevent future administrative land withdrawals and designations and does not prohibit the trapping of Arizona's Trust land from future congressionally adopted measures. However, it does promote a better process for public inclusion in future designations through mandating affected state(s)' approval and regulatory compliance under the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et. seq.).

We support the provisions of this bill that admirably create a more robust consultation process with states, as well as the effort to hold federal actions and decisions, including Presidential Proclamations, to public review processes under NEPA. This would be consistent with other land designations established by Congress.

ASLD is concerned that continued land designations, and increasing specialized land use demands, will force further restrictions on its ability to effectively manage and plan for use of the land and other natural resources it holds in Trust, and for which the Trust has not been compensated through the course of these tenured practices. Moving forward, we urge this Committee, and Congress to identify ways to compensate the Trust for actions that have resulted in lost and restricted value, as well as the inaccessibility to Trust lands

trapped by preexisting conveyance, special use designations and other land tenure issues.

GAIL GRIFFIN
STATE SENATOR, DISTRICT 14

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Arizona State Senate

COMMITTEES:

WATER AND ENERGY, CHAIR

FINANCIAL INSTITUTIONS

RULES

September 21, 2016

Senator Jeff Flake
Washington, DC

Re: The Abuse of Presidential Power Regarding National Monuments in Arizona

Dear Senator Flake,

I am pleased that the Senate Committee on Energy and Natural Resources will hear S. 437 and S. 1416 on September 22nd. As you are aware, Arizonans have a grave concern that the current administration has abused its authority in an effort to put even more Arizona land under federal control through the Antiquities Act. Our concerns culminated in the Arizona Legislature passing by an overwhelming margin Senate Concurrent Memorial 1001 during the 2015 legislative session (attached).

The prevailing sentiment in the Legislature and amongst all Arizonans is that this egregious over-extension of federal authority subverts the purpose of the numerous federal and state laws already in place to protect vulnerable lands. This arbitrary and reckless designation of national monuments puts the state's proud environmental heritage and future fiscal well-being in danger. Further federal interference in Arizona land management will only undo the progress made in ensuring state lands are available for future generations.

Please encourage your U.S. Senate colleagues to listen to our concerns and support S. 437 and S. 1416. Thank you for reaching out to your constituents and please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gail Griffin".

Gail Griffin
Legislative District 14

SENATOR STEVE PIERCE
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Arizona State Senate

SENATE PRESIDENT 2012

COMMITTEES:

NATURAL RESOURCES
CHAIRMAN

TRANSPORTATION

JUDICIARY

DISTRICT 1

September 23, 2015

The Honorable Jeff Flake
United States Senator
368 Russell Senate Office Building
Washington, DC 20510

Dear Senator Flake:

This letter expresses my opposition to the proposed creation of the Grand Canyon Watershed National Monument (GCWNM) within Arizona and joins others including: the Arizona Legislature, U.S. Senators John McCain and Jeff Flake, the Arizona Game and Fish Department and its commission and multiple local public officials. Without the necessary support from Arizona stakeholders this proposal for unilateral executive action should not advance.

The GCWNM would designate 1.7 million acres, making it the second largest national monument in the country and almost doubling the amount of national monument acreage in the state. Designating such a vast area – larger than the state of Delaware – requires a narrow management regime that could negatively affect the area's resources and the state as a whole.

The multiple-use policy currently managing this area was developed with public input and based on resource management plans that allows for reasonable use of the area for purposes such as recreation, grazing, mining, energy development and hunting and fishing access. Such uses provide an economic and intrinsic benefit to Arizona and a national monument designation would eliminate this benefit for a nonexistent threat.

Potentially more damaging are the consequences to the states' forests and water resources at a time when the Southwest is experiencing a 15-year drought. A national monument designation would lock away this area from crucial wildfire management and hinder water resource management practices without providing any tangible advantage.

Although it is unquestionable the Grand Canyon is a national treasure that is worth protecting, a national monument designation serves no purpose other than to harm the state of Arizona and its resources. In light of these facts, I respectfully urge you to oppose the proposed GCWNM.

Sincerely,

A handwritten signature in black ink that reads "Steve Pierce". The signature is fluid and cursive, with the first name "Steve" and last name "Pierce" clearly legible.

Senator Steve Pierce
Arizona State Senate
Legislative District 1

MOHAVE COUNTY BOARD of SUPERVISORS

2001 College Drive, Suite 90
Lake Havasu City, AZ 86403
johnsbd@frontiernet.net

Telephone (928) 453-0724
Fax (928) 453-0717
1-888-735-3711



BUSTER D. JOHNSON SUPERVISOR DISTRICT 3

Honorable Senators thank you for allowing local input on these very important pieces of legislation having to do with this nation's energy and natural resources.

I am Buster Johnson and have represented Mohave County's 3rd District since elected in 1996. I am submitting written testimony today in support of S. 437, the Improved National Monument Designation Process Act, and S. 1416, a bill designed to limit the authority to reserve water rights in designating a national monument. Both pieces of legislation are important for Mohave County and the constituents I represent. As you may know, the majority of Mohave County residents depend on the Colorado River for both recreational and economic growth. With nearly 50% of Arizona now being owned by the federal government and nearly 90% of Mohave County, we cannot afford any further monument designations.

S. 437 is crucial for Mohave County and Arizona. With the President proposing to take executive action to designate nearly 1.7 million acres of land in northern Arizona as the Grand Canyon Watershed National Monument, this legislation is greatly needed. S.437 would require input from Congress, state and local governments before a presidentially created monument can be approved. Should the President go ahead with the executive action, it would be devastating for the future growth of Arizona and have a long lasting effect on Mohave County.

As the federal and state government continues to take privately held lands away from our residents, it becomes harder and harder to create jobs and keep our taxpayers employed. In January of 2000, President Bill Clinton signed a proclamation taking away 1 million acres of land in the Arizona Strip area for the Grand Canyon-Parashant National Monument. That monument is now one of 18 monuments in the state which is more than any other state has. Designating land for a new monument will take away even more land in the Arizona Strip area putting it in the hands of the federal government and away from the taxpaying citizens of this state.

I am asking you also to approve S.1416. Water is becoming a scarce resource in Arizona. As it stands right now, if the President were to move forward with this proposed monument, it could have the potential to 'federalize' the area's watershed and uproot critical water rights in Arizona and Mohave County. This legislation would protect Arizona's water by prohibiting the president from conducting "water grabs" by creating a new federally reserved right with a national monument.

Our state cannot afford to lose any more land or water rights to the federal government. Why as a matter of public policy is locking down known natural resources wise? The Parashant Monument has not added to the beauty or economy of our state. The only thing it has done has placed "keep out signs" on the land barring our citizens from making a living or enjoying the land.

Protecting our lands can be enhanced with current mining operations and off roaders who want to preserve our lands for future generations to experience. Working together will protect the land far better than no trespassing signs. Allowing economic development on this land would be a great benefit to both the state and Mohave County. It is estimated that allowing uranium mining in this area would create more than a thousand jobs directly related to mining operations, and many more jobs would be created as a result of the economic activity associated with the mining. Designating this land as a national monument will take away this economic opportunity for the taxpayers of Mohave County and an estimated \$40 million annually in payroll.

I again ask for your support of S. 437 and S. 1416. If we all work together, we can find was to preserve the natural beauty of this country while at the same time keeping it open for future generations to enjoy.

Buster D. Johnson
Mohave County Supervisor
District III



The Honorable Jeff Flake
United States Senate
B85 Russell Senate Office Building
Washington, DC 20510
Via email Chuck_Podolak@flake.senate.gov

The Honorable John McCain
United States Senate
241 Russell Senate Office Building
Washington, DC 20510
Via email nick_matiella@mccain.senate.gov

Re: Support for S. 1416 to amend the Antiquities Act to prohibit the president from unilaterally creating a federal reserved water right when designating a national monument.

September 19, 2016

Dear Senators Flake and McCain;

The Eastern Arizona Counties Organization (ECO) regroups by an Intergovernmental Agreement under A.R.S. 11-952 the six counties of Apache County, Cochise County, Gila County, Graham County, Greenlee County and Navajo County.

The mission of ECO is to develop, plan and implement specific programs impacting economic development in the Counties, and insuring that the Counties' safety, custom, culture and economic well-being concerns are integrated in land and natural resource management decisions made by the federal agencies.

ECO operates 10 programs including Forest Restoration; Endangered Species; Watershed Restoration; Infrastructures; Recreation; Energy; Water; Natural Resources Planning; Public Lands; and, Emerging Issues.

By changing the designation of federal land the president also adjusts the nature of the water rights associated with those parcels. The Supreme Court examined this particular issue in 1976 and held that the Park Service could enjoin private landowners from withdrawing groundwater on adjacent lands, because those withdrawals can be seen as interfering with the purpose of the national park or monument.

Recently, some members of the House requested the unilateral designation of a “watershed” national monument along the Colorado River. Such designation, if made without the timely enactment of S. 1416 could have significant consequences for the delicate balance of water rights in Northern Arizona.

The Eastern Arizona Counties Organization is therefore pleased to write in strong support of S. 1416 to amend the Antiquities Act to prohibit the president from unilaterally creating a federal reserved water right when designating a national monument, introduced by Senators Jeff Flake and John McCain, and wants to express its appreciation to the Senators for their continued involvement and leadership in addressing the issues of water and water rights in Arizona.

Thank you for your consideration.

Respectfully submitted,



On behalf of the Board of Directors,

Pascal Berlioux, Ph.D. MBA
Executive Director
Eastern Arizona Counties Organization
pberlioux@easternarizonacounties.us

The logo consists of several overlapping squares in shades of red, orange, yellow, and blue, creating a colorful, abstract design.

AZ/Utah Local Economic Coalition

2001 College Drive, #90, Lake Havasu City, AZ 86403
Phone: 928-453-0724

September 23, 2016

Members:

Garfield County, UT
Kane County, UT
Mohave County, AZ
San Juan County, UT
Washington County, UT
Town of Fredonia, AZ

Dear Senators,

We are writing as elected officials whose counties represent areas directly impacted by uranium mining and the proposed Grand Canyon Watershed National Monument. We are writing in support of S. 437, the Improved National Monument Designation Process Act, and S. 1416, a bill designed to limit the authority to reserve water rights in designating a national monument. Both pieces of legislation are important to the areas represented by this Coalition. Arizona and Utah have a history of diverse economic opportunities ranging from livestock grazing to tourism and significantly, mining. We respect and take a responsibility for protecting the Grand Canyon, but designating this land as a national monument will take away current mining operations and off roaders who want to preserve our lands for future generations to experience.

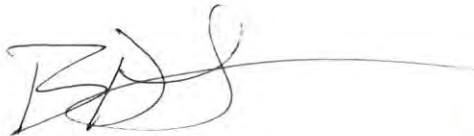
We are in support of S. 437. It is a crucial piece of legislation. With the President proposing to take executive action to designate nearly 1.7 million acres of land in northern Arizona as the Grand Canyon Watershed National Monument, this legislation is greatly needed. S.437 would require input from Congress, state and local governments before a presidentially created monument can be approved. Should the President go ahead with the executive action, it would be devastating for the future growth of Arizona and Utah and have a long lasting effect on our economies.

Our states cannot afford to lose any more land to the federal government. Nearly 50% of both Arizona and Utah is now owned by the federal government. Mohave County alone has only 10% private land. Designating another 1.7 million acres to the feds will reduce private ownership even more. Why as a matter of public policy is locking down known natural resources wise? In January of 2000, President Bill Clinton signed a proclamation taking away 1 million acres of land in the Arizona Strip area for the Grand Canyon-Parashant National Monument. That monument is now one of 18 monuments in the state which is more than any other state has. Designating land for a new monument will take away even more land in the Arizona Strip area putting it in the hands of the federal government and away from the taxpaying citizens of this state.

We are also asking the Committee to approve S.1416. Water is becoming a scarce resource in Western states. As it stands right now, if the President were to move forward with this proposed monument, it could have the potential to 'federalize' the area's watershed and uproot critical water rights. This legislation would protect those water rights by prohibiting the president from conducting "water grabs" by creating a new federally reserved right with a national monument.

Removing public access to this land does nothing to protect our watershed. Our watershed has been threatened over the past 15 years due to extreme drought conditions and without the necessary tools provided by certain industries, the watershed will continue to be depleted with no remedies to protect the well-being of our citizenry. Water has always been a critical issue in the southwest and we continue to find ways to reduce consumption and recycle wherever possible. This designation will make it more difficult for state and local governments to find the means necessary to ensure our citizens have a continued water supply.

We again ask for your support of S. 437 and S. 1416. If we all work together, we can find ways to preserve the natural beauty of this country while at the same time keeping it open for future generations to enjoy.



Buster Johnson
Mohave County Supervisor



Alan Gardner
Washington County, UT Commissioner

TOWN OF TUSAYAN

at the entrance to Grand Canyon National Park



Statement to Senator Flake concerning the Proposed Grand Canyon Watershed Monument September 20, 2016

Merriam-Webster Dictionary defines Unilateral as, "done or undertaken by one person or party ... or affecting one side of a subject ... or an engagement which (obligates) only one party". The Monument appears to be a unilateral decision. In comparison, I will identify the impact of another unilateral decision affecting Tusayan, an Arizona incorporated municipality, within the proposed Monument zone.

In 2014, the Forest Service accepted, in writing, a Tusayan road easement application offering housing opportunities for residents of Tusayan, where resident owned housing is non-existent. In March 2016, after two years of the NEPA process, the application was returned with an explanation that it did not meet the "initial screening criteria". After expending \$400,000 on the application process and USFS consultants, they returned the application stating that a return was neither a denial nor a rejection and the return could not be appealed. As a result, demeaning, real life situations continue to befall Tusayan residents who dedicated their lives to the Grand Canyon.

One example is recently retired former Mayor Greg Bryan. Mayor Bryan lived and worked in Tusayan more than 17 years, retiring in December 2015. Upon retirement, he was forced to move from the town he helped create, since no private owned housing exists. No private housing exists because the Forest Service refused to allow the Town to improve an existing road to Town property where affordable homes can still be built.

The Forest Service broke their own rules in this unilateral decision. This told residents of Tusayan, your best chance of owning a home doesn't matter; your right to improve less than a mile of dirt road to your own property, doesn't matter; your chance to build a community, rather than keep an employer only housing paradigm doesn't matter.

Arizona has more monuments than any other State in the Union, but this doesn't matter in unilateral decisions. 70% of Arizona is already federal land doesn't matter in unilateral decisions. Tusayan would become the only municipality entirely swallowed up in this monument doesn't matter in unilateral decisions. Private and municipal property would be unwillingly placed under an advisory committee to determine land management doesn't matter in unilateral decisions.

The truth is, we do matter!

The Town of Tusayan has proven itself a good and cooperative neighbor to the Park and Forest Service. In 2013, when the federal government shutdown, the Grand Canyon National Park closed, as did Forest Roads, and highways. While the shutdown lingered, Tusayan coordinated with the State of Arizona and local businesses to reopen the Park. Hundreds of thousands of dollars were forwarded to the federal government and the Park reopened. Upon settlement of the federal shutdown, Arizona was reimbursed their contributions to the federal government and made whole. Local businesses were reimbursed their contributions and made whole. The National Park Service was restored to their original funding level and

TOWN OF TUSAYAN

at the entrance to Grand Canyon National Park



made whole. Tusayan has yet to be reimbursed and now has expended nearly a million dollars on federal responsibilities and Forest Service application requirements with nothing to show for it.

Soundbites supporting the monument characterize it as "saving the Grand Canyon", mostly from mining. In reality, most federal agency representatives intimate with this effort, privately acknowledge concern with federal overreach. The monument process is being used to address mining issues which have already been blocked and restricted for decades. The potential members of an "advisory committee" are already expressing how they will finally be able to "push their agendas" without interference from people who actually live within the monument boundaries. Again, a unilateral decision. Tusayan has proven our willingness to work cooperatively. Federal beaurocrats, mainly in Washington, have proven to be the opposite.

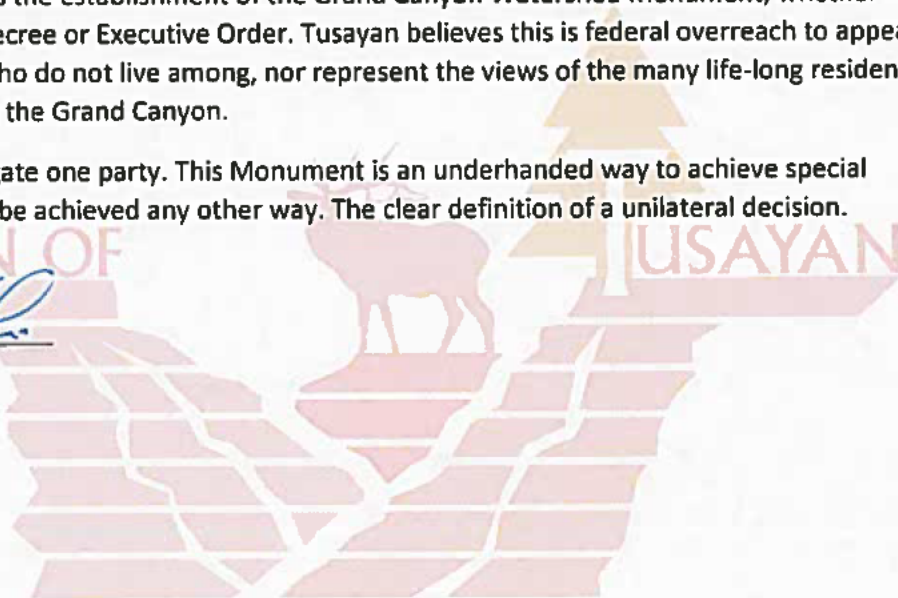
Tusayan strongly opposes the establishment of the Grand Canyon Watershed Monument, whether through Congressional decree or Executive Order. Tusayan believes this is federal overreach to appease special interest groups who do not live among, nor represent the views of the many life-long residents who cherish and manage the Grand Canyon.

Unilateral means to obligate one party. This Monument is an underhanded way to achieve special interest goals, that can't be achieved any other way. The clear definition of a unilateral decision.

Thank you.

Eric Duthie

Tusayan Town Manager





Arizona
Association of
Conservation
Districts

P.O. Box 50518
Phoenix, AZ 85076
Phone: 480-452-6895

Senator Jeff Flake
Senate Russell Office Building 413
Washington D.C. 20510

Re: Support for S. 437 and S.1416

The Arizona Association of Conservation Districts welcomes the opportunity to endorse S. 437 and S. 1416 sponsored by Senator Flake. Both bills are severely needed to curb the overreach of both party's Presidential monument declarations.

Arizona is home to 32 Natural Resource Conservation Districts organized under state statute and 10 tribal districts organized under federal statute. All are recognized by the Arizona Legislature as having "special expertise of natural resources within their districts."

Arizona Revised Statute Title 37, Chapter 6, 37-1001 Declaration of policy states:
"It is the declared policy of the legislature to provide for the restoration and conservation of lands and soil resources of the state, the preservation of water rights and the control and prevention of soil erosion, and thereby to conserve natural resources, conserve wildlife, protect the tax base, protect public lands and protect and restore the state's rivers and streams and associated riparian habitats, including fish and wildlife resources that are dependent on those habitats, and in such a manner to protect and promote the public health, safety and general welfare of the people".

For seventy five years Arizona's local conservation districts have been working with and coordinating local conservation efforts to address local conservation problems. This model has proven to be the most effective means to join federal, state and local funds and talent to maintain and enhance Arizona's varied and unique landscapes while keeping them productive for our people and our nation.

The Arizona Association of Conservation Districts has vigorously opposed the designation of the Grand Canyon Watershed National Monument for the following reasons:

The proposed designation, if enacted, removes the ability of our local Conservation Districts to address the watershed health, leaves no opportunity to address erosion (wind or water), and no opportunity to address noxious or invasive species; neither plant nor animal, by our locally elected people who live and work on these lands and understand it

because they are tied to it through their intimate lifelong and sometimes generational knowledge.

The proposed designation, if enacted, prevents local stewardship of wildlife; creates an area of no management of numbers of wildlife or maintenance of water catchments.

By creating the proposed National Monument, local management is eliminated and replaced by a form of non-management directed from Washington D.C.

These reasons also apply to past and future monument designations.

Our local conservation districts are now leading a massive multi-partner effort to eradicate invasive brush from large landscapes across Arizona to return it to its pre-fire suppression grassland state, including much of the lands within the proposed Grand Canyon Watershed National Monument designation. This effort will be eliminated from those lands under the Monument proposal. Is that what Arizona and the nation really want? This project coordinated locally will literally create new groundwater for our cities and towns by increasing penetration of the precious rain that falls on Arizona's rangelands and forests. How will that be achieved? A closed canopy caused by heavy brush infestation prevents 80% of the moisture that falls from reaching the ground; under a closed canopy there is no ground cover under that brush to prevent water erosion when large amounts of moisture do reach the ground. As we remove this brush, perennial grasses will return to the landscape catching and slowing the runoff of that water so it will soak in and more will reach our groundwater. It will also replenish our streams and rivers.

Under Monument designations the ability to identify and address watershed health issues will not be an option. Under Monument designations, active management will be eliminated and replaced by a form of non-management which can only be characterized as benign neglect directed from Washington D.C.

Under Monument designations there is no recognition of the lessons learned from Arizona's Schultz Pass Fire, Rodeo – Chediski Fire, or the Slide Fire to name a few.

Under the monument designations, the ability to treat the results of a wildfire are removed; again because of non-management. We know this from experience. Despite assurances otherwise, past Monument designations have reduced or eliminated grazing, strong armed private inholders in order to get them to sell out and either removed water improvements or just let them deteriorate until they no longer function.

Because we value locally led conservation above conservation directed from Washington D.C. the Arizona Association of Conservation Districts request that all efforts be made to stop the Grand Canyon Watershed National Monument designation and this body pass Senate bills 437 and 1416.

Bill Dunn
President, Arizona Association of Conservation Districts

Archery Trade Association * Association of Fish and Wildlife Agencies * Boone and Crockett Club * Camp Fire Club of America * Congressional Sportsmen's Foundation * Council to Advance Hunting and the Shooting Sports * Dallas Safari Club * Delta Waterfowl Foundation * Houston Safari Club * Masters of Foxhounds Association * Mule Deer Foundation * National Association of Forest Service Retirees * National Rifle Association * National Shooting Sports Foundation * National Wild Turkey Federation * North American Bear Foundation * Orion: The Hunter's Institute * Quality Deer Management Association * Rocky Mountain Elk Foundation * Ruffed Grouse Society * Safari Club International * Tread Lightly! * Wildlife Management Institute * Wild Sheep Foundation * Whitetails Unlimited * U.S. Sportsmen's Alliance

May 11, 2015

Dear Representative Grijalva, Kirkpatrick & Gallego:

Our organizations, which represent millions of American hunter-conservationists are writing to express our concerns about your January 29th letter to President Obama encouraging use of the Antiquities Act to designate 1.7 million acres of lands around the Grand Canyon National Park as the Grand Canyon Watershed National Monument.

The land that would comprise the proposed monument includes some of the most important wildlife habitat, big game species and hunting opportunities in the U.S. including world class mule deer and elk. Not only is hunting an economic driver in the region, it also serves as a significant source of conservation revenue. In addition to license sales and excise taxes, this area generates revenue from the sale of special tags that have allowed the Arizona Game & Fish Department (AGFD) to partner with the U. S. Forest Service and the Bureau of Land Management to invest millions of dollars in habitat conservation and wildlife management in the region. We are deeply concerned that these outstanding economic and natural resource benefits will be significantly impaired by an Antiquities Act designation.

Proponents of the monument have cited a number of environmental challenges they inaccurately claim the designation could address. For example,

- Proponents have identified timber sales on the Kaibab National Forest as a threat to the areas' ecological integrity. In reality, wildfire, due to excessive fuel build up, is the greatest threat to Southwestern forests. Reducing fire risk mandates active management to eliminate the risk of catastrophic fires. The drought in the west is worsening, leaving our untreated forests extremely vulnerable in a potential catastrophic fire season. Wildfires have scorched more than 4 million acres in Arizona since 2000. Another catastrophic fire would put the state forests and the wildlife that reside in them at risk.
- Proponents have asserted that off-highway vehicles (OHV) are destroying the lands. In reality, cross-county OHV travel is already prohibited. OHV use is restricted to designated roads/routes and managed by BLM and USFS under their respective Travel Management Plans which provide an adaptive framework that can address future concerns and management needs.

- Proponents have asserted that an Antiquities Act designation will protect wildlife habitat connectivity. In reality, areas within the proposed monument are largely undeveloped; obstructions to wildlife movements are highly localized and typically associated with fences and roads. AGFD, the Arizona Department of Transportation, land management agencies, private landowners, and others are working to identify and remedy these barriers. There is no indication that a monument designation would expand or improve on those efforts.
- Proponents have asserted that overgrazing is harming these lands. In reality, livestock grazing within the proposed monument is responsibly and sustainably managed by the BLM and USFS. Stocking rates, seasons, and levels of use are specified by the management agency and adjusted to address resource needs and changing conditions. We feel that an Antiquities designation could be an unhelpful “solution in search of a problem” that would likely affect a system that is working well.

We have consulted with the AGFD and learned that their concerns about monuments designated using the Antiquities Act are rooted in past experience. For example, designation of the Sonoran Desert National Monument in 2001 has impaired recovery efforts for the Sonoran pronghorn while also restricting water development projects critical to the Sonoran desert bighorn sheep population. These adverse impacts on resident wildlife populations, coupled with knowledge of similar problems in Arizona and elsewhere, has resulted in the AGFD Commission voting to oppose the Grand Canyon Watershed Monument in 2012 and again in 2015.

In June, of 1906, President Theodore Roosevelt established the Grand Canyon Game Preserve which he believed should be: “set aside for the protection of game animals and be recognized as a breeding place therefore.” It would be ironic indeed if the conservation legacy of Theodore Roosevelt were to succumb to a legacy of non-management and hamstringing of critical conservation measures due to a misguided monument designation proclaimed without the benefit of local stakeholder input.

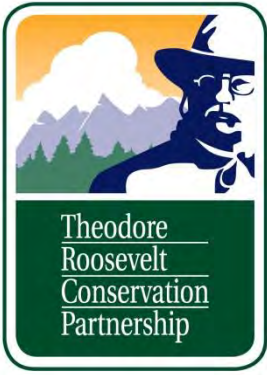
We would encourage you to honor both the wise legacy of President Roosevelt and the legacy of wildlife conservation by reconsidering your position supporting Administrative designation of the Grand Canyon Watershed National Monument without a thorough environmental evaluation and a thoughtful, transparent process including formal public involvement.

Thank you for your consideration of this matter.

Sincerely,

Archery Trade Association
 Association of Fish and Wildlife Agencies
 Boone and Crockett Club
 Camp Fire Club of America
 Congressional Sportsmen’s Foundation
 Council to Advance Hunting and the Shooting Sports
 Dallas Safari Club
 Delta Waterfowl Foundation
 Houston Safari Club
 Masters of Foxhounds Association
 Mule Deer Foundation

National Association of Forest Service Retirees
National Rifle Association
National Shooting Sports Foundation
National Wild Turkey Federation
North American Bear Foundation
Orion: The Hunter's Institute
Quality Deer Management Association
Rocky Mountain Elk Foundation
Ruffed Grouse Society
Safari Club International
Tread Lightly!
Wildlife Management Institute
Wild Sheep Foundation
Whitetails Unlimited
U.S. Sportsmen's Alliance



His Vision
~
Our Mission

1660 L ST NW
SUITE 208
WASHINGTON, DC 20036
202-639-8727
WWW.TRCP.ORG

May 14, 2015

The Honorable Sally Jewell
Secretary, U.S. Department of the Interior
1849 C St., N.W.
Washington, DC 20240

The Honorable Tom Vilsack
Secretary, U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Madam Secretary and Mr. Secretary:

The Theodore Roosevelt Conservation Partnership is a 501(c)(3) nonprofit conservation organization working to guarantee all Americans quality places to hunt and fish. The TRCP is dedicated to the conservation legacy of its namesake and works on sportsmen's conservation issues in Arizona and across the United States. In Arizona, we draw on the support and action of over 2,400 individual advocates and we work cooperatively with 25 sportsmen and conservation organizations.

We are writing to express concern about the proposed Grand Canyon Watershed National Monument (GCWNM). In order for an area to merit consideration for monument designation under the Antiquities Act, we believe that the following criteria must be met:

- A thorough public process must be carried out that includes multiple stakeholder groups, including sportsmen.
- Significant sportsmen support must exist for any monument proposal overlaying areas open to hunting and fishing.
- Clear provisions must be offered and put in place to protect state agency fish and wildlife management actions, reasonable access, and the traditions of hunting and fishing.

The proposed GCWNM meets none of these criteria. The proposed GCWNM was developed by a narrow group of interests and then thrust upon the public to react to. This lack of process has created far-reaching animosity and has forced interest groups to draw lines in the sand and take hard positions. Unlike popular and recently adopted monuments in New Mexico and Colorado, we are not aware of any hunting and fishing groups that support the proposed GCWNM, and we are aware of a long list of groups that are opposed.

Sincerely,

A handwritten signature in black ink, appearing to read "Whit Fosburgh". The signature is fluid and cursive, with the first name "Whit" and last name "Fosburgh" clearly distinguishable.

Whit Fosburgh
President and CEO
Theodore Roosevelt Conservation partnership

CC:
Arizona Congressional Delegation



**Testimony by Glenn Hamer
President and CEO, Arizona Chamber of Commerce and Industry
Submitted to the U.S. Senate Committee on Energy and Natural Resources
Sept. 22, 2016**

On behalf of the Arizona Chamber of Commerce and Industry, we welcome this opportunity to submit for the record the following testimony, as well as a policy paper by the Arizona Chamber Foundation and Prosper Foundation, regarding the implications of the designation of the Grand Canyon Watershed National Monument.

President Obama is considering using his power pursuant to the 100-year old Antiquities Act to designate 1.7 million acres in northern Arizona—an area larger than the state of Delaware—the Grand Canyon Watershed National Monument. Monument designation will limit lands available for multiple use in Arizona, impede efficient land and resource management, and represent unwarranted and unwanted federal overreach.

The Antiquities Act was originally intended to enable presidents to quickly protect federal lands and resources that contain historic landmarks and objects of scientific or historical interest, especially to prevent looting of archaeological and Native American sites. Unfortunately, the Antiquities Act contains few if any checks to ensure monument designations adhere to the limitations set forth in the Act itself.

A monument designation in northern Arizona would be particularly damaging for a variety of reasons. First, almost 70 percent of Arizona is already controlled by the federal government; Arizona has more national parks and monuments than any other state. The National Park Service, which is the branch of the Department of Interior that typically manages national parks and monuments, is already struggling to maintain the land under its control, with an estimated shortfall in deferred maintenance of \$11.5 billion. National parks and monuments in Arizona represent nearly \$500 million of that shortfall, with Grand Canyon National Park alone suffering a shortfall of \$329.5 million. Adding another 1.7 million acres will only hinder—not help—land management, conservation and access.

Furthermore, Arizona and the federal government have historically enjoyed a multiple-use partnership on the large percentage of Arizona's land under federal control. This partnership was born out of a bipartisan stakeholder consensus formed in the 1980s, including Arizona's congressional delegation, the federal government and environmental groups, and has been a critical component of the state's economic vitality. President Obama's proposed monument designation completely upends that partnership, undermining the state-federal partnership that has previously characterized land management in Arizona.

Second, the monument designation has implications for private property and water rights in Arizona. Because a monument designation “federalizes” the land, it could impact the surface and groundwater rights in the monument area. Unless the monument designation is written to specifically respect existing water rights—and there is no indication it will—the monument designation will automatically carry an implied water right to serve the purposes of the designation. This opens the door to more conflicts in Arizona’s general stream adjudications, including claims involving the complex interactions between surface and groundwater and putting state and private rights to the watershed in and around the monument area at risk.

Monument designation also has negative implications for the future of education funding in the state by locking up 64,000 acres of State Trust land. Protecting State Trust land is more important now than ever in light of Proposition 123, a ballot initiative passed by Arizona voters in May 2016 that increases the financial distributions from the trust to beneficiaries, the most prominent of which is the state’s K-12 system.

Arizona’s State Enabling Act makes clear that State Trust land may only be used in a way that serves the best interest of the trust. By locking up 64,000 acres of State Trust land without any discussion of compensation, the amount of money available to fund education in Arizona will be reduced.

Finally, we know from past experience that a monument designation doesn’t necessarily protect the plants and animals that live there. For example, in 1999, there were more than 100 big horn sheep in the area that was later designated the Sonoran Desert National Monument. But monument designation made it more difficult for the Arizona Department of Game and Fish to access the area and provide new water sources. Since the monument designation the sheep population has plummeted to fewer than 35.

Proponents of monument designation like to say that designation is necessary to protect the Grand Canyon. That simply is not true. The Grand Canyon is already protected as a national park. This monument designation has nothing to do with the Grand Canyon—it’s about imposing more federal control and further restricting Arizona’s land without any input or oversight from local stakeholders.

A new national monument designation will restrict access to wilderness areas, impede active forest, wildlife and resource management, and risk jeopardizing Arizona’s natural resources by placing them under the custody of an agency already experiencing a multi-billion dollar shortfall. The best way to protect Arizona’s land and natural resources is to enact good public policies that entrust the care of those resources to the people who know the land best—those here in Arizona.

We appreciate the opportunity to share our concerns over the abuse of the Antiquities Act. The Arizona Chamber of Commerce and Industry stands ready to offer its insight on this and other land and resource management issues as the Committee considers them in the future.



May 28, 2015

Honorable John McCain
US Senate
241 Russell Senate Office Building
Washington, DC 20510

Honorable Jeff Flake
US Senate
413 Russell Senate Office Building
Washington, DC 20510

Dear Senators McCain and Flake:

We write to thank you for your leadership related to the proposed designation by the Obama Administration of a "Grand Canyon Watershed National Monument." We read with great interest your March 10, 2015 letter to President Barack Obama and agree with the concerns you raise. We applaud your legislative efforts to curb the use of the Antiquities Act from affecting water rights without congressional approval.

Specifically, we agree about the need for robust collaboration before any designation takes form. We all want to preserve the Grand Canyon for future generations and a sweeping designation of 1.7 million acres of land could result in unintended consequences if stakeholders do not have the opportunity for adequate input. Elected leaders from the State of Arizona – federal, state, and local – should have ample opportunity to understand specifically what the Obama Administration is contemplating, and then engage with a wide variety of stakeholders to provide thoughtful input.

Among those who need to provide considerable input is the travel and tourism industry – of which we play a significant role. Based on the details currently available, this designation has the potential to harm a variety of recreation and tourism industries, including our own, depending on how boundaries are defined and how management is conducted. We have none of those answers and would strongly oppose this designation prior to receiving those details and having the opportunity to provide input and receive assurances the travel and tourism industry would be held harmless.

To punctuate the issue of boundaries mentioned above, the Town of Tusayan and the State of Arizona should have the opportunity to ensure the businesses and resources of the Town and the state-owned Grand Canyon Airport will not be adversely affected. Both Tusayan and Grand Canyon Airport rely on recreation and tourism and this proposed designation could significantly harm both.

A designation of this size and scope should have a thoughtful and thorough process built around it and we look forward to being part of that dialogue.

Too much in politics comes down to an all-or-nothing mentality which rarely results in a positive outcome. To that end, thank you for doing what you can to ensure this proposed designation receives the scrutiny it deserves. Please let us know how we can be a positive addition to your efforts.

Sincerely,



Brenda Halvorson
Papillon Airways
President, CEO



Alan Stephen
Grand Canyon Airlines
Vice President of Corporate Affairs



Brian Brusa
Maverick Aviation Group
Vice President of Government Relations



ARIZONA CATTLE GROWERS' ASSOCIATION

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ACGA
September 30, 2016

Honorable Senator John McCain
218 Russell Senate Office Building
Washington, DC 20510

Re: Grand Canyon Watershed National Monument

Dear Senator McCain:

The Arizona Cattle Growers' Association wishes to inform you of the concerns we have with the potential creation of the Grand Canyon National Monument. On January 28, 2015 Congresswoman Kirkpatrick, Congressman Grijalva and Congressman Gallego sent a letter to the President urging him to create the Grand Canyon Watershed National Monument. This monument would encompass the Kaibab National Forest, Bureau of Land Management areas in the Arizona strip, and would further expand two other national monuments. The proposal includes 1.7 million acres of land and will impact ranching, recreation, hunting and even local communities. Arizona is home to the most national monuments in the United States with a total of 18. Over 2.5 million acres of Arizona land is a national monument. Congressman Grijalva is also trying to codify the monument through legislation, HR3882 Greater Grand Canyon Heritage National Monument Act, which will be devastating to those rural communities that depend on these public lands.

National monuments in Arizona have put increased pressure on management of the land. In many cases, the only productivity left on these lands is cattle grazing and these designations slowly bring grazing to an end. These lands take extra time to manage, have higher standards of management and lead to additional litigation for land management agencies because of a "special designation". The land managing agencies are faced with a greater challenge as these monuments go through the 10 year planning process. It is at these points that competing interest for public lands do not align and environmental groups put added pressure to remove any and all multiple use activities. The most recent example has been the Sonoran National Monument, designated by President Clinton. This monument eliminated grazing south of Interstate 8 and the planning process completed in 2013 closed one grazing permit and cut numbers on others. In addition, recreation on these lands has been severely hindered.

Our public lands system has a great deal of process and protection to authorize all multiple use activities. Often times, these processes take multiple years before any decision is made and is usually litigated. National Monuments only further exacerbate the issue while those that live and work on the land suffer from inability to manage. We hope that you others in the Arizona delegation understand our concerns for the future of these lands.

Sincerely,

Jim O'Haco
President