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H.R. 302, H.R. 758, H.R. 817, H.R. 845, H.R. 846, AND H.R. 2147

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

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LEGISLATIVE HEARING ON H.R. 302, TO PROVIDE FOR STATE APPROVAL OF NATIONAL MONUMENTS, AND FOR OTHER PURPOSES. "PRESERVE LAND FREEDOM FOR AMERICANS ACT OF 2011"; H.R. 758, TO AMEND THE ACT POPULARLY KNOWN AS THE ANTIQUITIES ACT OF 1906 TO REQUIRE CERTAIN PROCEDURES FOR DESIGNATING NATIONAL MONUMENTS, AND FOR OTHER PURPOSES. "NATIONAL MONUMENT DESIGNATION TRANSPARENCY AND ACCOUNTABILITY ACT"; H.R. 817, TO AMEND THE ANTIQUITIES ACT OF 1906 TO PLACE ADDITIONAL REQUIREMENTS ON THE ESTABLISHMENT OF NATIONAL MONUMENTS UNDER THAT ACT, AND FOR OTHER PURPOSES; H.R. 845, TO PROHIBIT THE FURTHER EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN MONTANA, EXCEPT BY EXPRESS AUTHORIZATION OF CONGRESS, AND FOR OTHER PURPOSES. "MONTANA LAND SOVEREIGNTY ACT"; H.R. 846, TO PROHIBIT THE FURTHER EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN IDAHO, EXCEPT BY EXPRESS AUTHORIZATION OF CONGRESS, AND FOR OTHER PURPOSES. "IDAHO LAND SOVEREIGNTY ACT"; AND H.R. 2147, TO PROHIBIT THE FURTHER EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN UTAH EXCEPT BY EXPRESS AUTHORIZATION OF CONGRESS. "UTAH LAND SOVEREIGNTY ACT."

Tuesday, September 13, 2011
U.S. House of Representatives
Subcommittee on National Parks, Forests and Public Lands
Committee on Natural Resources
Washington, D.C.

The Subcommittee met, pursuant to call, at 10:05 a.m. in Room 1334, Longworth House Office Building, The Honorable Rob Bishop [Chairman of the Subcommittee] presiding.

Present: Representatives Bishop, Duncan, McClintock, Labrador, Gosar, Grijalva, Kildee, Holt, and Markey [ex officio].

Mr. BISHOP. The Subcommittee will come to order. The Chairman notes the presence of a quorum.

The Subcommittee on National Parks, Forests and Public Lands is meeting today to hear testimony on a number of pieces of legislation. They will include H.R. 302, "Preserve Land Freedom for Americans Act of 2011"; H.R. 758, "National Monument Designation Transparency and Accountability Act"; H.R. 817, a bill to amend the Antiquities Act of 1906 to place additional requirements on the establishment of national monuments under the Act, and for other purposes; H.R. 845, the Montana Land Sovereignty Act;

H.R. 846, "Idaho Land Sovereignty Act"; and H.R. 2147, "Utah Land Sovereignty Act."

Under Committee Rules, the opening statements are limited to the Chairman and the Ranking Member of the Subcommittee and the Full Committee. However, I ask unanimous consent to include any other Members' opening statements in the hearing record if submitted to the clerk by the close of business today. Hearing no objection, so ordered.

Yesterday we learned that Jerry Taylor, who is the Mayor of Escalante City, Utah, was on the East Coast with his wife, and lucky for us he was able to delay a flight back home and make a detour down here so he could offer the perspective of a local community on the impact of monuments. Mayor Taylor is intimately familiar with this subject since his city is surrounded by part of the Grand Staircase-Escalante Monument that was designated in 2000.

Now, unfortunately, this is my fault as well, Mr. Taylor was not here in time to allow his testimony to be written and given to the Minority. He will be on the second panel, but to do so it would only be at the acquiescence of the Minority, realizing that such would be a violation of our Committee Rules as well as procedure. So, I am going to let the Minority think about how they wish to deal with Mayor Taylor.

If Mayor Taylor is here, if we don't decide to allow the testimony which, once again, as I said, violates our concept of our Committee Rules, I would ask that his testimony be put in written form and submitted later into the record, which would be fine with me. So, I will let you think about that one and how you wish to preserve it. It is totally within your prerogative to do that, and I also apologize for putting you in this position because I should have been farther ahead than I was. It is my fault.

Mr. GRIJALVA. Well, on that very important note that it is your fault, I have no objection and would be glad to hear the Mayor's testimony.

Mr. BISHOP. That is very kind of you, Mr. Grijalva.

At this point I also ask unanimous consent that any Member of the Subcommittee or Full Committee wishing to participate in today's hearing be allowed to join us at the dais, including those Members testifying on their own bills. Without objection, so ordered.

Once again, I realize that all of you are very busy individuals who will be here on our first panel. Again, once your testimony is over, if you need to go to other commitments, I understand that. However, if you would like to stay and join with us, we would welcome you here. If indeed you think there is something more important than I am, go ahead and try to do it. See if I care.

STATEMENT OF HON. ROB BISHOP, A REPRESENTATIVE FROM THE STATE OF UTAH

Mr. BISHOP. Today, we will hear testimony on a number of bills to reform the Antiquities Act, a process that was used to create national monuments. Established in 1906, the Antiquities Act authorizes the President to proclaim at will national monuments on Federal lands. This is indeed a legislative function that has

been transferred to the Executive Branch which ought to provide us with philosophical problems in the first place.

It was created to protect historical landmarks or prehistoric structures or objects of scientific interest. However, the Act has been used to designate enormous tracts of land well beyond what the Act says as the smallest area compatible with the proper care and management of the objects to be protected. Indeed, Antiquities have three goals. It was to protect something that was specific, of specific interest; a specific interest that, number two, was endangered status; and number three, in the smallest area possible.

Since its inception in 1906, Presidents have proclaimed a total of 128 monuments and while some have received absolutely little or absolutely no opposition, some have been very contentious, like the creation of the Grand Staircase-Escalante Monument in the State of Utah, as well as monuments that have been designated in other western states.

Like other designations before and after, local leaders and congressional delegations were misled and the entire secretive, nontransparent process led to litigation and a litany of other problems. The Antiquities Act has been abused by Presidents, unfortunately, of both parties. But it is those of us in the West who suffer the brunt of these practices where the timing and the large scope of many designations, like Grand Staircase-Escalante, have resulted in unnecessary hardships for local communities who depend upon access and use of the lands and their resources.

In Escalante we will hear, thanks to Representative Grijalva's acquiesce, from the Mayor today who will talk about the particular hardships that have been put on his community, and one of those areas where there is a large reserve of off-limit coal. It is unique. Secretary Udall at one time pointed to this area and claimed it to be America's economic future. And even though that future still exists out there, because of the lack of the ability to get those resources and, because of the monument, thousands of Utah school kids have been harmed.

If you look at the 15 states in this nation who have the hardest time to fund their education system, the slowest growth in their education system, you will find out 13 of those 15 are public land states found in the West, found in the West where potential is denied them. That kind of potential is never actually included in any of the estimates or discussions of what could have been, and especially the harm it does to the education community in western states.

The Antiquities Act has been successfully curbed twice. Congress included requirements for congressional consent for any future creation or enlargement of national monuments in Wyoming in 1943. Similarly, controversial designations in Alaska in 1978 spurred legislation requiring congressional approval for withdrawals in Alaska that would be greater than 5,000 miles. It is appropriate that this legislative responsibility be actually returned to the Legislature, and would solve once and for all the issue of Presidents adding or taking from any area that is a monument at will.

Last year, contrary to the claims of increased transparency, a document from the Interior Department revealed the Obama Administration had been planning to designate 14 new national

monuments using the Antiquities Act. The proposal would have locked up millions of acres of public land in the West. If you were to add the States of Connecticut, Delaware, Rhode Island and New Jersey together, you have 11 million acres of land. This designation was to have 13 to 14 million acres of land locked up as new monuments and even more if you included private sector land that would be in this process.

Following the models of Wyoming and Alaska, the bills that we will examine today have the goal of avoiding this problem and making sure that Congress is indeed involved in the concept. What was most frustrating for all of us is, even though these discussions within the Interior Department were simply brainstorming, the concept of the brainstorming was how to avoid Congress, how to work around Congress in making these types of designations.

We need to ensure that the interests and livelihoods of all residents and stakeholders are considered and protected. Land use designations such as monuments and wilderness should be an initiative at the local level, not out of pressure from Washington or from special interest groups, and definitely not done ever again unilaterally.

While I appreciate the Administration's willingness to abandon the terrible wildlands proposal, and their commitments to allow the consideration and coordination with local levels for those in the future who may be impacted, I have to say that my predecessors have received similar commitments from other administrations in the past, and yet national monuments were thrust upon them anyway without any input from either Congress or from the local areas, and that is the nicest way of putting it.

We should never allow the Administration to try and avoid Congress, and actually never allow them to use a legislative function to avoid Congress in the first place. We are in the midst of a recession. It is nice for those who push for a wilderness agenda if they would also look that whatever we do does not compete with creation of jobs or domestic interference. That would be counterproductive. Managing our national assets in the future will have to be done by doing more with less, and we must begin by managing our Federal lands and natural resources for the benefit of the entire public.

Wilderness is attainable, but it is also to be considered with other factors in the use of the land in mind. We cannot afford to do one at the expense of the other, and absent the reforms outlined today, monument designation may be constrained in size, solely limited to contiguous lands that are already owned by the Federal Government. They should be limited to the sites that clearly contain historic landmarks or historic and prehistoric structures or other objects of historic or scientific interest. Monument designation should not be used as a backdoor maneuver to lock up lands for general purposes that deny public access for recreation or job creation. Private property and inholdings should be excluded from designation. Designation should be limited to the areas that face the clearly articulated and imminent threats, and the simplistic and generalized notion that any particular commercial use is a threat is neither correct nor adequate justification for preemptive action.

Now once more, importantly, it is significant that legislative functions should reside with the Legislature, not the Executive Branch.

[The prepared statement of Mr. Bishop follows:]

Statement of The Honorable Rob Bishop, Chairman, Subcommittee on National Parks, Forests and Public Lands

Today we will hear testimony on a number or bills to reform the Antiquities Act, or the process used to create national monuments. Established in 1906, the Antiquities Act authorizes the President to proclaim national monuments on federal lands and regulate the care and study of our nation's antiquities. While it was created to quickly reserve and protect historic landmarks, historic and prehistoric structures, or other objects of historic or scientific interest, the Act has been used to designate tracks of land well beyond, as the Act states, "the smallest area compatible with the proper care and management of the objects to be protected."

Since its inception in 1906, Presidents have proclaimed a total of 128 monuments. While some have received little to no opposition, some have been much more contentious, like the creation of Grand Staircase-Escalante National Monument in the State of Utah. Like other designations before it, this led to litigation and a litany of other problems.

The Antiquities Act has been abused by Presidents of both parties but it is in the West where the timing and large scope of many designations like the Grand Staircase-Escalante have resulted in unnecessary hardship to local communities dependent upon access and use of the land and resources. In Escalante, as we will hear from the mayor today, this created particular hardship and put one of the nation's largest coal reserves off limits.

While no court challenges have succeeded in undoing a presidential designation, Presidential authority under the Antiquities Act has successfully been curbed twice. Following the unpopular 1943 proclamation of Jackson Hole National Monument, legislation incorporating Jackson Hole into Grand Teton National Park included a requirement for Congressional consent for any future creation or enlargement of National Monuments in Wyoming. Similarly, controversial designations in Alaska in 1978 spurred legislation requiring congressional approval for withdrawals in Alaska greater than 5,000 acres.

Last year, contrary to the claims of increased transparency, an internal document from the Interior Department revealed that the Obama Administration may be planning to designate as many as 14 new National Monuments under the Antiquities Act. The proposed designations would lock-up millions of acres of public lands in the West, without Congressional approval, and restrict access for energy production, recreation, and other job-creating economic activities for numerous rural communities throughout the West. Following the models of Wyoming and Alaska, the bills that we will examine at today's hearing would prevent any unilateral Administrative action and require either state approval or authorization by Congress prior to a national monument designation.

We need to ensure that the interests and livelihoods of all residents and stakeholders are considered and protected. Land use designations such as national monuments and wilderness should be initiated at the local level, not out of pressure from Washington and definitely not unilaterally.

While I appreciate the administration's willingness to abandon their terrible Wild Lands proposal and additional commitments to allow for the consideration and coordination at the local level by those who are impacted most, my predecessor received similar commitments from the Clinton administration and yet the Grand Staircase-Escalante National Monument was thrust upon us anyway.

America is in the midst of a recession with elevated unemployment, yet the Obama Administration continues to push a "wilderness agenda" that competes with our national priorities of job creation and domestic energy independence. This is counter-productive.

The Republican Majority in Congress understands that we are at a critical juncture when it comes to managing our nation's assets and the current state of our economy mandates that we do more with less. It is imperative that we begin to manage our federal lands and natural resources for a maximum return on conservation, economic and public benefit. Improved management of our federal lands and resources will create much-needed jobs, amplify conservation efforts and make America more self-reliant and insulated from global market fluctuations of energy and critical minerals.

Wilderness is attainable but it also has to be considered with other factors and uses of the land in mind. We cannot afford to do one at the expense of the other. Absent the reforms outlined today, monument designations must be constrained in size and solely limited to contiguous lands that are already owned by the federal government. They should be limited to the sites that clearly contain "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest." Monument designations should not be used as a backdoor maneuver to lockup lands for general purposes that deny public access for recreation and job-creation. Private property and inholdings should be excluded from designations. Designations should also be limited to areas that face clearly-articulated, imminent threats. The simplistic, generalized notion that any potential commercial use is a threat is neither correct nor adequate justification for peremptory action.

Mr. BISHOP. I look forward to hearing from our witnesses today. I would now recognize the Ranking Member of the Subcommittee for his opening statement, and then we will recognize the Ranking Member of the Full Committee for his opening statement. Mr. Grijalva.

STATEMENT OF HON. RAÚL M. GRIJALVA, A REPRESENTATIVE FROM THE STATE OF ARIZONA

Mr. GRIJALVA. Thank you, Mr. Chairman.

In many of the debates we have in this Committee I believe that my Republican colleagues are on the wrong side of the issue. For example, I believe that when it comes to wilderness, and I believe when it comes to the issue of protecting lands near our national borders, then my colleagues are on the wrong side of the issue. And when it comes to the designations of national monuments under the Antiquities Act, I believe my Republican colleagues are on the wrong side of the issue. However, I also believe they are on the wrong side of history.

The proponents of the legislation to undermine the Antiquities Act, to prohibit the President from acting quickly when necessary are on the wrong side of history in two ways.

First, they fail to appreciate the enormously valuable and terribly fragile historic resources the Act was designed to protect. The Pueblo ruins at Chaco Canyon, the ruins at the Mission at Tumacacori, the petroglyphs at Agua Fria, the African Burial Grounds in New York City, and hundreds of other sites protected as national monuments by the Presidents under the Antiquities Act are significant chapters in the history of this nation, and these chapters might well have been diminished or even lost had the legislation before us been law in the years past.

Those who support destructive amendments to the Antiquities Act either fail to realize the value of the resources the Act has preserved or the seriousness of the threats posed to the resources or both. Even worse, critics of the Act may believe that there are no new historic sites to discover or no fragile chapters in the American story in danger of disappearing forever.

I can assure my colleagues that the work already done pursuant to the Antiquities Act has been invaluable and the work left to be done is just as significant. Those proposing to amend the Antiquities Act are on the wrong side of history in a broader sense as well. History has already affirmed the wisdom of previous national monument designations and history will judge new attempts to weaken the Act very harshly. More than 30 national monuments

designated by former Presidents under the Act, some of which were controversial at the time, have been reaffirmed and elevated by later congressional action. Olympic, Zion, Acadia, Bryce, Carlsbad Caverns and Grand Canyon are among the areas protected as national monuments before they were national parks. The verdict of history supporting this decision is emphatic and those who oppose them have been found guilty of a lack of vision.

As the American people marvel at the stunning culture and historic artifacts protected in some future national monument, those proposing to weaken the Antiquities Act to date could suffer a similar judgment.

We will hear claims that national monuments mean expansion of Federal land ownership or that they harm private property rights or that they harm local communities. None of those allegations are true. This is not a debate about a Federal land grab. This is a debate about whether we want to lose critical cultural and natural resources to unlimited drilling, unending road building, and unrestricted off-road vehicle use. This is a debate about whether we value our past enough to pass it on to the children of the future. This is a debate about what kind of country we want and what we want it to look like 100 years from now. This is a debate in which those seeking to undermine the Antiquities Act are on the wrong side of the issue, the wrong side of the American people, and the wrong side of history. History makes us who we are and what we will continue to be.

Mr. Chairman, I yield back.

[The prepared statement of Mr. Grijalva follows:]

Statement of The Honorable Raúl Grijalva, Ranking Member, Subcommittee on National Parks, Forests and Public Lands

In many of the debates we have in this committee, I believe my Republican colleagues are on the wrong side of the issue. For example, I believe they are on the wrong side of the issue when it comes to wilderness and I believe they are on the wrong side of the issue when it comes to protecting lands near the border.

And when it comes to designation of national monuments under the Antiquities Act, I believe my Republican colleagues are on the wrong side of the issue—however, I also believe they are on the wrong side of history.

The proponents of legislation to undermine the Antiquities Act—to prohibit the President from acting quickly when necessary—are on the wrong side of history in two ways. First, they fail to appreciate the enormously valuable and terribly fragile historic resources the Act was designed to protect.

The pueblo ruins at Chaco Canyon, the ruins of the mission at Tumacacori, the petroglyphs at Agua Fria, the African Burial Grounds in New York City and hundreds of other sites protected as national monuments by Presidents under the Antiquities Act are significant chapters in the story of this nation. These chapters might well have been diminished or even lost had the legislation before us today been in law in years past.

Those who support destructive amendments to the Antiquities Act either fail to realize the value of the resources the Act has preserved or the seriousness of the threats posed to those resources, or both.

Even worse, critics of the Act may believe that there are no new historic sites to discover or no fragile chapters in the American story in danger of disappearing forever. I can assure my colleagues that the work already done pursuant to the Antiquities Act has been invaluable and the work left to be done is just as significant.

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More than 30 national monuments designated by former Presidents under the Act—some of which were controversial at the time—have been reaffirmed and elevated by later Congressional action.

Olympic, Zion, Acadia, Bryce, Carlsbad Caverns, and the Grand Canyon are among the areas protected as national monuments before they were national parks. The verdict of history supporting these decisions is emphatic and those who opposed them have been found guilty of a lack of vision.

As the American people marvel at the stunning cultural and historic artifacts protected in some future national monument, those proposing to weaken the Antiquities Act today could suffer similar judgment.

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This is a debate in which those seeking to undermine the Antiquities Act are on the wrong side of the issue, the wrong side of the American people, and the wrong side of the history that makes us who we are. I yield back.

Mr. BISHOP. Thank you, Mr. Grijalva. Mr. Markey.

STATEMENT OF HON. EDWARD J. MARKEY, A REPRESENTATIVE FROM THE COMMONWEALTH OF MASSACHUSETTS

Mr. MARKEY. Thank you, Mr. Chairman, very much, and I would just like to begin by saying what a great honor it is to have Senator Hatch here today. You may not be a national monument, but you are a national treasure, and we very much appreciate your being over here.

Mr. Chairman, our great nation has been shaped by our many significant political movements. The civil rights movement sought justice and equality. The environmental movement sought breathable air and drinkable water for our children. These are proud chapters in our nation's history. It is my hope that today's hearing marks the death of a political movement, however. It is time finally for the "stop the monuments movement" to end.

The stop the monuments movement was organized around the belief that a plan conceived by Teddy Roosevelt in 1906 poses a serious threat to the United States of America and must be stopped. To supporters of this movement, the Antiquities Act poses such a dire threat that six different bills in this Congress alone are needed to defend America against the danger posed by national monuments. It is time for this to stop.

In fact, the stop the monuments movement should have been declared dead last February. That is when an amendment to H.R. 1 to prohibit new national monument designations failed on the House Floor. Two hundred and thirteen Members of this House, including 34 Republicans, voted against that amendment. A majority of this House is now on record rejecting the stop the monuments movement, and it is time for this Committee to reject this movement as well.

It would not be a great loss. The stop the monuments movement was never particularly popular. Fifteen Presidents, both Republicans and Democrats, rejected the movement and used the Antiquities Act to designate more than 100 national monuments. George

W. Bush used the Act six times, including designation of the largest national monument ever.

Prior Congresses rejected the call to stop national monuments as well. For many years the Interior appropriations bill has protected national monuments by prohibiting oil and gas development within their boundaries. Congress has also acted more than 30 times to reaffirm monuments designated under the Antiquities Act by upgrading them to national parks or other units of the National Park System, and, in addition, to American Presidents in previous Congresses, the American people flatly rejected the stop the monuments movement.

Many of the monuments designated under the Antiquities Act are among the most beloved and most visited destinations in the country. In addition to its lack of support, it is time for the stop the monuments movement to end because the two claims on which the movement is based are plainly false.

The first claim is that national monument designations are land grabs that lock up private property. In reality the Antiquities Act authorizes the President to designate national monuments on Federal land only. The Act allows the President to act quickly to protect resources already owned by the Federal Government. These designations do not and cannot take private property.

The second basic tenet on stop the monuments movement is that monument designations harm local economies. This claim is false as well. As Dr. Rasker will testify today, each of the large national monument designations examined by Headwaters Economics was followed by increases in population, employment, and household income the surrounding community.

In the end, the stop the monuments movement failed to attract significant interest. It was based on false allegations and anecdotal information squarely at odds with economic reality. The stop the monument movement has clearly run its course.

If public opinion, economic data, Presidential support and a majority vote of the full House of Representatives are relevant, this would be the last meeting of the stop the monuments movement in history, and if this is indeed the very place the monument movement meets its end, perhaps some future President will see fit to designate this hearing room as a national monument. That is how important that effort will be.

I thank you, Mr. Chairman, and I yield back the balance of my time.

[The prepared statement of Mr. Markey follows:]

Statement of The Honorable Edward J. Markey, Ranking Member, Committee on Natural Resources

Mr. Chairman, our great nation has been shaped by many significant political movements. The civil rights movement sought justice and equality; the environmental movement sought breathable air and drinkable water for our children. These are proud chapters in our nation's history.

It is my hope that today's hearing marks the *death* of a political movement, however.

It is time, finally, for the *Stop the Monuments Movement* to end.

The *Stop the Monuments Movement* was organized around the belief that a plan conceived by Teddy Roosevelt in 1906 poses a serious threat to the United States of America and must be stopped.

To supporters of this movement, the Antiquities Act poses such a dire threat, that six different bills in this Congress alone are needed to defend America against the danger posed by national monuments.

It is time for this to stop. In fact, the *Stop the Monuments Movement* should have been declared dead last February. That is when an amendment to H.R. 1 to prohibit new national monument designations *failed* on the House floor.

213 Members of this House, including 34 Republicans, voted *against* that amendment. A majority of this House is now on record rejecting the *Stop the Monuments Movement*—it is time for this Committee to reject this movement as well.

It would not be a great loss—the *Stop the Monuments Movement* was never particularly popular. Fifteen Presidents, both Republicans and Democrats, rejected the movement and used the Antiquities Act to designate more than 100 national monuments. George W. Bush used the Act 6 times, including designation of the largest national monument ever.

Prior Congresses rejected the call to stop national monuments, as well. For many years, the Interior Appropriations bill has *protected* national monuments by prohibiting oil and gas development within their boundaries.

Congress has also acted more than 30 times to reaffirm monuments designated under the Antiquities Act by upgrading them to national parks or other units of the National Park System.

And in addition to American Presidents, and previous Congresses, the American people have also flatly rejected the *Stop the Monuments Movement.* Many of the monuments designated under the Antiquities Act are among the most-beloved and most-visited destinations in the country.

In addition to its lack of support, it is time for the *Stop the Monuments Movement* to end because the two claims on which the movement is based are plainly false.

The first claim is that national monument designations are "land grabs" that "lock up" private property.

In reality, the Antiquities Act authorizes the President to designate national monuments *on federal land only.* The Act allows the President to act quickly to protect resources already owned by the federal government. These designations *do not,* and *cannot* take private property.

The second basic tenet of the *Stop the Monuments Movement* is that monument designations harm local economies. This claim is false as well.

As Dr. Rasker will testify today, each of the large national monument designations examined by Headwaters Economics was followed by increases in population, employment and household income in the surrounding community.

In the end, the *Stop the Monuments Movement* failed to attract significant interest. It was based on false allegations and anecdotal information squarely at odds with economic reality. The *Stop the Monument Movement* has clearly run its course.

If public opinion, economic data, Presidential support and a majority vote of the full House of Representatives are relevant, this will be the last meeting of the *Stop the Monuments Movement* in history.

And if this is indeed the very place the *Movement* meets its end, perhaps some future President will see fit to designate this hearing room as a national monument.

Mr. BISHOP. Thank the Ranking Member for joining us. I appreciate very much his being here.

We will now turn to our first panel in what will be a series of meetings on this particular topic. I appreciate them all being here. Thank you for, first of all, your attendance with us. Your written testimony will appear in the full hearing record, and so you can keep your opening statements hopefully to five minutes. The microphones are not automatic so please make sure you press the button before you are beginning to speak.

I first want to recognize the senior senator from my home State of Utah, Mr. Hatch, to speak on H.R. 2147, the Utah Land Sovereignty Act. Once again, we appreciate you coming over to the true side of Capitol Hill, Senator Hatch.

STATEMENT OF HON. ORRIN HATCH, A U.S. SENATOR FROM THE STATE OF UTAH

Senator HATCH. Well, thank you, Mr. Chairman.

Mr. BISHOP. And I don't think you are turned on.

Senator HATCH. Yes, it is on. I am just not close enough, I guess.

Thank you, Mr. Chairman, Ranking Member Grijalva, and of course, Chairman Markey, I appreciate you as well, and thank you for your kind remarks.

I appreciate the opportunity to discuss the need for the Utah Land Sovereignty Act. It is an honor to be here. I especially appreciate Chairman Bishop's continued efforts to stand up for me.

Mr. BISHOP. If I can interrupt. We have a hard time hearing you. Can you put that right in your mouth.

Senator HATCH. I will put that right up. How is that? Is that better?

Mr. BISHOP. That is a whole lot better. Thank you.

Senator HATCH. OK. I had better put my glasses on here.

It is an honor to recognize you, Mr. Chairman, and your continued efforts to stand up for the needs of Utah here in the House of Representatives. It is a pleasure to serve with you.

Like most western states, Utah is owned mostly by the Federal Government. This creates a unique set of challenges for Utahns. A lot of decisions that affect our daily lives are made by faceless bureaucrats who are thousands of miles away. Many of them believe that it is their duty to "protect" the land from any future development.

When the Antiquities Act passed Congress in 1906, it was intended to give the President the authority to designate small areas of historic or scientific interest on lands owned by the United States. In theory, this is a good idea. We live in a beautiful country and there are areas that merit protections. Unfortunately, this authority is too easily abused.

In September of 1996, President Clinton used the Antiquities Act to surprise Utah by establishing the 1.8 million acre Grand Staircase-Escalante National Monument. The state had no warning that this was coming, and once it was done we had no recourse. With a stroke of the pen 500 high paying jobs in a rural Utah county disappeared, and actually thousands of others when you look at the natural resources that were there, that are there.

We thought we had seen the worst that could be done with this Act to score political points at the expense of public land states. Last year when the so-called treasured landscape memo was leaked to this committee we realized that it could be much worse. We found out that this President is not only willing to abuse the Antiquities Act, but that his Interior Department was getting ready to advise him on where to do it. Two of the areas they had identified for possible monument designation happened to be in Utah. That is why it is essential that the bills we are discussing today pass and the Congress be given the ultimate say on which areas will become national monuments.

Now don't get me wrong, Utah is a beautiful place, and there are areas that should be protected, but there are also vast areas that do not merit protection. Many of these areas also have vast stores of recoverable energy in the form of oil, natural gas and oil shell. The Utah delegation is working hard with local leaders as well as interested parties from both sides of the debate to identify those lands that should be preserved and those that should be open for

development. What we don't need is the Administration making those decisions for us.

My bill, S. 1182, with the House companion H.R. 2147, will guarantee that Utah does not have any more surprise monument designations like we have had back in 1996.

Ultimately the goal of this bill is to protect jobs. Some people will say that we, Republicans, want to throw away our nation's most beautiful places for a few jobs and a few dollars. That is certainly not the case. We just want to be able to use the process that is in place without worrying that our work will be overruled by a President desperate to score political points.

Now, this is a very important issue to rural Utahns. We need to protect our state from anymore surprises like the Grand Staircase-Escalante National Monument.

I would be happy to answer any of your questions. Thank you for giving us this opportunity to testify.

[The prepared statement of Mr. Hatch follows:]

Statement of The Honorable Orrin Hatch, a U.S. Senator from the State of Utah

Thank you Chairman Bishop and Ranking Member Grijalva for the opportunity to discuss the need for the "Utah Lands Sovereignty Act." It's an honor to be here. I especially appreciate Chairman Bishop's continued efforts to stand up for the needs of Utah here in the House of Representatives. Rob, it is a pleasure to serve with you.

Like most Western states, Utah is owned mostly by the federal government. This creates a unique set of challenges for Utahns. A lot of decisions that affect our daily lives are made by faceless bureaucrats who are thousands of miles away.

Many of them believe that it is their duty to "protect" the land from any future development.

When the Antiquities Act passed Congress in 1906 it was intended to give the President the authority to designate small areas of historic or scientific interest on lands owned by the United States. In theory, this is a good idea. We live in a beautiful country and there are areas that merit protections. Unfortunately, this authority is too easily abused.

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We found out that this President is not only willing to abuse the Antiquities Act, but that his Interior Department was getting ready to advise him on where to do it. Two of the areas they had identified for possible monument designation are in Utah.

That is why it is essential that the bills we are discussing today pass and the Congress be given the ultimate say on which areas will become national monuments.

Now don't get me wrong. Utah is a beautiful place and there are areas that should be protected. But there are also vast areas that do not merit protection. Many of these areas also have vast stores of recoverable energy in the form of oil, natural gas and oil shale. The Utah delegation is working hard with local leaders as well as interested parties from both sides of the debate to identify those lands that should be preserved and those that should be opened for development. What we don't need is the administration making those decisions for us.

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few dollars. That is not the case. We just want to be able to use the process that is in place without worrying that our work will be overruled by a President desperate to score political points.

This is a very important issue to rural Utahns. We need to protect our state from any more surprises like the Grand Staircase-Escalante National Monument.

I will be happy to answer any of your questions.

Mr. BISHOP. Senator, thank you, and I know in your busy schedule, whenever you need to leave you are excused. If you would like to stay, we would be more than happy to have you here.

Senator HATCH. Well, if you will forgive me, I think maybe I would get back over to the other side, but thank you for your kindness, and I appreciate this committee very much.

Mr. BISHOP. Thank you. We wish you well, and you will still note it is still brighter on this side than it is over on that side.

Senator HATCH. We always knew that over there.

Mr. BISHOP. All right. We next turn to our other colleagues who have bills both in front of us and on the panel as well. The first one I would like to ask is a former member of this Committee, the Representative At Large from the great State of Montana, Mr. Denny Rehberg, to talk about H.R. 845, the Montana Land Sovereignty Act. Congressman Rehberg.

STATEMENT OF HON. DENNIS REHBERG, A REPRESENTATIVE FROM THE STATE OF MONTANA

Mr. REHBERG. Thank you, Mr. Chairman. Before he leaves I would like to thank Senator Hatch. This is the second time I have appeared next to him. The most recent was on the issue of wolves, and we were successful in getting that through the Congress and signed by the President. I hope we are as successful on this piece of legislation as well. I might point out I did have to show him how to turn on the microphone so I have done my duty as a House Member teaching the Senate today.

Chairman Bishop, Members of the Subcommittee, thank you for inviting me to testify here on behalf of my legislation, the Montana Land Sovereignty Act. I am reminded of a Greek myth about a guy named Damocles who was forced to sit in the King's chair beneath a huge sword. The sword hangs from its handle above his head by a single hair of a horse's tail. Damocles is constantly aware of the sword's presence. He is miserable.

For Montana, the Antiquities Act is something like the Sword of Damocles. Like the myth, we must cope with the constant knowledge that one day we could wake up to find that with the stroke of a pen the President declared the backyard a national monument. For us, it is no myth. In the eleventh hour of the outgoing Clinton Administration the Antiquities Act was used, some say abused, to create the Upper Missouri Breaks National Monument despite strong opposition across my home State of Montana.

The Montana Land Sovereignty Act isn't about stopping new monuments, it is simply about making sure that the American public has a voice in the process. We were left out in 2001. Ten years later history is repeating itself. By now you have heard of the not-for-release Department of the Interior memo that recommends millions of acres of new national monuments, including 2.5 million acres in Montana. The emails show detailed discussions that went

into brainstorming for the plan. The Great Falls Tribune read the documents and concluded that the rumors started at the top levels of the Interior Department agencies, and all of this happened in secret.

The only reason we found out was because the documents were leaked. We got lucky this time. We had time to weigh in and the opposition to the plan is clear at the town hall meetings I hosted, on the bill boys' bumper stickers, and road signs across the state. But for all of that opposition the President could still act on those secret plans at any time, and that is just wrong.

When we go back and look at the original House and Senate reports from 1906, the debate was about archeology and protecting Native American ruins from looters. When it passed, this bill's strongest support came from Archeological Institute of America, the American Anthropological Association, and the Smithsonian Institution. The Antiquities Act was never meant to circumvent Congress and designate huge parcels of land as national monuments. In fact, this question was directly considered during the debate.

On June 5, 1906, Mr. Stevens of Texas asked on the House Floor if the Antiquities Act could be used to tie up large parcels of land. The bill sponsor assures him "Certainly not. The object is entirely different. It is to preserve these old objects of special interest and the Indian remains in the Pueblos in the Southwest." I have the testimony, I would like to have it entered into the record if I might, without objection.

Mr. BISHOP. Without objection.

[NOTE: The 17-page Stevens' statement submitted for the record has been retained in the Committee's official files.]

Mr. REHBERG. Mr. Chairman, Members of the Subcommittee, I didn't introduce the Montana Land Sovereignty Act to undermine the intent of the Antiquities Act. On the contrary, my legislation restores this valuable law to its original intention; that is, history, on the preservation of American antiquities, but the Montana Land Sovereignty Act is also about protecting the American people from the unchecked, unaccountable expansion of the Antiquities Act power.

Consider this. In one of the leaked memos the BLM recommends using the Antiquities Act to designate monuments, and I quote, "should the legislative process not prove fruitful." In other words, if the people say no, unelected bureaucrats will do it anyway.

But in the State of Wyoming and Alaska, Presidential designations of large national monuments must be ratified by Congress. For those states BLM lays out a different policy recommendation. I quote, "The BLM also recommends that the Administration begin a dialogue with Congress to encourage the conservation of these areas." That is the approach the Montanans deserve, dialogue instead of a top-down Federal mandate. Under current law Congress must approve any national monument designation in Wyoming and in parts of Alaska.

My commonsense bill simply establishes the same requirement of congressional approval for new national monuments in Montana. With your support in this committee we can restore the Antiquities Act to its intended purpose. More importantly, we can restore the

power to govern in this country to the people. That is where it belongs.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Rehberg follows:]

Statement of The Honorable Denny Rehberg, a Representative in Congress from the State of Montana (At Large)

Chairman Bishop, members of the subcommittee, thank you for inviting me to testify here on behalf of my legislation—the Montana Land Sovereignty Act.

You know, I'm reminded of a Greek myth about a guy named Damocles who's forced to sit on the king's chair beneath a huge sword. The sword hangs from its handle above his head by a single hair of a horse's tail. Damocles is constantly aware of the sword's presence. He's miserable.

For Montanans, the Antiquities Act is something like the sword of Damocles. Like the myth, we must cope with a constant knowledge that, one day, we could wake up to find that with the stroke of a pen, the President declared their back yard a National Monument.

For us, it's no myth. In the eleventh hour of the outgoing Clinton Administration, the Antiquities Act was used—some say abused—to create the Upper Missouri River Breaks National Monument, despite strong opposition across the state.

The Montana Land Sovereignty Act isn't about stopping new National Monuments. It's simply about making sure that the American public has a voice in the process.

We were left out in 2001. Ten years later, history is repeating itself.

By now, you've heard about the "NOT FOR RELEASE" Department of the Interior memo that recommends millions of acres for new National Monuments, including 2.5 million acres in Montana.

While the Department of Interior has downplayed the memo, the Associated Press wrote that "The e-mails show detailed discussions that went into brainstorming" for the plan. The Great Falls Tribune read the documents and concluded that, "the rumors started at the top levels of Interior Department agencies."

And all of this happened in secret. The only reason we found out was because the documents were leaked. We got lucky this time. We had time to weigh in, and the opposition to the plan is clear at the town hall meetings I hosted and on billboards, bumper stickers and road signs across the state. But for all that opposition, the President could still act on those secret plans at any time. That's just wrong.

When we go back and look at the original House and Senate Reports from 1906, the debate was about archeology and protecting Native American ruins from looters. When it passed, this bill's strongest support came from the Archaeological Institute of America, the American Anthropological Association and the Smithsonian Institution.

The Antiquities Act was never meant to circumvent Congress and designate huge parcels of land as National Monuments. In fact, this question was directly considered during the debate. On June 5, 1906, Mr. Stephens of Texas asked on the House floor if the Antiquities Act could be used to tie up large parcels of land, the bills' sponsor assures him: "Certainly not. The object is entirely different. It is to preserve these old objects of special interest and the Indian remains in the pueblos in the Southwest." Mr. Chairman, members of the subcommittee. I didn't introduce the Montana Land Sovereignty Act to undermine the intent of the Antiquities Act. On the contrary, my legislation restores this valuable law to its original intention: the preservation of American antiquities.

But the Montana Land Sovereignty Act is also about protecting the American people from the unchecked, unaccountable expansion of Antiquities Act power.

Consider this: In one of the leaked memos, the BLM recommends using the Antiquities Act to designate Monuments, "should the legislative process not prove fruitful." In other words, if the people say no, unelected bureaucrats will do it anyway.

But in the States of Wyoming and Alaska, Presidential designations of large National Monuments must be ratified by Congress. For those states, BLM lays out a different policy recommendation: "The BLM also recommends that the Administration begin a dialogue with Congress to encourage the conservation of these areas."

That's the approach Montanans deserve: dialogue instead of top-down federal mandates. Under current law, Congress must approve any National Monument designation in Wyoming and in parts of Alaska. My common-sense bill simply establishes the same requirement of congressional approval for new National Monuments in Montana.

With your support in this committee, we can restore the Antiquities Act to its intended purpose. More importantly, we can restore the power to govern in this country to the people. That's where it belongs.

Mr. BISHOP. Thank you, Congressman Rehberg. And the same offer applies to you. If you need to go do something else, you are excused. If you would like to stay here with us, we would be more than happy.

Mr. REHBERG. Thank you.

Mr. BISHOP. And I am not insulted you are leaving.

Next turn to Representative Herger from California who is here, represents the 2nd District in California. He is here to talk about his bill, H.R. 817 that amends the Antiquities Act of 1906. Congressman Herger.

STATEMENT OF HON. WALLY HERGER, A REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. HERGER. Thank you, Chairman Bishop, for holding this hearing and inviting me to participate.

In the rural northern California congressional district I represent, the Federal Government owns a significant amount of the land, with it reaching as high as 75 percent in one of my counties. Local communities collect no taxes from these lands, money that could go to schools and roads. The Federal Government is also unable to manage it properly. Now the Obama Administration is talking about increasing the number of Presidentially designated national monuments. This would be extremely detrimental to local communities across our nation and is why I have introduced H.R. 817, which would require Congress's approval for any national monument designation by the President.

In 2000, President Clinton designated over 52,000 acres of Federal lands as the Cascade-Siskiyou National Monument which is adjacent to my northern California congressional district, and is located in the State of Oregon. Some groups have advocated the areas of my congressional district to be included, but such plans have, fortunately, thus far been thwarted by local communities loudly voicing their concerns. Such a designation in northern California could be devastating to the local economy, further limiting forest management and livestock grazing.

Unfortunately, the Obama Administration currently has the authority to reconsider at anytime and expand the designation. The livelihoods of people in northern California and across the Nation should not be at the whim of the President. Instead, national monument designations should be subject to the approval of Congress where the interests and viewpoints of affected Americans are understood and championed by their elected representatives.

As I referenced, a Bureau of Land Management document has revealed that the Obama Administration intends to unilaterally lock up more than 13 million acres of Federal land from multiple use access. This is very troubling and would be devastating. In a time of high unemployment, it would lock even more American jobs away. The BLM memorandum provides further evidence that Congress must be part of the national monument designation process.

Since the 1980s, management of our forests and Federal lands has stopped almost entirely. The jobs that depend on grazing, timber harvesting, and mineral extraction, and recreation have slowly been eliminated by government regulations. This mismanagement of our resources does not affect the economy alone. It has led to unhealthy forests that become catastrophic wild fire that burn hotter longer and cover more land. National monument designations significantly harm rural forest communities.

In the face of severe economic challenges, we need to reform crippling government policies and regulations so that local communities can utilize their natural resources and prosper. These lands belong to the people, and local needs should drive their management, not a one-size-fits-all decree from Washington. If we utilize more of our natural resources, we can foster job growth, generate revenue for the treasury, and help prevent catastrophic forest fires.

I look forward to working with the Committee to pass commonsense reforms to the Antiquities Act of 1906 which would be a significant step toward limiting government overreach. Thank you.

[The prepared statement of Mr. Herger follows:]

Statement submitted for the record by The Honorable Wally Herger, a Representative in Congress from the State of California

Thank you Chairman Bishop for holding this hearing and inviting me to participate. In the Northern California Congressional District I represent, the federal government owns a significant amount of the land, with it reaching as high as 75% in one county. Local communities collect no taxes from these lands, money that could go to schools and roads. The federal government is also unable to manage it properly. Now the Obama Administration is talking about increasing the number of presidentially-designated national monuments. This would be detrimental to local communities across our nation, and is why I have introduced H.R. 817, which would require Congress' approval for any National Monument designations by the President.

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In the face of severe economic challenges, we need to reform crippling government policies and regulations so that local communities can utilize their natural resources and prosper. These lands belong to the people, and local needs should drive their management, not a one-size-fits-all decree from Washington. If we utilize more of

our natural resources, we can foster job growth, generate revenue for the treasury, and help prevent catastrophic forest fires. I look forward to working with the committee to pass common-sense reforms to the Antiquities Act of 1906, which would be a significant step towards limiting government overreach.

Mr. BISHOP. Thank you, Mr. Herger. I appreciate your testimony, appreciate you being here. Once again, I realize what your schedule is, but if you would like to stay with us we would be more than happy. I am trying to find someone who wants to stay with me, but if you need to go, we recognize that.

Mr. HERGER. I think Dr. Foxx is going to stay for awhile.

Mr. BISHOP. That is kind of you for volunteering her to do that. Thank you, Congressman Herger. I appreciate it.

Mr. HERGER. Thank you.

Mr. BISHOP. Next we would like to hear from Representative Foxx who represents the 5th District in North Carolina, and is the chief sponsor of H.R. 302, the Preserve Land Freedom for Americans Act of 2011. Ms. Foxx.

STATEMENT OF HON. VIRGINIA FOXX, A REPRESENTATIVE FROM THE STATE OF NORTH CAROLINA

Ms. FOXX. Thank you very much, Mr. Chairman, and Ranking Member Grijalva, and all the Members of the Committee, friends of mine. I thank you for the opportunity to come and talk about an issue deserving of attention from all of our colleagues, and I want to say that I appreciate having the opportunity and heard the comments of those who have spoken before me. I want to lend my support to their comments, and I am intrigued by how we are all talking about this issue from slightly different angles.

The Antiquities Act enacted during the presidency of Theodore Roosevelt allows the President to proclaim areas of Federal lands that he determines contain "historic landmarks, historic and prehistoric structure and other objects of historic or scientific interest" as a national monument, and to "reserve" parcels of land within the monument. Presidents have used the Antiquities Act to create national monuments more than 120 times over the past century.

When President Carter attempted to establish 15 new national monuments in Alaska and expand two more containing 56 million acres of Federal land, Congress enacted the Alaska National Interest Lands Conservation Act, overturning most of the designations, altering the status of some, and confirming a few and included a congressional veto on future land withdrawals in the state.

President Clinton unilaterally deemed 19 new national monuments and expanded three more, reserving 5.9 million acres of land. It is important to note that all but one of these proclamations came in the last year of his presidency, and 11 occurred in the twilight period between the 2000 election and the end of the term.

It has become public that the Obama Administration is attempting yet another land grab that would add another 13 million acres to Federal real estate land holdings.

Considering the size of the Federal Government's existing real estate portfolio, there is no need to continue unilaterally acquiring new lands without any regard to the rights of states or the economy. The Federal Government owns a third of the land in western

states, including 84.5 percent of Nevada, 69.1 percent of Alaska, and 57.5 percent of Utah. Four Federal agencies—the Bureau of Land Management, the U.S. Forest Service, the U.S. Fish and Wildlife Service and the National Park Service—manage most of the Federal real estate portfolio. These agencies collectively own 630 million acres, which is the size of ten European countries, including France, Spain, Germany, Poland, Italy, the United Kingdom, Austria, Switzerland, The Netherlands, and Belgium combined. Given the size of the portfolio, the cost of managing Federal lands is in the billions. Simply adding more lands will increase cost to already strained budgets.

The Antiquities Act impinges on the rights of the states with regard to their own land. With the stroke of a pen in secrecy the President can ignore pleas from state officials and their citizens in order to claim more land on behalf of the Federal Government. With the current challenging fiscal conditions we can all agree now that more than ever the states are in need of resources to sustain their own budgets and fiscal needs. When the Federal Government takes lands from the states it also take away a potential source of revenue and economic growth.

H.R. 302, the Preserve Land Freedom for Americans Act will give the states a voice and a say in this process by requiring state approval for national monument designations by the Federal Government. State governments are prepared and best qualified to make these decisions. They do not need Washington taking lands and revenues away from them. If states agree there is a need for the Federal Government to preserve and protect lands, they will not hesitate to seek assistance.

As the Chairman said in his opening remarks, this issue is about the principle of separation of powers and the rules of the President and the Congress.

Mr. Chairman, thank you for the opportunity to visit the Committee and talk about H.R. 302. I will be glad to answer any question that you or Members of the Committee may have, but I will appreciate the invitation also to leave.

[The prepared statement of Ms. Foxx follows:]

Statement of The Honorable Virginia Foxx, a Representative in Congress from the State of North Carolina

Mr. Chairman, Ranking Member Grijalva, thank you for the opportunity to come here and talk about an issue deserving of attention from all of our colleagues.

The Antiquities Act, enacted during the presidency of Theodore Roosevelt, allows the President to proclaim areas of federal lands he determines contain "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" as a national monument, and to "reserve" parcels of land within the monument. Presidents have used the Antiquities Act to create national monuments more than 120 times over the past century.

When President Carter attempted to establish fifteen new national monuments in Alaska and expanded two more, containing fifty-six million acres of federal land, Congress enacted the Alaska National Interest Lands Conservation Act, overturning most of the designations, altering the status of some and confirming a few, and included a congressional veto on future land withdrawals in the state.

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Given the size of the portfolio, the cost of managing federal lands is in the billions. Simply adding more lands will increase costs to already strained budgets. The Antiquities Act fails to protect state's rights with regard their own land. With the stroke of a pen and in secrecy, the President can ignore pleas from state officials and their citizens in order to claim more land on behalf of the federal government.

With the current challenging fiscal conditions, we all can agree that now, more than ever the states are in need of resources to sustain their own budgets and fiscal needs. When the federal government takes lands from the states, it also takes away a potential source of revenue and economic growth.

H.R. 302, the Preserve Land Freedom for Americans Act, seeks to give the states a voice and power by requiring state approval for national monument designations by the federal government. State governments are prepared and best qualified to make these decisions. They do not need Washington taking lands and revenue away from them. If states agree that there is a need for the federal government to preserve and protect lands, they will not hesitate to seek assistance.

States rights are key to the strength of our nation.

Mr. Chairman, thank you for the opportunity to visit the committee and talk about H.R. 302. I'll be glad to answer any question that you or members of the committee may have.

Mr. BISHOP. Even though Wally volunteered you? No, Ms. Foxx, we appreciate your testimony, appreciate you being here, as well as the bill. Once again, if you have other commitments, you have time for committee action, we will recommend it, but you are welcome to stay for as long as that may be, which I take is less than a minute, right?

OK, Representative Labrador from Idaho also has a bill, H.R. 846. He represents the 1st District of Idaho. It is the Idaho Land Sovereignty Act. Representative, you are recognized for five minutes.

STATEMENT OF HON. RAÚL LABRADOR, A REPRESENTATIVE FROM THE STATE OF IDAHO

Mr. LABRADOR. Thank you, Mr. Chairman, Ranking Member Grijalva. I commend you for convening this important hearing today regarding my bill, H.R. 846, the Idaho Land Sovereignty Act.

There are two things that Presidents do in the last days in office. One is to declare new monuments, and number two is pardon convicted criminals, both leave the public with a bad taste in their mouth. Just as designation of wilderness areas is a congressional prerogative, I believe the designation of national monuments should also be subject to congressional oversight.

My legislation would prohibit any Presidential Administration from imposing new monument designations in the State of Idaho. Clearly the Obama Administration has given us numerous reasons to believe they need to be reined in with their job killing regulations. However, these concerns are not only limited to the current Administration.

In January of 2001, the outgoing Clinton Administration shocked western states with its outrageous land grabs that were done via executive order. We in the West remember this very well and we are not going to allow anything like it to happen again. More recently, Interior Secretary Salazar and his agency on December 23, 2010, reminded us that Federal agencies still believe they can circumvent Congress to lock up public lands without specific congressional action.

In my State of Idaho, approximately 67 percent of all lands are owned by the Federal Government. Of that, 4,522,717 acres are wilderness, making Idaho the state with the most acres of designated wilderness area. For that reason it is critically important that Idahoans continue to access our Federal lands for the multiple uses they were designed. It is unacceptable to make lands off limit through any process that is not an act of Congress.

The Bureau of Land Management asserts that livestock grazing is a major activity on public lands in Idaho. Actually, 800,000 AUMs of livestock forage are authorized annually in Idaho under BLM management. Livestock grazing is outlined in the Federal Land Policy and Management Act and the Taylor Grazing Act as being authorized multiple uses. The economic losses to ranchers who have traditionally been good stewards of BLM grazing leases would be immeasurable.

Tourism and motorized recreation are important industries in Idaho. If new monument designations are established, the potential for road closures and limited OHV access has the potential to be detrimental to the local economies.

I urge my colleagues to protect our authority and the power of congressional oversight. If any administration were to impose additional restrictions to the public lands in Idaho through a designation of new monument areas the detriment to my state could be vast. Administrative land grabs prohibit stakeholder input at the detriment to our rural economies.

Mr. Chairman, I don't oppose public lands. I simply oppose efforts by an out-of-touch Administration to forcefully lock up public lands with no congressional oversight. Thank you.

[The prepared statement of Mr. Labrador follows:]

Statement of The Honorable Raúl Labrador, a Representative in Congress from the State of Idaho, on H.R. 846

Mr. Chairman, Ranking Member Grijalva, I commend you for convening this important hearing today regarding my bill H.R. 846, the Idaho Land Sovereignty Act.

There are two things that Presidents do their last days in office: declare new monuments and pardon convicted criminals. Both leave the public with a bad taste in their mouth. Just as designation of wilderness areas is a Congressional prerogative, I believe the designation of national monuments should also be subject to Congressional oversight.

My legislation would prohibit any presidential administration from imposing new monument designations in the state of Idaho. Clearly the Obama Administration has given us numerous reasons to believe they need to be reined in with their job killing regulations. However, these concerns are not only limited to the current administration.

In January of 2001 the outgoing Clinton Administration shocked western states with its outrageous land grabs that were done via executive order. We in the west remember this very well and we are not going to allow anything like it to happen again. More recently Interior Secretary Salazar and his agency, on December 23, 2010, reminded us that federal agencies still believe they can circumvent Congress to lock up public lands without specific Congressional action.

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I urge my colleagues to protect our authority and the power of Congressional oversight. If any administration were to impose additional restrictions to the public lands in Idaho through the designation of new monument areas, the detriment to my state could be vast. Administrative land grabs prohibit stakeholder input at the detriment to our rural economies.

Mr. Chairman, I don't oppose public lands. I simply oppose efforts by an out-of-touch administration to forcibly lock up public lands with no Congressional oversight.

Mr. BISHOP. Thank you. I appreciate that. As we begin, I hope you will stay.

Mr. LABRADOR. I will stay just for you.

Mr. BISHOP. I am proud of you. I am proud of you.

As we begin this round of questioning, I would like to yield my time to Mr. Gosar of Arizona. Mr. Gosar has introduced a similar bill dealing with Arizona but it is not on our agenda today. I think it is 2877, the Arizona Land Sovereignty Act, but I would like to yield my five minutes to Mr. Gosar to talk about his bill or any of the others.

Dr. GOSAR. Thank you, Chairman Bishop, and Ranking Member Grijalva, for allowing me to take part in today's hearing.

A fundamental aspect of good government is the rule of law. The rule of law includes due process. Currently, under the existing law, a President can unilaterally—without any public input, without one congressional hearing, and without any hallmarks of transparency—remove millions of acres of public land from public access and public use. This law needs to be changed, but until it is changed, the western states are at highest risks for Federal abuse exemptions.

The national monument designation process, as any public land designation, is of particular interest to my constituents in Arizona's 1st congressional district, which is comprised of over 26 million acres of Federally administered and Native American lands, which is nearly 70 percent of the total land. Due to the prevalence of this public land and the way these lands are administered by the Federal Government has a direct impact on almost every person residing in my district. These communities depend on a multitude of use of public lands for their livelihoods.

As I traveled throughout my district during this August recess, my constituents expressed concerns about access to our public lands at nearly every corner of my 58,000 square mile district. These concerns range from the ability to develop domestic sources of energy, timber salvage and harvesting, grazing, hunting, fishing,

and family recreation. Too often we find that some Federal land designations are causing endless bureaucratic delays, litigation and restrictions that could completely lock up much of the large and needed store of wealth and recreation opportunities our vast system of public lands can provide.

In a district like mine dominated by Federally administrated lands, these burdens disproportionately stifle economic productivity, leading to some of the highest unemployment rates in the country, and in some cases threatening the ability of affected communities to provide public education and other basic services to the residents.

There is a reason the ability to set aside Federal land generally rested with Congress. These Federal lands designations has significant direct impacts on our constituents. Sometimes these access restrictive designations are absolutely necessary for the preservation of our natural and historic treasures. Unfortunately, in other instances these designations are counterproductive and cause more harm than good.

Congressional authority to establish these land designations is an integral part of the transparent and public process that will ensure a designation is not only appropriate but accepted by our constituents. This is why I believe it is critical this Congress reforms the national monument designation process. While it is extremely important to protect our country's natural and historical treasures, no President, regardless of what party he belongs to, should have the power to unilaterally declare a land designation that has some of the most stringent restrictions on public access.

When Congress abdicated its duty to designation national monuments and gave this power to the President via the Antiquities Act of 1906, Congress never intended the President to use the authority the way it has been utilized. At the time the law was enacted over concerns about protecting mostly prehistoric Indian ruins and artifacts, collectively termed antiquities, on Federal lands in the West. By definition, the sites were to be very small, the smallest area compatible with preserving the antiquity.

Unfortunately, since given this power many Presidents, Republican and Democrat, have abused it. Today there are 71 national monuments located in 26 states covering some 136 million acres. Some of these sites span over 1 million acres, and 140,000 square miles of what was formerly known as the Northwestern Hawaiian Island Marine National Monument is the largest protected area per claim.

Without a doubt many of the 71 existing national monuments are extremely valuable natural and historic treasures. Nine national monuments with major contributions to our tourism and the economy are located in Arizona's 1st congressional district. Many of them draw visitors to high camp or recreate around the monuments. My district's economy has a significant services component tied to tourist sites, like the Grand Canyon National Park and some of the national monuments. I appreciate the need for protection of sites. However, the public deserves the opportunity to have their voices heard on any land designation that may restrict our right to access.

Mine and Congressman Flake's legislation, H.R. 2877, and many of the other bills being discussed today will ensure that the designation of national monuments has an open and transparent process. By ensuring no further extension or establishment of national monuments in Arizona can be done without the authorization of Congress, we would ensure the public gets to be a part of the land designations that affect them.

The opposition to my bill will likely paint my initiatives as an attack on the Administration or playing politics with our public lands. Regardless of what political party controls the government, these initiatives need to make sense. In some cases proximity to a national monument or like site increases the value of land or makes it more appealing to the consumer. In many other cases the exact opposite is the case. Shouldn't our constituents have the ability to express concerns or support depending on the specific proposal?

In last year's Interior Department internal document that revealed the Obama Administration's plans to designate a new national monument under the Antiquities Act, the Obama Administration even states that, "The acceptance of preservation status is best achieved when the public has an opportunity to participate in a land use planning or legislative process." I introduced that legislation for that very reason. The people should be part of the land designation decisions. When they are, there is public buy-in. Isn't that why we call these lands public lands?

I thank you very much for giving me the opportunity and look forward to working for you. Thank you.

Mr. BISHOP. Thank you, Representative.

We still actually have two Members here who have bills before us. Before we go to the second panel, are there any questions that anyone would like to ask for either Representative Labrador or myself? If not——

Mr. GRIJALVA. Mr. Chairman.

Mr. BISHOP. I am sorry.

Mr. GRIJALVA. My question is for the four that left so I don't have any questions for these two gentlemen. Is that OK?

Mr. BISHOP. That is OK. Anybody else have a question? Then if not, we will turn to the second panel, and ask them if they would kindly take their seats. I believe I have—help me out here—Mr. Ray Rasker who is the Executive Director of the Headwaters Economics, and Mayor Taylor who is Jerry Taylor, who is the Mayor of Escalante City, Utah. If you would take your places at the table, I would be very appreciative.

As we did with the other panel as well, your oral remarks we would ask that you limit them to five minutes. You see in front of you the timer that goes down there. Obviously green means you are on. Once again, you have to activate your own microphone to make sure it is on. When the yellow light comes on you have less than a minute. I lied, you have a minute to go, and the red light we would like you to cease if possible.

We will start with Mr. Rasker and then Mayor Taylor. Mr. Rasker.

STATEMENT OF MR. RAY RASKER, Ph.D., EXECUTIVE DIRECTOR, HEADWATERS ECONOMICS

Dr. RASKER. Chairman Bishop, Ranking Member Grijalva, Members of the Subcommittee, and guests. It is an honor to be here today to discuss the research that my organization, Headwaters Economics, recently conducted concerning the economic importance of national monuments in the West local communities.

Resource economics across the West has been the focus of my research for over 25 years. I am an economist. I have a Ph.D. from College Forestry at Oregon State University, a Master's of Agriculture from the Colorado State University, and a Bachelor of Science in wildlife biology from the University of Washington. I am currently an adjunct faculty at Montana State University. I am also the Executive Director of Headwaters Economics. We are an independent research group that works to improve community development to land management decisions across the West.

Headwaters Economics has recently conducted extensive research for the Bureau of Land Management, and the U.S. Forest Service as well as some state governments like Montana. One of the research products we developed was for the BLM and for the Forest Service called the Economic Profile System. This software allows agencies in the public to produce detailed socio-economic profiles using accurate, credible Federal data. The tool was instrumental in the National Monuments Report I am here to discuss today that is available for free on our website.

Our research, we looked at the economic performance of communities next to 17 national monuments in the West. We found that in every instance the local economies near the national monuments we studied grew following the creation of a new national monument. In every instance there was growth in employment, real personal income, and real per capita income after the designation of a national monument. In no case did we find that the creation of a national monument studied led to an economic downturn.

To conduct this research we analyzed economies surrounding 17 national monuments in the 11 western states. We looked at monuments of 10,000 acres or larger that were created after 1982.

For the research, we used data from the U.S. Department of Commerce, and we looked at key economic indicators, changes in population, employment, personal income and per capita income. These are standard measures of economic growth and well being. The Federal statistics are free and available to anybody. They are reliable and they allow for comparisons across counties and state boundaries. All of our report findings are on our website, HeadwaterEconomics.org.

As I mentioned, the analysis found that without exception all of the economies of the counties surrounding the 17 national monuments that we studied grew following the creation of a national monument. While this doesn't demonstrate a cause and effect relationship, the finding shows that national monuments are consistently correlated with economic growth in adjacent local communities, and in no case did the creation of a national monument lead to or coincide with a downturn in the economies of adjacent communities.

Several examples might be helpful. First, employment. From the time of creation of the Canyons of the Ancients National Monument in Colorado in 2000 through 2008 employment on Montezuma County adjacent to the national monument grew by 10 percent, creating jobs and double the rate of population growth during that time.

Another example, the Grand Staircase-Escalante National Monument in Utah and the two counties, Garfield and Kane neighboring the national monument, employment grew by 38 percent since the monument's creation in 1986 through 2008. Again jobs grew faster than population with employment increasing more than four times the population growth during that time according to the U.S. Department of Commerce.

Another important measure is real per capita income because it is a widely accepted yardstick of economic prosperity. Looking at the national monuments the real per capita income increased for the communities adjacent to the monument in every single case in the years following the monuments establishment. For example, after the designation the real per capita income grew by 15 percent in Montezuma County next to Canyon of the Ancients National Monument, and by 30 percent for the Grand Staircase area.

A little bit more on the Grand Staircase since designation real personal income has grown by 40 percent, jobs by 38 percent, per capita income by 30 percent.

In Pima County, Arizona, next to the Ironwood National Monument, real per capita income grew by 10 percent following the monuments creation in 2000 through 2008, and for the area surrounding the Carrizo Plain National Monument per capita income grew by 9 percent from the monument's proclamation in 2001 through 2008. And for communities near the Cascade-Siskiyou National Monument real per capita income grew by 8 percent from the monument's 2000 creation through 2008.

Protecting lands like national monuments is entirely consistent with what the growing body of literature is telling us about. People, business decisions, locations, entrepreneurs choose areas largely for a high quality of life. As communities across the West emerge from the recent recession, we think national monuments can play an important role. Again to reiterate, we found no evidence that designating these monuments prevented continued economic growth, instead trends in key economic indicators such as employment, personal income, per capita income either continued to grow or improved in each of the regions surrounding the national monuments.

I am happy to answer any questions. Thank you.

[The prepared statement of Mr. Rasker follows:]

Statement of Ray Rasker, Ph.D., Executive Director, Headwaters Economics, on H.R. 302, H.R. 758, H.R. 817, H.R. 845, H.R. 846 and H.R. 2147

Chairman Bishop, Ranking Member Grijalva, Members of the Subcommittee, and guests, it is an honor to appear before you today to discuss recent research that my organization, Headwaters Economics, has conducted concerning the economic importance of national monuments in the West to local communities.

Resource economics across the American West has been a focus of my research for more than twenty-five years. I am an economist and my Ph.D. is from the College of Forestry, Oregon State University; my Masters of Agriculture is from Colo-

rado State University; and my B.S. in Wildlife Biology is from the University of Washington. I currently am adjunct faculty at Montana State University.

I am the Executive Director of Headwaters Economics, an independent, nonprofit research group that works to improve community development and land management decisions in the West.

It is important to note that Headwaters Economics has conducted past and ongoing research and work for the federal government, including the Bureau of Land Management and the United States Forest Service, as well as state governments such as Montana. One of the research products we developed for the BLM and Forest Service—the Economic Profile System-Human Dimensions Toolkit—allows agencies and the public to produce detailed socioeconomic profiles using accurate, credible federal data. That tool was instrumental in the national monuments report that I am here to discuss today. It is available for free on our web site.

RESEARCH SUMMARY

Our research investigated the economic performance of communities adjacent to 17 national monuments in the West. We found that in every instance the local economies near the national monuments we studied grew following the creation of the new national monuments. In all cases, there was growth of employment, real personal income, and real per capita income after designation of the national monument. In no case did we find that the creation of a national monument studied led to an economic downturn.

METHODOLOGY

To conduct this research Headwaters Economics analyzed the economies surrounding the 17 national monuments in the eleven western continental states that are larger than 10,000 acres and were created in 1982 or later. (See the study area map on page five of this testimony.) This sample allowed us to study the performance of the major national monuments created during the last generation, analyzing key economic indicators before and after designation using reliable measures of economic performance. The sample also allowed us to avoid smaller monuments with little potential to have an impact on local economies. All of the report findings, along with fact sheets, more detailed analysis, and summary, are available on our website: http://headwaterseconomics.org/or directly at http://headwaterseconomics.org/land/reports/national-monuments/.

For each national monument studied, we utilized information from the U.S. Department of Commerce's Bureau of Economic Analysis and its Regional Economic Information System. We used key economic indicators such as changes in population, employment, personal income, and per capita income. These are standard measures of economic growth and well-being and federal statistics are the most reliable available and allow for comparisons across county, region, or state boundaries.

FINDINGS IN DEPTH AND EXAMPLES

The analysis found that, without exception, all of the economies of the counties surrounding the 17 national monuments grew following the creation of new national monuments. While this does not demonstrate a cause-and-effect relationship, this finding shows that national monuments are consistently correlated with economic growth in adjacent local communities. In no case did the creation of a national monument lead to or coincide with a downturn in the economies of adjacent communities.

Trends in important economic indicators—such as population, employment, personal income, and per-capita income growth—either continued or improved in each of the regions surrounding the national monuments studied. The analysis found no evidence that designating these national monuments prevented continued economic growth. In one case—El Malpais National Monument in New Mexico—leading indicators (population, employment, personal income, and per capita income) reversed declines that had been experienced in the years before designation.

When reviewing the findings around key economic indicators, several examples may be helpful. First, let's turn to employment. The Canyons of the Ancients National Monument in Colorado, created by presidential proclamation in 2000, offers a good example. Reviewing the period from 2000–2008, employment in Montezuma County grew by ten percent, creating jobs at double the five percent rate of population growth during the same time period. (See the tables on pages six, seven, and eight for the examples concerning employment, population, and real per capita income listed here and below.)

Another example is the Grand Staircase-Escalante National Monument in Utah. In the two counties, Garfield and Kane, neighboring the national monument, employment grew by 38 percent since the monument's creation in 1996 through 2008.

Again, jobs grew faster than population, with employment increasing more than four times faster than the eight percent population growth during that time period.

Another important economic measure that Headwaters Economics analyzed is per capita income, a widely accepted measure of prosperity. Looking at all the national monuments we studied, the data show that per capita income increased for the studied counties adjacent to every national monument in the years following establishment.

For example, looking at the two national monuments I already mentioned, after designation real per capita income grew by 15 percent for Montezuma County adjacent to the Canyons of the Ancients National Monument; and by 30 percent for the Grand Staircase-Escalante area.

In addition, in Pima County, Arizona adjacent to the Ironwood Forest National Monument, real per capita income grew by ten percent from the Monument's creation in 2000 through 2008. Looking at two other national monuments, for the area surrounding the Carrizo Plain National Monument, real per capita income grew by nine percent from the Monument's proclamation in 2001 through 2008; and for communities near the Cascade-Siskiyou National Monument, real per capita income grew by eight percent from the Monument's 2000 creation through 2008.

NATIONAL MONUMENTS AND PROSPERITY IN THE WEST

The results of this study correspond to related research that shows how protecting public lands can assist western communities working to promote a more robust economic future.

The western economy has changed significantly in recent decades. Services industries that employ a wide range of people—from doctors and engineers to teachers and accountants—have driven economic growth and now make up the large majority of jobs, even in rural areas.

Protected lands such as national monuments are important because many people and their businesses base their location decisions on quality of life, such as access to the outdoors for hunting, fishing, sightseeing or other recreation opportunities. This quality of life—both recreation and natural amenities—also attracts retirement dollars. Non-labor income, such as dividends, interest, rent, and transfer payments, is the fastest source of personal income in the West and now accounts for one-third of all personal income in the region and is likely to grow in the coming decades.

A sampling of research includes:

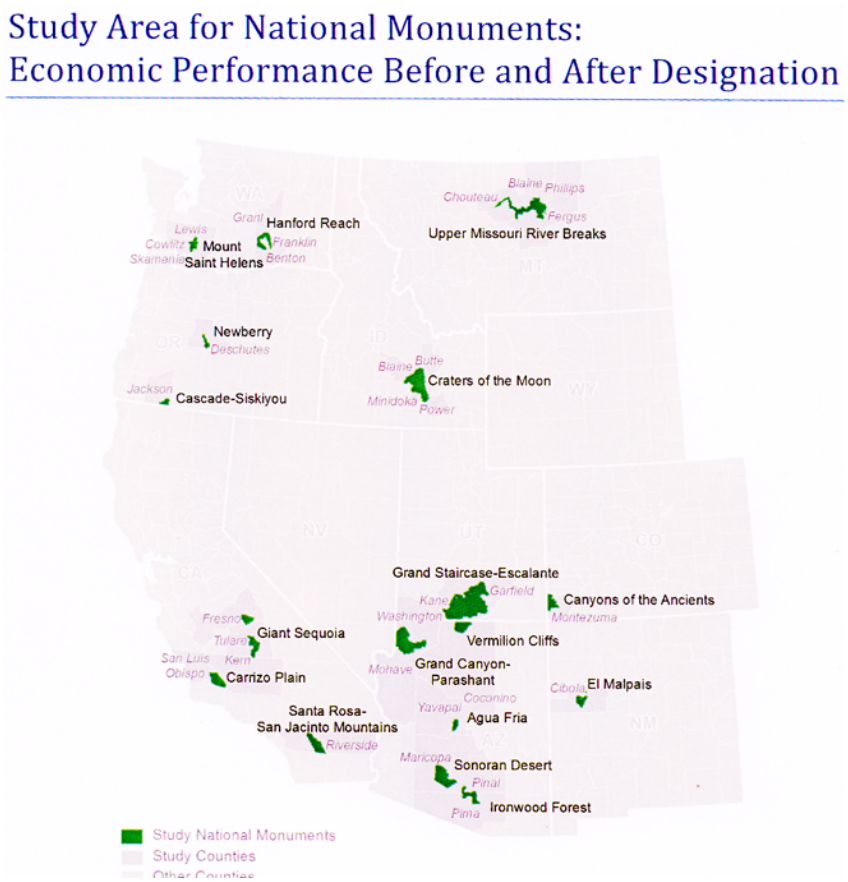
- Outdoor recreation is important to western economies. In New Mexico, for example, the Outdoor Industry Foundation reports that active outdoor recreation contributes $3.8 billion annually to the state's economy, supporting 43,000 jobs. (Outdoor Industry Foundation. 2006. The Active Outdoor Recreation Economy: A $730 Billion Annual Contribution to the U.S. Economy.)
- Services jobs are increasingly mobile, and many entrepreneurs locate their businesses in areas with a high quality of life. Conserving lands, while also creating a new visibility for them through protective designations, helps safeguard and highlight the amenities that attract people and business. (Lorah, P. R. Southwick, et al. 2003. Environmental Protection, Population Change, and Economic Development in the Rural Western United States. Population and Environment 24(3): 255–272; McGranahan, D. A. 1999. Natural Amenities Drive Rural Population Change. E. R. S. U.S. Department of Agriculture. Washington, D.C.)
- For many seniors and soon-to-be retirees, protected public lands and recreation provide important aspects of a high quality of life. Non-labor sources of income already represent more than a third of all personal income in the West—and will grow as the Baby Boomer generation retires. (Frey, W.H. 2006. America's Regional Demographics in the '00 Decade: The Role of Seniors, Boomers and New Minorities. The Brookings Institution, Washington, D.C.)
- The counties in the West with protected public lands, like national monuments, have been more successful at attracting fast-growing economic sectors and as a result grow more quickly, on average, than counties without protected public lands. (Rasker, R. 2006. An exploration into the economic impact of industrial development versus conservation on western public lands. Society & Natural Resources, 19(3), 191–207.)
- Protected natural amenities—such as pristine scenery and wildlife—help sustain property values and attract new investment. (Deller, S. C., T.-H. Tsai, et al. 2001. The Role of Amenities and Quality of Life in Rural Economic Growth. American Journal of Agricultural Economics 83(2): 352–365.)

CONCLUSION

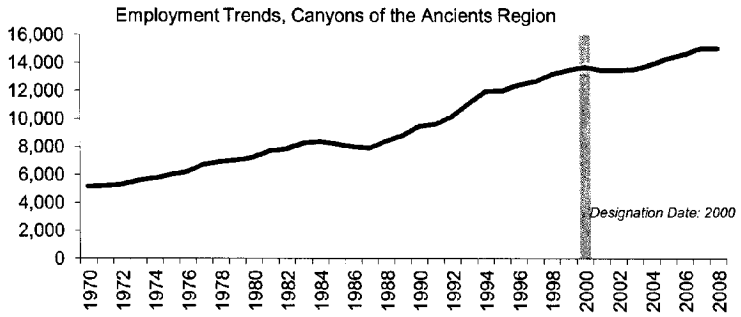
The review of the 17 national monuments by Headwaters Economics found that all of the regional economies studied experienced growth following a monument's designation.

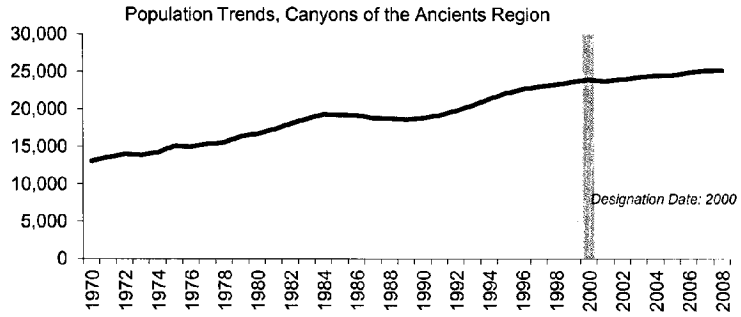
As communities across the West emerge from the recent recession, nearby national monuments can play several important economic roles: helping a region to diversify economically while increasing quality of life and recreational opportunities that assist communities to become more attractive for new residents, businesses, and investment.

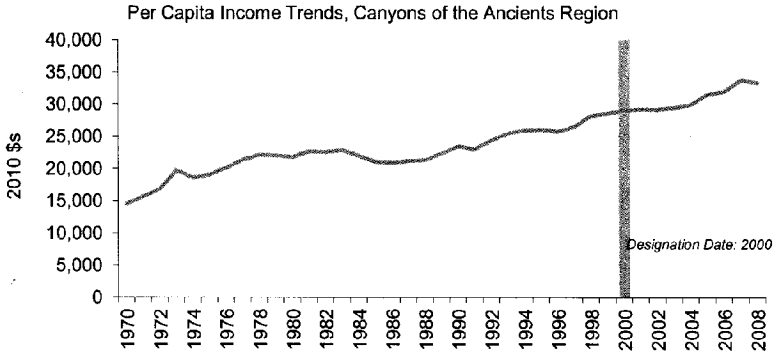
The study found no evidence that designating these national monuments prevented continued economic growth. Instead, trends in key economic indicators such as employment, personal income, and per-capita income either continued to grow or improved in each of the regions surrounding the national monuments.



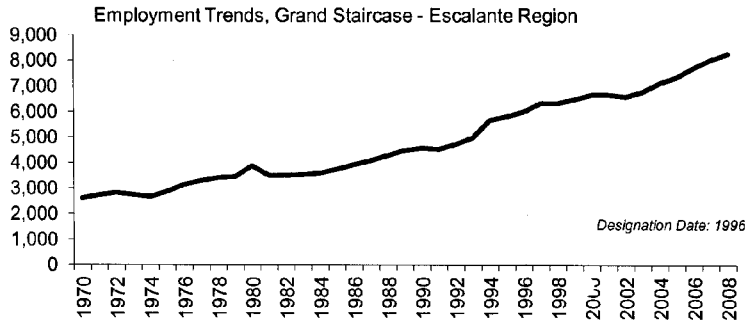
Canyons of the Ancients National Monument

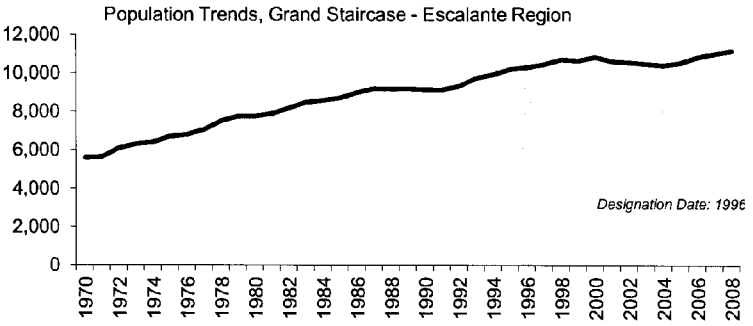


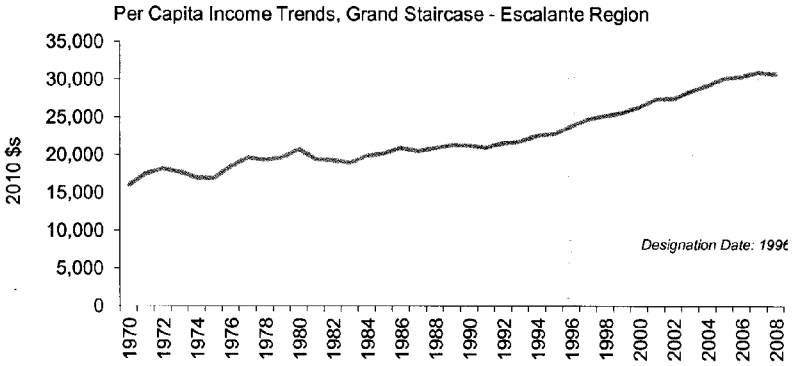




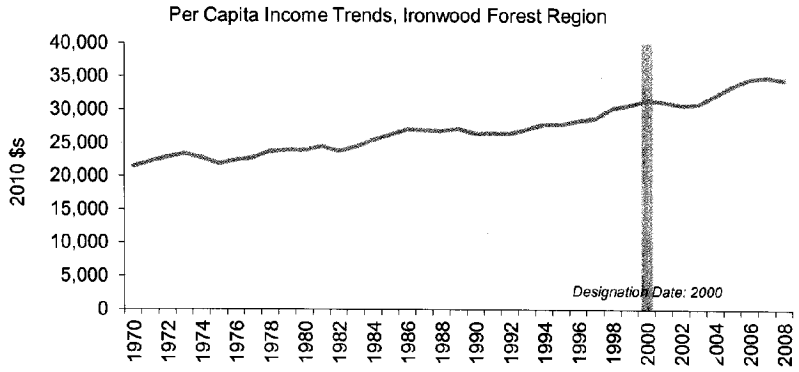
Grand Staircase-Escalante National Monument



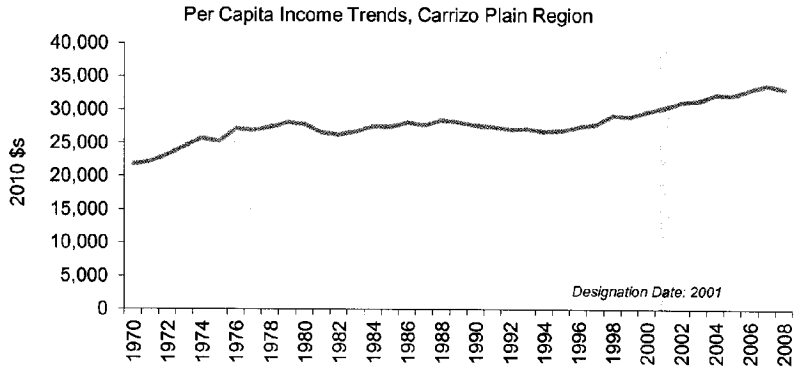




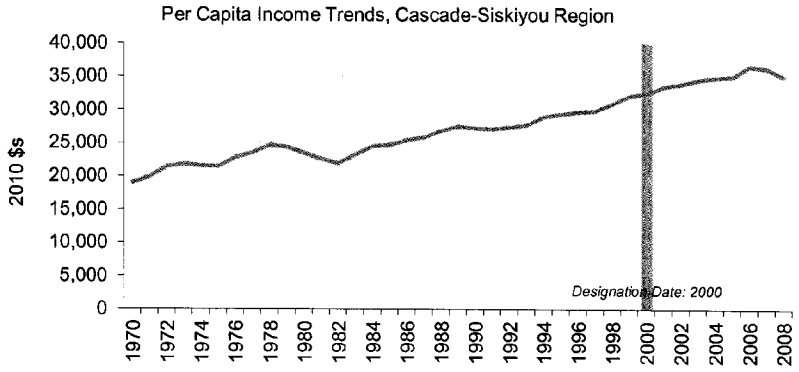
Ironwood Forest National Monument



Carrizo Plain National Monument



Cascade-Siskiyou National Monument



Mr. BISHOP. Thank you. Thank you for your testimony.

Mayor Taylor, once again I make the apologies for me messing up your appearance here today but we are happy that you are able to join us. You are recognized for five minutes.

STATEMENT OF MR. JERRY TAYLOR, MAYOR, ESCALANTE CITY, UTAH

Mr. TAYLOR. Thank you, Mr. Chairman.

My name is Mayor Taylor, Jerry Taylor, from Escalante, which is at the heart of the Grand Staircase-Escalante National Monument. I got a call yesterday afternoon just before a flight back to Utah, and was asked if I would be willing to appear here today, and I appreciate this opportunity. I would love to talk to you about the Grand Staircase-Escalante National Monument.

We set at the base of the Escalante-Boulder Mountain and at the top of the Escalante Desert, and also adjacent to the Kaiparowits Plateau which is rich in coal, some of the richest coal in the world, the highest btu, lowest sulfur. We also are surrounded by national forest with natural gas and oil, all of which at this point we are unable to use at this time because of the Grand Staircase-Escalante National Monument, and the restrictions that have been placed upon that.

I don't know where they are getting their data from but I can tell you this. Escalante in 1996 had a population of 850. We now have a population of 750. Our schools, and believe me, we need the funding for rural schools. Our schools are about to close because of lack of students. Little Escalante was over 100 in 1996, we are down as of the end of last year to 71 students. I don't see where the increases are coming from. I know that people in Escalante struggle. I myself work four hours away from Escalante. I travel there once or twice a week, depending on the schedule. Many people, many fathers in my community travel to North Dakota, South Dakota, Wyoming to work in the oil fields, to Southern California. They are gone for 10 days at a time. That effects my community, having the fathers gone.

I don't see where the monument has brought in any jobs for our community. People come in. They don't buy backpacks. They don't buy groceries. They come in and use our water from free taps around our community, and then they go about hiking. With that brings the responsibility, sometimes they get into canyons and places they shouldn't be. Volunteers from my community and throughout the county go out and rescue these people at our own expense. We have volunteers for EMTs that also risk their lives to go out and to help these people.

I wish I could say that it was a great economic boom for our community but I can't, but I do know we have lost the ability to mine our coal, and to drill for our oil. They don't let us mine the coal but they allow people to come in and take our dinosaurs and our artifacts from the Escalante-Garfield-Kane region. They take those out and I ask why. Why not, if you are going to do something why not build us a museum, a science center there which would allow people to come there to look at the dinosaurs that they are taking from the ground near Escalante and the artifacts. They are locked up right now in the University of Utah, BYU, Utah State and other

areas. These dinosaurs, these artifacts are important to us. If you won't let us mine our coal, why do you allow them to mine our dinosaurs and our artifacts?

Someone said to me one time, well, we need a controlled environment in which to study these. We have the ability to build a controlled environment in Escalante. If they can do it in Salt Lake City or in New York City, we can do that in Escalante, which would be a benefit to our community.

I am very passionate about my little community and the 700 people that I represent. I don't have a big college degree, but I have a heart, and I love my community.

When they created the monument, did they ask anybody, anybody from Escalante how they felt about it or what they could do to help? No. Instead they had to go to Arizona, they had to go to Arizona to announce that they were going to put a monument in Utah. What a shame. What a shame. We have a voice, we have ideas, we have concerns. I would like to know how many in this room have actually been to the Grand Staircase-Escalante National Monument. If you have not, I invite you to come to see it, to see what we actually have there, to talk to the people, to communicate with the people and to ask them their thoughts, their feelings. We are part of America. We love America. We are not there to trash. We are not there to trash our mountains, our deserts. We are there to live, to love, and to survive in our community, and I thank you, Mr. Chairman.

[The prepared statement of Mr. Taylor follows:]

Statement of The Honorable Jerry Taylor, Mayor, Escalante City, Utah

Thank you for allowing me to testify before your committee today. Yesterday, I was in New York and when I learned about your hearing today on bills that would reform the Atiquities Act. Luckily, I was able take a slight detour to Washington, DC so I can share with you the impact that national monument designations have on local communities, specifically, my community. I am intimately familiar with this subject since Escalante City is surrounded by part of the Grand Staircase-Escalante National Monument that was designated in 2000.

The establishment of the Grand Staircase-Escalante National Monument has had a devastating economic impact had on the economy and people of my city and Garfield County, Utah.

It has come to our attention that Headwaters Economics has issued a report titled *Grand Staircase-Escalante National Monument: A Summary of Economic Performance in the Surrounding Communities* which indicates that there has been a strong, positive economic impact to Garfield and Kane Counties from the establishment of the Grand Staircase-Escalante National Monument. This is completely contrary to our own observation and analysis.

The report indicates significant increases in real personal income and real per capita income. This is completely false with regards to Garfield County.

In summary, the establishment of the GSENM has hurt the local economy, driven our residence to find work elsewhere, and burdened local government to provide uncompensated services.

- Real personal income DECREASED from $44,678 in 1996 (in chained 2009 dollars) to $38,759 in 2009, a decrease of 13.25%
- Real income per capita (in chained 2009 dollars) DECREASED from $28,542.79 in 1997 to $25,651.58 in 2009, a decrease of 10.13%
- School enrollment in Garfield County DECREASED from 1,219 in 2000 to 925 in 2010, a decrease of 24.11%
- The Escalante region of Garfield County is the most heavily affected by the Monument. The town population decreased from approximately 850 in 1996 to 750 in 2010. School enrollment in that region of Garfield County decreased from 277 in 2001 to 172 in 2010, a 37.9% decrease.

Further, the report stated that total employment had increased from approximately 6,000 in 1996 to over 8,000 in 2009. Given that the combined populations

of of Garfield and Kane Counties 12,297, including pre-school aged children, school children, and retired persons, and the current unemployment rate in Garfield County is greater than 10%, the assertion strains the bounds of credibility.

Based on our knowledge of Garfield County, the Headwaters Economics report is false and misleading.

In addition to the declining socioeconomic condition resulting from the establishment of the GSENM, resident of Garfield and Kane Counties have experienced lost opportunities in developing natural resource based industries. For example:

- The vast Kaiparowitz coal reserves (some of the highest quality coal in the world) is off limits.
- Natural gas and oil reserves are prohibited from exploration and development.
- Interpretative opportunities and visitor services are largely non-existent.
- Little has been done to improve rangeland health.
- A larger burden is also placed on local governments to provide necessary services without appropriate compensation.
- Garfield County volunteers provide all the emergency medical services for the Monument.
- Garfield County volunteers provides search and rescue services for the Monument.
- Garfield County provides solid waste disposal services for visitors.
- Garfield County has law enforcement jurisdiction over the Monument.
- Garfield County provides the vast majority of road maintenance which occurs in the Monument.

Furthermore, I'd like to emphasize:

1. A shift to a tou'rism-based economy, especially a primitive tourism-based economy, from one of natural resources extraction and agriculture decreases not only wages, but also the circulation of money in the county as H–2B visa workers have less to spend and generally save as much as possible.
2. A shift to a tourism-based economy removes families, the foundations of communities, as living wages are not paid to the low skill work required in the tourism sector.
3. Local property taxation is hurt by a shift to a tourism-based economy as fewer workers are able to purchase homes and instead must live in low-income housing. Further, local sales tax revenue from workers is hurt because disposable incomes are small.
4. Tourism places a strain on government services, with costs of additional services exceeding tourist provided sales taxes and transient room taxes.
5. Uncertainty in public lands decisions prevent private sector investment. The uranium mill near Ticaboo is a prime example. In recent years, the mill was assessed a value in excess of $50,000,000. Due to the fact that the mill was not able to open, the assessed value has decreased to less than $2,000,000. This change in valuation of directly impacted all resident property taxpayers as the burden of tax was shifted from from Uranium One onto residents.

If there are any questions regarding the devastating social and economic impacts resultant from the creation of the GSENM, we request that you contact Garfield County staff at 435–676–1157 or Escalante City elected officials at 435–826–4644.

Mr. BISHOP. Thank you, Mayor Taylor.

I will go last in the round of questioning here. Mr. Grijalva, do you wish to go now?

Mr. GRIJALVA. Thank you, Mr. Chairman.

Dr. Rasker, just to kind of recap your findings, population, employment and income increased in local communities near large national monuments in the West after the monuments were designated, is that a good recap?

Dr. RASKER. That is correct, yes.

Mr. GRIJALVA. And how were the monuments in the communities you reviewed, I know the year cutoff, but how were they selected?

Dr. RASKER. We looked at monuments that were created in long enough ago that we could look at economic data before monument creation and data after creation, so we could do a before and after

picture, and a good date for that was 1982. We look at monuments of 10,000 acres in size or larger.

Mr. GRIJALVA. You are saying the designation caused the increases?

Dr. RASKER. No. Well, this data does not necessarily prove a cause and effect. What we are looking at is the relationship and strong correlation between growth and population, real personal income, real household income, and employment following the designation of the monument, but it doesn't necessarily prove cause and effect.

Mr. GRIJALVA. At a minimum though the predictions or the claim that designations of national monuments are harmful to the local economies, that isn't borne out in your research?

Dr. RASKER. Well, we are not finding any data for any of the 17 monuments we looked at that point to economic decline. There wasn't a single indicator.

Mr. GRIJALVA. Last question, Doctor. Mayor Taylor raised some concerns regarding potentially your work. Could you respond more fully in terms of the comments he made relative to some of the findings?

Dr. RASKER. Sure. We are very transparent where we got the data. It is from the U.S. Department of Commerce and we are using software that we developed for both the BLM and the Forest Service. It is available for free. We accessed this data off of Federal websites.

More specifically in Garfield County where Escalante is, in 1996, there were 2,788 jobs. By 2009, 3394. Per capita income in 1996 was a little over 22,000. By 2009, just a little over 29,000, a number of indicators like that. Kane Count and the adjoining county added up almost 1,200 jobs since designation. So those statistics are available on our website at HeadwatersEconomics.org. Just click on national monuments, and there is an interactive tool that you can look at as well, and you can scroll across different monuments and see key statistics.

Mr. GRIJALVA. Thank you very much, and thank you for joining us, Mayor Taylor. You neighboring county, I think Kane County, their website, I think, and the county also includes Grand Staircase, describes the monument as a dramatic multi-huge landscape that is rich in natural and human history. The website goes on to say the monument offers an impressive array of educational, recreational and other multi-use opportunities for visitors young and old to enjoy.

Do you share Kane County's view of the Grand Staircase Monument as they describe it?

Mr. TAYLOR. It is a beautiful place. There is no doubt about that. But there are many things that could be done there, not just a place to visit. There is, like I said, tons of coal that would last the Nation for many, many years with the needs of power.

Mr. GRIJALVA. Yes, I looked at the website, coal mining and Kane County's website never appears as part of the promotion.

Mr. TAYLOR. That is right because you have stopped it. There is one mine in Alta right now that they are mining on private ground.

Mr. GRIJALVA. That doesn't attract a lot of visitors, I figure. But anyway, thank you, Mayor, and I yield back.

Mr. BISHOP. Thank you. I think, Mr. McClintock, you have sat here longer than anyone else on my side. You are recognized for five minutes.

Mr. MCCLINTOCK. Well, thank you, Mr. Chairman.

Mr. Rasker, your figures needs some means of comparison. They invite the question, compared to what? For example, you have testified that in Pima County adjacent to the Ironwood Forest National Monument per capita income grew by 10 percent from the monument's creation in 2000 through 2008, suggests that, hey, these are great for the economy. That comes to about 1.25 percent annual growth per year. That sound anemic to me.

Did you compare this to the state economic growth in the same period or the national economic growth? 2000 to 2008 was a period of very significant economic growth, and I suspect far higher increases in per capita income than 1.25 percent a year.

Dr. RASKER. What we did in every case for every county we looked at next to all 17 of the national monuments, we compared them to their peers. So for example if——

Mr. MCCLINTOCK. No, no, no, that is not what I asked you. Did you compare it to the state economies in the same period or the national economies which I suspect were performing far, far better than the numbers you are reporting from the counties adjacent to these national monuments.

Dr. RASKER. We did, yes. We look at——

Mr. MCCLINTOCK. And what was your conclusion? What was annual per capita income grown between 2000 to 2008 nationally?

Dr. RASKER. I don't have that figure memorized.

Mr. MCCLINTOCK. Well, don't you think that would be relevant?

Dr. RASKER. It did grow faster than the state.

Mr. MCCLINTOCK. Did it grow faster than the national economy?

Dr. RASKER. I don't have the memorized. I could look it up for you.

Mr. MCCLINTOCK. The point is the national economy was chugging along pretty well then. These areas were depressed compared to the national numbers. That suggests they were harmed, not helped.

Let me tell you I represent Modoc County in the northeast corner of California. The Federal Government owns most of Modoc County. It has been utterly impoverished by environmental restrictions on timber and mineral development, but they still have a struggling grazing operation which is basically supporting them. One of the areas contemplated to be closed by invoking the Antiquities Act is about a half a million acres of BLM land in Modoc County that will be declared a monument under the Antiquities Act and destroy what remains of Modoc County's employment. Will they perform better or worse that the national numbers? I am not sure, but I will tell you this; they will perform far less than they could have with those grazing operations in place, which I suspect is Mayor Taylor's experience as well, is it not?

Mr. TAYLOR. That is true.

Mr. MCCLINTOCK. The Antiquities Act was meant, in 1906, solely to protect open archeological digs from looting. It gave the President the ability when an archeological site was discovered on public lands to designate it as a monument to protect it from looting. How

does that in any way comport with the President simply with a sweep of the pen setting a half a million acres in Modoc County off limits to the grazing operations that are pretty much supporting what is left of that county's economy? Mr. Taylor, any thoughts on that?

Mr. TAYLOR. Well, it doesn't make sense to me why you would tie up all that land to protect the looting. Right now if you ask me, the colleges and whatnot are looting because they come there. They take it away and nobody gets to see it then.

Mr. MCCLINTOCK. Mr. Taylor, you had mentioned job losses as a direct result of the designation in your area, is that correct?

Mr. TAYLOR. That is correct.

Mr. MCCLINTOCK. How many job losses and what kind of jobs?

Mr. TAYLOR. Well, we had a forest industry which sets right to the side of the Grand Staircase-Escalante National Monument. We lost 65 jobs at the end of 2009 and 2010, and I believe——

Mr. MCCLINTOCK. Mr. Rasker, if I could, Mr. Rasker, would you please explain to us how that is good for the economy?

Dr. RASKER. I don't think the loss of any jobs is good for the economy.

Mr. MCCLINTOCK. Well, that is the first thing you have said today that makes any sense.

I yield back.

Mr. BISHOP. Thank you. Mr. Kildee, do you have questions?

Mr. KILDEE. Thank you, Mr. Chairman.

Dr. Rasker, are you able to offer some theories as to why local economies seem to improve after a monument designation? Is it the attraction for retirement, or quality of life, or a variety of reasons?

Mr. BISHOP. Dale, can I get you to pull that microphone into your face here so you can be heard?

Mr. KILDEE. My question was what do you feel attracts people to come to a place and the economy improve after the designation? Is it because it is a place for retirement or improvement of quality of life or other reasons?

Dr. RASKER. It is a good question. This has been studied quite extensively by a lot of academics, and there is a variety of reasons. One of them is places that are attractive places to live are also attractive places to do business. It is a good place to recruit employees. There are also attractive places to retire.

And the Grand Staircase-Escalante National Monument, the two counties next to it, non-labor income, retirement and investment income is about 36 percent, so it is over a third and it has grown significantly. So you have an aging population, retiring baby boomers. You have several professions that are more foot loose than they ever have before being able to locate in rural areas, and then you have on top of that tourism, so those are some of the reasons.

Mr. KILDEE. Mayor Taylor, what role does PILT, the payment in lieu of taxes, what does that do in your area? Now I know the PILT dollars go to the county rather than to the city itself. What role do the PILT payments play in your area?

Mr. TAYLOR. I apologize for not knowing the answer to that. I really don't know.

Mr. KILDEE. But it did indicate that Congress was not insensitive to economy of an area when it set up the PILT program. We are concerned. We all come from localities, right?

Mr. TAYLOR. Correct.

Mr. KILDEE. And you are the Mayor of an incorporated city. It might be interesting, you know, to have your treasurer or someone on your staff to just—even though I think this money flows directly to the county, you are part of that county, and see how the PILT program does assist your economy.

Mr. TAYLOR. I believe that it assists in our schools, but can I answer this way? I look at all the ground, the 1.8 million acres that have been tied up back east. A lot of that ground is private ground. They pay taxes on that ground. What would that do to my community if there was a tax base?

Let us say you sell that 1.8 million acres to somebody for fair market value, and then let us collect taxes on that each year, and it doesn't matter whether you sell it to an environmental group or whatever that wants to take care of it. It would bring an income into my community. Look at the coal and the oil and the natural gasses. Those items would bring a heck of a lot more money than what you are talking about. That is my opinion.

Mr. KILDEE. Well, I just wanted to point out that we have not been maybe sensitive enough. Maybe we should do more on PILT. Maybe we should appropriate more money for the PILT program.

Would you support selling any of the national monuments to get more money for other purposes?

Mr. TAYLOR. Of the national monument? I would love to see some of the coal being able to be used and the oil and the timber industry, you bet. Timber is a renewable resource. I think we could do something with it rather than just burn it, just a controlled burn. I do believe that some of that could be sold off.

Now, there is a beauty in Escalante, and I would love, I would love to have people come there and spend millions. If you would have them come and do that, that would be great for my community, but right now, history has said in the last 10 years or so that that is not happening. We are not getting that revenue that was promised. We are down in numbers. Our schools are about to die. We have a uranium facility in Ticaboo, which is in Garfield County, that could use the uranium that could mill the uranium that comes off the Arizona strip. That is an impact to our communities. We need that help.

Mr. BISHOP. I appreciate that. Mr. Labrador, you are next.

Mr. LABRADOR. Thank you, Mr. Chairman.

Dr. Rasker, I represent Idaho and even though Craters of the Moon is not in my district, there are only two districts in Idaho. I am just looking at your data here, and I have some questions.

First, just a quick question. When you say services employment what do you really mean by services?

Dr. RASKER. It is a category used by the U.S. Department of Commerce. It is fairly broad and it includes engineers, doctors, lawyers, but it also includes relatively lower paying industries such as those you often find in tourism.

Mr. LABRADOR. So when you talk about service jobs here in your report are you talking about high wages or low wage jobs?

Dr. RASKER. It is a combination of both.

Mr. LABRADOR. And do you know what the average wage is that is being represented here in your report is?

Dr. RASKER. In the service industries?

Mr. LABRADOR. Yes.

Dr. RASKER. It depends on the area that we are looking at. In Blaine County, of course, the average service industry is quite a much higher than it would be in surrounding counties.

Mr. LABRADOR. Correct. Correct. I am just looking at your report and you said that there was an increase in activity, but we know in Idaho that some of our higher paying jobs are in the mining industry and sometimes in the agricultural industry, and service jobs typically don't pay as much because you are talking a lot about, you know, hotel and other services, and according to your report we saw from 1998 to 2008 an increase of 15.7 percent in service jobs, is that correct?

Dr. RASKER. Pardon me. Let me look up the statistics for—now which monument are you talking about?

Mr. LABRADOR. Craters of the Moon region.

Dr. RASKER. Craters of the Moon. From 2000 to 2008, the monument was designated in 2000.

Mr. LABRADOR. Correct.

Dr. RASKER. So population growth, 4 percent; job growth of 19 percent.

Mr. LABRADOR. But most of those jobs came in the service industry, correct?

Dr. RASKER. That is correct, yes, and some of it is also retirement-related, so in the health care industry.

Mr. LABRADOR. But if we look at agriculture, for example, there was a decrease in the number of jobs during that time, is that correct?

Dr. RASKER. Let me look for a second. Agriculture lost, mining grew, and travel and tourism grew.

Mr. LABRADOR. OK. Actually, but if you look at mining, for example, from 1998 to 2008, there was a 7 percent increase in mining job.

Dr. RASKER. Yes, that is correct.

Mr. LABRADOR. In non-mining jobs, there was a 13 percent increase, is that correct?

Dr. RASKER. That is correct. You got faster growth in the service industries than you do have in mining, yes.

Mr. LABRADOR. Exactly, and what I am saying in Idaho typically service industry is a lower paying industry than the mining jobs that typically have much higher paying jobs. So in those communities of the higher paying jobs actually lost ground versus the lower paying jobs in the service industries. Would you agree with that?

Dr. RASKER. It depends which community you are talking about. There are some communities where you have access to major markets where some of the service industry workers are, doctors, engineers, architects, and then you have other communities that are more isolated where those types of professions are more difficult to have those in those remote areas.

Mr. LABRADOR. So your data is really not telling us anything because you are not really comparing the wages and the things that—the types of jobs that were actually—you know, the amount of money that people are making in those jobs that were created.

Dr. RASKER. Wages differ from industry to industry. What we asked is whether there was an increase in economic growth following the designation of the monument.

Mr. LABRADOR. And as the question was asked by Mr. McClintock earlier, between 2000 and 2008, Idaho was one of the fastest growing states in the United States and one of the fastest growing segments of the United States, so that growth, and I want to make this clear, your data doesn't show any correlation between the creation of the monument and the growth of that area, correct?

Dr. RASKER. It shows a very strong correlation. It just doesn't prove cause and effect.

Mr. LABRADOR. So you don't give any credit to the fact that Idaho was having actually the strongest growth and the most—you think most people are moving to Idaho because of the monument creation, is that what you are trying to tell us?

Dr. RASKER. No, I am not.

Mr. LABRADOR. OK. So people are moving to Idaho because it is a great place to live that had low taxes, low regulation and a lot of other things, and a great place to live just like Utah and other places, that is why people are moving to those stages, not because a new monument was created.

Dr. RASKER. Well, I think protected public lands like monuments are part of that quality of life that attracts people.

Mr. LABRADOR. All right, thank you.

Mr. BISHOP. Mr. Holt.

Mr. HOLT. Thank you, Mr. Chairman, and with apologies to all for my late arrival. I would like to ask a couple of questions that might be revisiting territory that has already been covered, but I think it is important and I certainly would like to understand better.

Mr. Rasker, when you look at the jobs that are created you said jobs grew faster than the population with employment, increasing more than four times faster than the 8 percent population growth during that period. This is in Garfield and Kane Counties near Grand Staircase-Escalante.

How did this compare with the rest of the state?

Dr. RASKER. Slower than the state as a whole.

Mr. HOLT. And how did it compare with similar rural counties?

Dr. RASKER. Kane County was a little bit faster than its rural peers in the state, and Garfield County was a little slower.

Mr. HOLT. And this is a net growth after discounting for any loss of jobs from resource exploitation or minerals mining, is that right?

Dr. RASKER. That is correct. It is just a net increase in jobs.

Mr. HOLT. OK. Now, Mr. Labrador, I guess, was asking you about the kinds of jobs and you said it was a full range. Now, I see from your prepared testimony and maybe you have already covered this, but it is worth clarifying, you say that in the area adjacent to Canyons of the Ancients the per capita income grew by 15 percent and near Grand Staircase-Escalante by 30 percent. Do I read this correctly? So, the per capita income actually rose.

Dr. RASKER. In the counties adjacent to the Grand Staircase-Escalante National Monument, the real per capita income grew by 30 percent after the designation.

Mr. HOLT. So, there were some low paying jobs created but overall salaries went up. Now, did you also look at what that meant for taxes? The Mayor was talking about the loss of taxes from the loss of mineral extraction and so forth. Do you know, was there a net gain in taxes, taxes paid?

Dr. RASKER. We did not investigate changes in taxes over time.

Mr. HOLT. OK. I think I won't take the Committee's time for other questions now. I thank you very much.

Mr. BISHOP. Thank you. Mr. Duncan.

Mr. DUNCAN. Well, thank you, Mr. Chairman. I don't have any questions, but I will make a few comments.

All of these bills seem to me to be very modest, very moderate, very minimal attempts to give the people a little more say about what happens to the land around them, and remove a little secrecy which has been in the process to some extent in the past.

I can well remember the great lengths the Clinton Administration went to to keep secret the designation of the Grand Staircase-Escalante Monument and midnight phone calls, and all sorts of efforts were made to keep the people there from knowing what was happening or understanding what was happening to them.

To restrict all this land all over the country really helps foreign energy producers, but it really hurts lower income and working people by destroying jobs and driving up the prices. These bills, it seems to me, want to keep a minority of wealthy environmental radicals from running roughshod over the rights of the majority of the people who live in those areas, and I think it is very significant that while we have a researcher who doesn't live in the area telling us how good this is, but the man who actually—the witness who actually lives there among the people has told us from his heart how much this has really hurt the poor people and the families who live in this area.

I have noticed in the past that all these environmental radicals seems to come from very big business or universities or government, and from cities and they are not ranchers or farmers and small business people who are out there having to meet payrolls and who are having to scrape by to make a very difficult living. We already have 30 percent of the land in this country is owned or controlled by the Federal Government, and we have another 20 percent that are owned or controlled by state and local governments and quasi-governmental agencies, so that means half of the land is just pretty much tied up and then we keep putting more and more limitations and restrictions on the remaining land that is in the private hands, and if we don't wake up in this country and realize how important private property is to both our freedom and our prosperity, we are going to—we are never going to be able to recover economically and we are going to drastically change what this country has been throughout its history.

So, I thank you very much for giving me this time.

Mr. BISHOP. Thank you. I have a few questions I would like to ask. Mr. Rasker, let me start with you.

When you did your study did you include data from every surrounding county on these 17 national monuments?

Dr. RASKER. Yes, we did.

Mr. BISHOP. Every one. Because when I look at the map that you supplied to me there is a vast discrepancy. Several of these maps you have shown me where the entity is, as was for the counties, there are some surrounding counties that were not included. Almost all of those surrounding counties have a high degree of unemployment. Why were they not included? Either your map is wrong or your data is wrong. Which one is it?

Dr. RASKER. What we did we looked at counties that had access to the national monuments so they were really——

Mr. BISHOP. So you didn't do every surrounding county.

Dr. RASKER. No, if there was a——

Mr. BISHOP. And some of these counties—let me finish this because I have only got five minutes. Some of these counties that were left off are very suspect. Let me go to Grand Staircase-Escalante specifically.

Did you include Kane, Garfield, or Kane, Garfield and Washington County?

Dr. RASKER. We looked at Kane and Garfield.

Mr. BISHOP. But not Washington County even though it is covered on your map as covering Washington County? So if you are just doing Kane and Garfield, that is great. You say in your report that there are 8,200 jobs in Kane and Garfield County. That is unique when you have a population of less than 12,000 in that county, not counting kids and 10 percent of the one county's population is unemployed. How in the hell can you come up with those numbers?

Dr. RASKER. In-commuting has gone up?

Mr. BISHOP. What?

Dr. RASKER. In-commuting has gone up, and most of the job growth has gone to locals. We don't have much population growth.

Mr. BISHOP. They are commuting to Escalante?

Dr. RASKER. Yes.

Mr. BISHOP. Mr. Taylor, how long does it take you to get from St. George, the nearest lodge, to the Escalante Monument?

Mr. TAYLOR. Two and a half hours.

Mr. BISHOP. OK. What type period did you use when you were making your study? Were they done during high tourism peaks?

Dr. RASKER. We looked at annual data.

Mr. BISHOP. Say what?

Dr. RASKER. We looked at annual data.

Mr. BISHOP. And it was not adjusted for seasonal work?

Dr. RASKER. No.

Mr. BISHOP. I wish to ask unanimous consent to put in a letter from Garfield County in here which once again in this letter they are using their statistics. They tell you quite frankly that real personal income has decreased, real income per capita has decreased, school enrollment has decreased within the county. This is in direct contradiction to the report that you came up with. I ask that this be put in the record. OK.

[NOTE: The statistics referenced above can be found in the testimony of Mayor Jerry Taylor.]

Mr. BISHOP. Mr. Taylor, let me go to some of yours. How long after the monument designation was Escalante City inundated with tourism and economic development resembling the benefits that Mr. Rasker has claimed?

Mr. TAYLOR. We are still waiting.

Mr. BISHOP. National monuments are only supposed to include land owned or controlled by the Federal Government. How were private and state lands impacted by the Clinton designation?

Mr. TAYLOR. I believe that some of the state lands had to be traded for Federal land somewhere else which impacted our community.

Mr. BISHOP. Yes, there was supposedly a trade because when the Grand Staircase-Escalante was made, the Administration had no clue what happened to state trust lands that affected education.

Mr. TAYLOR. That is right.

Mr. BISHOP. So they made a deal with the trade. Secretary Babbitt was here several weeks ago and said they had consummated that trade. It is interesting to note the details of that trade have never been consummated. The land that we were promised in other areas has yet to be given to the State of Utah over a decade later.

Mayor, can you tell me what impact the Grand Staircase has had on local schools and your city and county resources?

Mr. TAYLOR. Well, our schools are in trouble right now. We have declined since 1996, and they are in real trouble. We need that rural funding to keep us alive.

Mr. BISHOP. Mr. Taylor, going back to one question that Representative Kildee asked you about PILT again. In your view, is PILT supposed to replace taxes that are lost for property taxes or is it supposed to compensate for lost jobs? Is it anywhere equal to the value, PILT funding equal to the value that you would get from actual taxation?

Mr. TAYLOR. No.

Mr. BISHOP. Does it compensate for lost jobs?

Mr. TAYLOR. No.

Mr. BISHOP. Mr. Rasker, one of the fundamentals of economics is opportunity costs. Do any of your analysis look at foregone economic opportunities like lost jobs, revenue, lease extraction, energy potential?

Dr. RASKER. No, we only looked at growth since designation.

Mr. BISHOP. I do appreciate the first thing you said saying that the cause/effect relationship is no way proven by any of the data you have, but actually looking at the Grand Staircase-Escalante the data is suspect. Looking at the maps you provided and not doing counties that are adjacent to these elements but indeed have high unemployment makes your data suspect, and I agree with you, there is no cause/effect relationship between the data you have given us and the existence of these monuments that are here.

Let me just say in the last four seconds, contrary to what has been said, there has been harm created by Grand Staircase-Escalante; just school trust lands, there was harm that was done to corridors, for the electricity to the co-ops, there was harm done to private property holders, and to come to some kind of resolution of the 2477 harm that was done, and one of the things we have failed to realize is that in the autocratic world of 1906, when a

Czar, a Kaiser, and King Edward were still fighting Lord Salisbury for control of the foreign policy having a President make these kind of arbitrary decisions was greatly accommodated in the world of an autocratic leadership, but it was never intended to be that way, and having legislative function in an Executive Branch it is wrong, it is wrong, it was wrong then, it is wrong today, and it needs to be abdicated, it needs to be corrected, and any of these bills will do that, and I appreciate that.

Are there any other additional questions for any of our guests? If not, I appreciate you both being here. Thank you for coming here. Thank you for your testimony. Thank you for waiting. Mayor, I appreciate the opportunity of having you here with us. Once again I am sorry for my slip up in the process.

Mr. TAYLOR. No, we are fine.

Mr. BISHOP. This meeting is adjourned.

[Whereupon, at 11:40 a.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows:]

Statement of The Honorable Paul A. Gosar, a Representative in Congress from the State of Arizona

Good morning, first I would like to take this opportunity to thank Chairman Rob Bishop and my fellow Arizonan Ranking Member Raúl Grijalva for allowing me to take part in today's hearing.

A fundamental aspect of good government is the rule of law. The rule of law includes due process. Currently, under the existing law, a president can unilaterally, without any public input, without one congressional hearing, and without any of the hallmarks of transparency, remove millions of acres of public land from public access and public use. This law needs to be changed, but until it is, the western states at highest risk for federal abuse need exemptions.

The National Monument designation process, as any public land designation, is of particular interest to my constituents. Arizona's First Congressional District is comprised of over twenty-six million acres of federally-administered and Native American lands, which is nearly 70% of the total land. Due to the prevalence of this public land, the way these lands are administered by the federal government has a direct impact on almost every person residing in my district.

Rural Arizona communities depend on the multiple-use of public lands for their livelihoods. As I traveled throughout my district during this August recess, my constituents expressed concerns about access to our public lands at nearly every corner of my 58,000 square mile district. These concerns ranged from the ability to develop domestic sources of energy, timber harvesting, grazing, hunting, fishing, and family recreation

Too often we find that some federal land designations are causing endless bureaucratic delays, litigation and restrictions that could completely lock-up much of the large and needed store of wealth and recreational opportunities our vast system of public lands can provide. In a district like mine, dominated by federally administered lands, these burdens disproportionately stifle economic productivity, leading to some of the highest unemployment rates in the country and in some cases threatening the ability of the affected communities to provide public education and other basic services to their residents.

There is a reason the ability to set aside federal land generally rested with Congress. These federal land designations have significant direct impacts on our constituents. Sometimes these access restrictive designations are absolutely necessary for the preservation of our natural and historic treasures. Unfortunately, in other instances, these designations are counterproductive and cause more harm than good. Congressional authority to establish these land designations is an integral part of the transparent and public process that will ensure a designation is not only appropriate, but accepted by our constituents.

This is why I believe it is critical this Congress reforms the National Monument designation process. While it is extremely important to protect our country's natural and historical treasures, no President, regardless of what party he belongs to, should have the power to unilaterally declare a land designation that has some of the most stringent restrictions on public access.

When Congress abdicated its duty to designate National Monuments and gave this power to the President via the Antiquities Act of 1906, Congress never intended the President to use that authority the way it has been utilized. At the time, the law was enacted over concerns about protecting mostly prehistoric Indian ruins and artifacts—collectively termed "antiquities"—on federal lands in the West. By definition, the sites were to be very small—"the smallest area compatible" with preserving the antiquity.

Unfortunately, since given this power, many Presidents, Republican and Democrat, have abused it. Today, there are over 100 National Monuments located in 26 states, covering some 136 million acres. Some of these sites span over one million acres. At 140,000 square miles, Papahānaumokuākea Marine National Monument is the largest protected area proclaimed.

Without a doubt many of the existing National monuments are extremely valuable natural and historic treasures. Nine National Monuments, with major contributions to our tourism economy, are located in Arizona's First Congressional District, Many of them draw in visitors to hike, hunt, camp or recreate around the monuments. My district's economy has a significant services component tied to tourist sites like the Grand Canyon National Park and some of these National Monuments. I appreciate the need for protections of sites; however, the public deserves the opportunity to have their voices heard on any land designation that may restrict our right to access.

Legislation I introduced alongside Congressman Jeff Flake (AZ–06), H.R. 2877, and many of the other bills being discussed today will ensure that the designation of National Monuments has an open and transparent process. By ensuring no further extension or establishment of national monuments in Arizona can be done without the authorization of Congress, we would ensure the public gets to be a part of land designations that affect them.

The opposition to my bill will likely paint my initiative as an attack on the Administration or playing politics with our public lands. Regardless of what political party controls the government, these initiatives make sense. In some case proximity to a national monument or like site increases the value of land or makes it more appealing to the consumer. In many other cases, the exact opposite is the case. Shouldn't our constituents have the ability to express concerns or support, depending on the specific proposal?

In last year's Interior Department internal document that revealed the Obama Administration's plans to designate new National Monuments under the Antiquities Act, the Obama Administration even states that:

> "the acceptance of preservation status is best achieved when the public has an opportunity to participate in a land-use-planning or legislative process."

I introduced this legislation for that very reason. The people should be a part of land designation decisions. When they are, there is public buy-in. Isn't that what we call these lands, "public lands?"

Thank you again for allowing me to participate in today's hearing. I look forward to continuing to work to reform the National Monument designation process.

Statement submitted for the record by The Honorable Devin Nunes, a Representative in Congress from the State of California, on H.R. 302, H.R. 758, H.R. 877, H.R. 845, H.R. 846, and H.R. 2147"

Mr. Chairman and Members of the Subcommittee, thank you for inviting me to testify today.

Last year, an internal document from the U.S. Department of Interior (DOI) revealed that the Administration was considering making additional national monument designations pursuant to the Antiquities Act of 1906. The proposed designations would restrict, without Congressional approval, access to millions of acres of public lands, thereby preventing energy production, recreation, and other job-creating economic activities.

With the national unemployment rate in excess of 9 percent and 14 million Americans unemployed, we cannot afford to allow additional economic activity to be forever foreclosed by the stroke of the President's pen. Additionally, given the impact monument designations have on our country, we certainly cannot allow the President to create them unilaterally. Accordingly, I have introduced the National Monument Designation Transparency and Accountability Act (H.R. 758), which will ensure any future national monument designation is done on an informed basis and is accomplished through a transparent process involving Congress. It is supported by a coalition of nearly 50 organizations.

Pursuant to the "Property Clause", Article IV, Section 3, Clause 2, of the United States Constitution, Congress has the expressed power to "make needful Rules and Regulations respecting the Territory and other Property belonging to the United States." Through the Antiquities Act of 1906 and other acts, Congress has delegated considerable land management authority to the President. For example, the Antiquities Act, which was enacted in response to thefts from and the destruction of archeological sites, allows the President to proclaim national monuments on federal lands that "contain historic landmarks, historic and prehistoric structures, and other objects of historic and scientific interest."

President Theodore Roosevelt first used the authority to create Devil's Tower in Wyoming. Today, there are 71 monuments covering approximately 136 million acres. While the Act has been used appropriately in some instances, it also has been abused.

President Clinton, asserting that Congress had not acted quickly enough, used his authority 22 times to proclaim 19 new monuments and to expand three others; with one exception, the monuments were designated in his last year of office. They also totaled 5.9 million acres. In the instance of the Giant Sequoia National Monument, they devastated the timber industry in Tulare County, California, and left an enduring legacy of double-digit unemployment and diminished communities in California's 21st Congressional District, which I am privileged to represent.

As a life-long resident of Tulare County, I saw, and still see, the devastation caused by President Clinton's pen. I understand well the anger and frustration that many of my constituents felt when, with no meaningful opportunity to provide input on this momentous decision, their lives and communities were changed forever.

Congress must not allow such abuses of the Antiquities Act to be repeated. Rather, if the Antiquities Act is going to remain law, it must be improved, particularly with the revelation that the current Administration might use the Act to designate monuments totaling as many as 13 million acres.

The National Monument Designation Transparency and Accountability Act would provide the necessary improvements. It would also provide much-needed transparency to what is an opaque process.

While the bill preserves the right of the President to act quickly to protect national treasures that are under threat, it also ensures his or her actions are confirmed by Congress. Specifically, Congress would have two years to affirm the President's decision to protect the national treasure in perpetuity. This will restore the balance between executive decisions and public input.

The bill would also require the President to provide notice and the actual language of the proposed designation to Congress, Governors, local governments, and tribes within the boundaries of the proposed monument. Additionally, it would require the Administration to provide notice of public hearings and allow opportunity for public comments. The President would then have to report to Congress on how the designation would impact local tax revenues, national energy security, land interests, rights, and uses.

These reforms would ensure the Antiquities Act is used appropriately and in accordance with its original intent. Any monument decisions would be made with all the pertinent information available, with full public participation, and Congressional approval rather than in the dark of the night at the behest of radical environmentalists.

Accordingly, I look forward to working with you and our colleagues in the House to enact the National Monument Designation Transparency and Accountability Act.

Statement submitted for the record by the Society for American Archaeology on H.R. 302, H.R. 758, H.R. 817, H.R. 845, H.R. 846 and H.R. 2147

The Society for American Archaeology (SAA) appreciates this opportunity to present the following testimony on the above-listed pieces of legislation being considered by the subcommittee this morning. These bills would amend the Antiquities Act of 1906 (the Act) to varying degrees, but the intent of each is to prevent current and future administrations from unilaterally designating new National Monuments. We recognize the tensions that federal land management decisions can create, particularly in the Western U.S. Nevertheless, SAA opposes these bills on the grounds that they will do great harm to the first, and one of the most effective, conservation statutes the nation has.

SAA is an international organization that, since its founding in 1934, has been dedicated to the research about and interpretation and protection of the archaeological heritage of the Americas. With nearly 7,000 members, SAA represents pro-

fessional archaeologists in colleges and universities, museums, government agencies, and the private sector. SAA has members in all 50 states as well as many other nations around the world.

The Act is one of the most valuable tools that we possess for protecting critical historic and natural resources located on our nation's public lands. Conserving the archaeological record of those who lived before us was a primary reason that Theodore Roosevelt, one of our most far-seeing Presidents, championed the passage of the law in 1906. In fact, it is no exaggeration to say that some of the nation's most important and valuable archaeological sites, including Chaco Culture and Casa Grande Ruins, are still in existence today thanks to the protection afforded them as National Monuments.

More than one century and 124 monuments after enactment of the Act, the statutory framework concerning National Monuments remains well-balanced. The Act allows the President to proceed quickly to protect important cultural and natural objects and values on federal lands. Congress has its own authority to alter the boundaries and direct the management policies of existing monuments, and designate new ones legislatively. Historically, the creation of some of the monuments was controversial. The majority were not. Given the fact that many communities in the West derive their economies from multiple uses of federal lands, some opposition was inevitable. Nevertheless, we believe that these disputes should be seen not only as exceptions to the rule, but also as part of a larger disagreement over the effect of federal land management policies on Western state and local economies.

These differences of opinion should not be ignored. The answer, however, is not to weaken the Act. Instead, we respectfully suggest that whatever difficulties there are between the White House, Congress, and states affected by the creation of Monuments be addressed through greater openness and consultation during the deliberation process, prior to either administrative or legislative designation. Greater discussion could alleviate a substantial amount of the mistrust that currently exists.

SAA thanks the subcommittee for its time and consideration of this important issue.

Statement submitted for the record by the U.S. Department of the Interior Concerning Six Bills to Amend the Act Popularly Known as the Antiquities Act of 1906

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Administration on six bills—H.R. 302, H.R. 758, H.R. 817, H.R. 845, H.R. 846, and H.R. 2147—to amend the Act popularly known as the Antiquities Act of 1906 ("Antiquities Act").

The Administration strongly opposes these six bills. The Antiquities Act has been used by Presidents of both parties for more than 100 years as an instrument to preserve and protect critical natural, historical, and scientific resources on Federal lands for future generations. The authority has contributed significantly to the strength of the National Park System and the protection of special qualities of other Federal lands—resources that constitute some of the most important elements of our nation's heritage. The six bills, which would limit the President's authority in various ways, would undermine this vital authority.

Of the six bills under consideration, H.R. 845, H.R. 846, and H.R. 2147 would bar the use of the Antiquities Act to extend or establish new national monuments in Montana, Idaho, and Utah, respectively, unless authorized by Congress. H.R. 817 would require Congressional approval for national monuments designated by the President and would be applicable to designations in any state. H.R. 302 would require the approval of a state legislature and governor before the President could designate a national monument and would prohibit restrictions on public use of national monuments until there is a public review period and state approval of the monument. H.R. 758 would require national monument designations to be approved by Congress within two years of a presidential proclamation in order to maintain their national monument status and would also impose certain requirements affecting the processes for proposing and managing national monuments.

The use of the Antiquities Act was addressed in some of the listening sessions associated with the America's Great Outdoors initiative last year, and the public voiced strong support for the designation of unique places as national monuments. As a result of this public input, one of the recommendations of the America's Great Outdoors report, issued in February 2011, was to implement a transparent and open approach in the development and execution of new monument designations. The Administration supports conducting an open, public process that considers input from local, state, and national stakeholders before any sites are considered for designa-

tion as national monuments through the Antiquities Act. All proposed designations would respect valid existing rights on federal lands and any other relevant provisions of law.

The Antiquities Act was the first U.S. law to provide general protection for any cultural or natural resource on Federal lands. In the last decades of the 19th Century, educators and scientists joined together in a movement to safeguard archeological sites on Federal lands, primarily in the West, that were endangered by haphazard digging and purposeful, commercial artifact looting. After a generation-long effort to pass such a law, President Theodore Roosevelt signed the Antiquities Act on June 8, 1906, thus establishing the first general legal protection of cultural and natural resources on Federal lands.

The Antiquities Act set an important precedent by asserting a broad public interest in the preservation of natural and cultural resources on public lands. The law provided much of the legal foundation for cultural preservation and natural resource conservation in the nation. It created the basis for the Federal government's current efforts to protect archeological sites from looting and vandalism.

After signing the Antiquities Act into law, President Roosevelt used the Antiquities Act eighteen times to establish national monuments. A number of those first monuments include what is now known as Grand Canyon National Park, Petrified Forest National Park, Chaco Culture National Historical Park, Lassen Volcanic National Park, Tumacacori National Historical Park, and Olympic National Park.

Since President Roosevelt, thirteen U.S. Presidents have used the Antiquities Act one hundred and thirty-six times to establish or expand national monuments. Congress has redesignated thirty-four of these national monuments as other types of national park units. The National Park Service continues to administer another seventy-five as national monuments. Some of our most iconic national monuments established by presidential proclamation include Devils Tower, Muir Woods, Statue of Liberty, and Acadia National Park. In addition, the Bureau of Land Management administers fourteen national monuments designated by presidential proclamation, including Aqua Fria in Arizona and Canyons of the Ancients in Colorado, which preserve significant archeological sites, and the U.S. Fish and Wildlife Service administers three national monuments.

Most recently, President George W. Bush used the Act to issue proclamations that established six national monuments. The 2006 designation of the African Burial Ground National Monument in New York City preserves a section of what was the largest historic African and African-American cemetery in the country, honoring the early contributions of Africans and African-Americans to the development of our nation. President Bush also designated the Northwestern Hawaiian Islands Marine National Monument, renamed the Papahānaumokuākea Marine National Monument, which is the largest national monument ever proclaimed. In 2008, President Bush established by proclamation the World War II Valor in the Pacific National Monument to recognize the sacrifices made by military and civilians during the conflict. It protects the USS Arizona Memorial, one of the most heavily visited sites managed by the National Park Service, as well as the Tule Lake Segregation Center in California, where Japanese Americans were confined against their will, and other important sites. Another three monuments were established in 2009 to protect marine resources. These sites are the Mariana Trench Marine, Pacific Remote Islands Marine, and Rose Atoll Marine National Monuments.

Without the President's authority under the Antiquities Act, it is unlikely that many of these special places would have been protected and preserved as quickly and as fully as they were. As Congress intended when it enacted the Antiquities Act, the statute provides the necessary flexibility to respond quickly to impending threats to resource protection, while striking an appropriate balance between legislative and executive decision making.

The Antiquities Act has a proven track record of protecting—at critical moments—especially sensitive Federal lands and the unique cultural and natural resources they possess. These monuments have become universally revered symbols of America's beauty and legacy. Though some national monuments have been established amidst controversy, who among us today would dam the Grand Canyon or turn Muir Woods over to development? These sites are much cherished landscapes which help to define the American spirit. They speak eloquently to the wisdom of retaining the Antiquities Act is its current form.

Mr. Chairman, thank you for the opportunity to present the views of the Administration.

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