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H.R. 1487, THE NATIONAL MONUMENT NEPA COMPLIANCE ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS

OF THE

COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

JUNE 17, 1999, WASHINGTON, DC

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H.R. 1487, THE NATIONAL MONUMENT NEPA COMPLIANCE ACT

THURSDAY, JUNE 17, 1999

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON NATIONAL
PARKS AND PUBLIC LANDS,
COMMITTEE ON RESOURCES,
Washington, DC.

The Subcommittee met, pursuant to call, at 10 a.m. in Room 1324, Longworth House Office Building, Hon. James V. Hansen [chairman of the Subcommittee] presiding.

Mr. HANSEN. The meeting will come to order. We expect Congressman Stump to be here in a minute. I understand that he is over at the Capitol Hill Club and is his on his way over. We would like to have our Ranking Member from Puerto Rico with us for this very important piece of legislation. So with the indulgence of our witness Mr. Leshy and other folks who are here, if we could just put things on hold for a moment, I would appreciate it. Thank you.

[Recess.]

STATEMENT OF HON. JAMES V. HANSEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Mr. HANSEN. Good morning. Welcome to the Subcommittee on National Parks and Public Lands hearing on H.R. 1487, the National Monument NEPA Compliance Act.

[The information follows:]

I

106TH CONGRESS
1ST SESSION

H. R. 1487

To provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 1999

Mr. HANSEN introduced the following bill; which was referred to the Committee on Resources

---

A BILL

To provide for public participation in the declaration of national monuments under the Act popularly known as the Antiquities Act of 1906.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Monument NEPA Compliance Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) National monument designations, when done properly, are an important method of pre-

1 serving historic landmarks, and objects and antiq-
2 uities of historic or scientific interest.
3 (2) Because national monuments affect the peo-
4 ple of the United States, it is important for the pub-
5 lic to have an opportunity to participate in the na-
6 tional monument designation process.
7 (3) Requiring the President to comply with re-
8 quirements of the National Environmental Policy
9 Act of 1969 in designating national monuments
10 would help insure that national monument designa-
11 tions are in the public interest and that the public
12 has an opportunity to participate in the designation
13 process.

14 **SEC. 3. COMPLIANCE WITH NATIONAL ENVIRONMENTAL**
15 **POLICY ACT OF 1969 IN DECLARING NA-**
16 **TIONAL MONUMENTS.**

17 Section 2 of the Act of June 8, 1906 (34 Stat. 225,
18 16 U.S.C. 431; popularly known as the Antiquities Act
19 of 1906), is amended—
20 (1) by striking "That the President of the
21 United States is hereby authorized, in his discretion,
22 to" and inserting "(a) IN GENERAL.—The Presi-
23 dent, subject to subsections (b) and (c), may"; and
24 (2) by adding at the end the following:

1 "(b) COMPLIANCE WITH NATIONAL ENVIRON-
2 MENTAL POLICY ACT OF 1969.—
3 "(1) IN GENERAL.—For purposes of section
4 102 of the National Environmental Policy Act of
5 1969 (42 U.S.C. 4332), a declaration by the Presi-
6 dent under this Act of an area to be national monu-
7 ment shall be treated as—
8 "(A) an action by an agency of the Federal
9 Government; and
10 "(B) a major Federal action significantly
11 affecting the quality of the human environment.
12 "(2) PREPARATION OF ENVIRONMENTAL IM-
13 PACT STATEMENT.—The President shall direct the
14 Secretary of the Interior to prepare the environ-
15 mental impact statement required under section 102
16 of the National Environmental Policy Act of 1969
17 (42 U.S.C. 4332; in this section referred to as a
18 'monument impact statement') for any declaration of
19 a national monument under this section.
20 "(3) PUBLIC REVIEW AND COMMENT.—(A) The
21 Secretary shall provide sufficient time for the public
22 to review and comment on each monument impact
23 statement, including—

"(i) at least 6 months to review and comment on the draft monument impact statement; and

"(ii) 4 months to review and comment on the final monument impact statement before the issuance of the record of decision for the monument impact statement.

"(B) The Secretary shall also hold appropriate public hearings, on the record, during all phases of preparation of the monument impact statement, including during scoping.

"(C) The President may not declare a national monument before the expiration of the 30-day period beginning on the date on which the record of decision for the monument impact statement is issued.

"(c) PROTECTION OF RESOURCES DURING DELIBERATIONS.—

"(1) IN GENERAL.—If directed by the President, the Secretary shall make an emergency withdrawal of lands under section 204(e) of the Federal Land Management and Policy Act of 1976 (43 U.S.C. 1714(e)) to protect resources on the lands during deliberations on a proposal to declare the lands to be a national monument. The area of the lands withdrawn shall be no larger than the smallest

1 area compatible with the proper care and manage-
2 ment of the objects to be protected by the monument
3 designation.
4 "(2) 24-MONTH LIMITATION.—The duration of
5 a withdrawal under this subsection shall not exceed
6 24 months.".

○

Mr. HANSEN. I would like again welcome our witness John Leshy from the Interior Department. Thank you for being with us today.

In 1906, the Antiquities Act was passed as a method to quickly withdraw small parcels of land from the public domain to preserve archaeological sites. Today it is being used to thwart Congressional control over the public lands, to avoid the National Environmental Policy Act, and to deny the American people the right to have input in public land decisions. An article in Monday's Washington Times quoted Secretary Babbitt as having said the following: Quote, "We switched the rules on the game. We are not trying to do anything legislatively."

The implication is that if Congress does not pass the laws that the Secretary wants passed, he will make his own laws through regulations, Executive Order, policy directives, et cetera. This is clearly an abuse of power. The Constitution specifically gives Congress the power over public lands. If Secretary Babbitt does not like a law such as the mining law, then he should work with Congress to change it. However, until Congress does, it is still the law of the land, and the Secretary has taken an oath to uphold it. It is not his place to change the law.

The September 1996 creation of the Grand Staircase-Escalante National Monument is a good example of how Interior is trying to use the antiquity law to thwart Congress and avoid NEPA. It appears that as early as August 1995, people in the Interior Department were talking about the possibility of designating national monuments as a way of thwarting Congress's control over the public lands. As the Utah wilderness debate started to heat up, the Interior Department started looking for a way to create wilderness without Congress. In August 3, 1995, memo within the Interior Solicitor's Office, from Dave Watts to Robert Baum, Mr. Watts says that John Leshy wanted to talk to them about the choices and legal risks involved in using the antiquity law. In that memo he warns that, quote, "To the extent the Secretary proposes a national monument, NEPA applies. However, monuments proposed by the President do not require NEPA compliance because NEPA does not cover Presidential actions," end of quote.

Mr. Watts then opines that the court case Alaska v. Carter held that the Secretary could do all of the work on a national monument withdrawal without triggering NEPA if the monument is the President's proposal and the President asks the Secretary to help him. Later the Solicitor's Office sent a memo to Sam Kalen saying that they believed that they needed a letter from the President to the Secretary asking for national monument recommendations if they were to avoid NEPA problems on Antiquities Act work. They also expressed concern as to whether such a letter would be accessible to the public via the Freedom of Information Act. Further, they were afraid that if they did not get a letter from the President, a court might be able to set aside a proclamation due to the lack of NEPA compliance.

Interior, therefore, spent the next several months trying to create a fake paper trail by trying to get the President to sign a letter asking Secretary Babbitt to start looking at the possibility of a national monument proposal even though Interior had been planning the monument since August of 1995. The Interior Department,

however, went on with their proposal, and by July 26, Interior had Professor Wilkinson from the University of Colorado drawing up the actual proclamation. However, the President did not sign such a letter until August 7, 1996, after—keep in mind, after—the proclamation was already drafted. The State of Utah found out about the monument when President Clinton called Governor Leavitt at 2 a.m. On the day that the monument was created. As you can see, the Antiquities Act was used to thwart Congress, avoid NEPA and avoid public input into public land decisions.

When we held hearings last year on H.R. 1127, the National Monument Fairness Act, people came in here and told us that we didn't need to amend the Antiquities Act because the Grand Staircase-Escalante National Monument fiasco was a one-time thing, and no one would ever try a stunt like that again. Well, I guess they are wrong because rumors coming out of Interior tell us that the exact same thing is going on right now. Letters from the President have been generated in order to avoid NEPA. Secret monument plans are being thrown together. Congress is being left out of the picture, and, more importantly, the American people are left in the dark once again.

H.R. 1487 is intended to fix the Antiquities Act to avoid these types of serious abuses. It would require the Secretary of the Interior to do an environmental impact statement before the President could sign a national monument proclamation pursuant to the Antiquities Act. This would ensure that national monument designations are in the best interests of the environment and would assure public participation in the decision-making process. Further, it would prevent the use of the Antiquities Act as an election year ploy, as it was used in 1996, and discourage the Interior Department from going to such elaborate lengths to avoid NEPA.

Mr. Leshy's testimony expresses concern that H.R. 1487 imposes a few extra procedural hurdles that NEPA wouldn't necessarily impose, such as hearings and a 6-month comment period. We would not have to statutorily impose such requirements on the Interior Department if we felt that we could trust them to allow full public participation in these sorts of decisions, but recent events have made it clear that we cannot do that.

A good example of this is the scoping on the recent Utah WSA 202 process. Because the Interior Department felt that their own agenda and timetable was more important than public participation, they tried to cram scoping on a proposal that would designate a land area over twice the size of Delaware as WSAs into 2 weeks. Further, constituents told us that the public meetings that were held were so lacking in information and structure as to be virtually useless. Interior has since extended the scoping period very slightly, but it is still woefully inadequate to allow meaningful public input into the process.

So, as you can see, we have to specify these sorts of things into law, otherwise Interior will not allow the public an adequate chance to participate. H.R. 1487 is a good bill. It would not gut the Antiquities Act. The President's authority under this Act would not be abrogated in any way. He would simply have to follow certain steps that allow public comment and input before using it.

I look forward to Mr. Leshy's testimony and the discussion on this bill, and again would like to reiterate that we went through this step by step on what happened on the Grand Staircase, and it should be obvious to anyone the abuse of power that we have seen, and we surely don't want that to happen again.

[The prepared statement of Mr. Hansen follows:]

STATEMENT OF HON. JAMES V. HANSEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Good morning. Welcome to the Subcommittee on National Parks and Public Lands hearing on H.R. 1487 the National Monument NEPA Compliance Act. I would like to again welcome our witness John Leshy from the Interior Department. Thank you for taking the time to be with us today.

In 1906 the Antiquities Act was passed as a method to quickly withdraw small parcels of land from the public domain to preserve archeological sites. Today it is being used to thwart Congressional control over the public lands, to avoid the National Environmental Policy Act, and to deny the American people the right to have input in public lands decisions.

An article in Monday's Washington Times quoted Secretary Babbitt as having said that quote "We've switched the rules of the game. We're not trying to do anything legislatively." The implication is that if Congress does not pass the laws that the Secretary wants passed, he will make his own laws through regulations, executive orders, policy directives, etc.

This is clearly an abuse of power. The Constitution specifically gives Congress the power over public lands. If Secretary Babbitt does not like a law, such as the mining law, then he should work with Congress to change it. However until Congress does, it is still the law of the land, and the Secretary has taken an oath to uphold it. It is not his place to change the law.

The September 1996 creation of the Grand Staircase-Escalante National Monument is a good example of how Interior is trying to use the Antiquities Act to thwart Congress and avoid NEPA.

It appears that as early as August of 1995 people in the Interior Department were talking about the possibility of designating National Monuments as a way of thwarting Congressional control over the public lands. As the Utah Wilderness debate started to heat up, the Interior Department started looking for a way to create wilderness without Congress.

In August 3 , 1995 memo within the Interior Solicitor's office from Dave Watts to Robert Baum, Mr. Watts says that John Leshy wanted to talk to them about the choices and legal risks involved in using the Antiquities Act.

In that memo he warns that—quote "To the extent the Secretary proposes a national monument, NEPA applies. However, monuments proposed by the president do not require NEPA compliance because NEPA does not cover presidential actions."—end of quote. Mr. Watts then opines that the court case Alaska v. Carter held that the Secretary can do all of the work on a national monument withdrawal without triggering NEPA if the monument is the President's proposal and the President asks the Secretary to help him.

Later, the Solicitor's office sent a memo to Sam Kalen saying that they believed that they needed a letter from the President to the Secretary asking for national monument recommendations if they were to avoid "NEPA problems on Antiquities Act work." They also expressed concern as to whether such a letter would be accessible to the public via the Freedom of Information Act.

Further, they were afraid that if they did not get a letter from the President, a court might be able to set aside a proclamation due to the lack of NEPA compliance.

Interior, therefore, spent the next several months trying to create a fake paper trail by trying to get the President to sign a letter asking Secretary Babbitt to start looking at the possibility of a national monument proposal. Even though Interior had been planning the monument since August of 1995.

The Interior Department, however, went on with their proposal and by July 26th, Interior had Professor Wilkinson from the University of Colorado drawing up the actual proclamation. However, the President did not sign such a letter until August 7, 1996. After the proclamation was already drafted.

The State of Utah found out about the monument when President Clinton called Governor Leavitt at 2:00 A.M. on the day that the monument was created.

As you can see, the Antiquities Act was used to thwart Congress, avoid NEPA, and avoid public input into public lands decisions.

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Well, I guess they were wrong, because rumors coming out of Interior tell us that the exact same thing is going on right now. Letters from the President have been generated in order to avoid NEPA, secret monument plans are being thrown together, Congress is being left out of the picture, and the American people are left in the dark once again.

H.R. 1487 is intended to fix the Antiquities Act to avoid these types of abuses. It would require the Secretary of the Interior to do an Environmental Impact Statement before the President could sign a national monument proclamation pursuant to the Antiquities Act.

This would insure that national monument designations are in the best interest of the environment, and would insure public participation in the decision making process.

Further, it would prevent the use of the Antiquities Act as an election year ploy and discourage the Interior Department from going to such elaborate lengths to avoid NEPA.

Mr. Leshy's testimony expresses concern that H.R. 1487 imposes a few extra procedural hurdles that NEPA wouldn't necessarily impose, such as hearings and a 6 month comment period.—We would not have to statutorily impose such requirements on the Interior Department if we felt we could trust them to allow full public participation in these sorts of decisions, but recent events have made it clear that we can not.

A good example of this is the scoping on the recent Utah WSA 202 process. Because the Interior Department felt that their own agenda and timetable was more important than public participation, they tried to cram scoping on a proposal that would designate a land area over twice the size of Delaware as WSAs into two weeks. Further, constituents told us that the public meetings that were held were so lacking in information and structure as to be virtually useless. Interior has since extended the scoping period slightly, but it is still woefully inadequate to allow meaningful public input into the process. So, as you can see, we have to specify these sorts of things in the law, otherwise Interior will not allow the public an adequate chance to participate.

H.R. 1487 is a good bill. It would not gut the Antiquities Act. The President's authority under that Act would not be abrogated in any way. He would simply have to follow certain steps that allow public comment and input before using it.

I look forward to Mr. Leshy's testimony and the discussion on this bill.

Mr. HANSEN. I recognize the gentleman from Washington.

STATEMENT OF HON. JAY INSLEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. INSLEE. Thank you, Mr. Chair.

Mr. Chair, I am going to ask if we can submit to the record comments by Ranking Member Romero-Barcelo, if we can. If I could submit that to the record since he is not able to join us, at least at the moment.

Mr. HANSEN. Without objection.

[The prepared statement of Hon. Romero-Barcelo follows:]

STATEMENT OF HON. CARLOS ROMERO-BARCELÓ, A DELEGATE IN CONGRESS FROM THE TERRITORY OF PUERTO RICO

Mr. Chairman, we share your frustration with the lack of timely delivery of the Administration's testimony that caused you to cancel the hearing on H.R. 1487 last month. We are glad that Mr. Leshy is able to be with us today and note that the delays with the Administration's testimony last month were not the fault of Mr. Leshy.

As we noted at the earlier hearing on H.R. 1487, the House last Congress spent considerable time on legislation you authored (H.R. 1127) to limit the authority of the President to designate National Monuments. This year, you have introduced new legislation (H.R. 1487) to require that prior to a declaration of a President establishing a National Monument, a National Environmental Policy Act (known as "NEPA") analysis be undertaken.

The provisions of H.R. 1487 raise several questions that the Subcommittee will want to consider carefully. First, the bill establishes a significant precedent of making a Presidential action subject to NEPA. As you may know Mr. Chairman, actions of the President, the Congress and the Judiciary are currently not subject to NEPA. The bill also deviates from NEPA by presuming that all designations are a major Federal action and by including extended public and comment periods and hearing requirements that also deviate from current NEPA procedures.

There are other problems as well. The bill requires the Secretary of the Interior to prepare the Environmental Impact Statement even though he may not administer the lands in question. Further, the authority of the Secretary to withdrawal lands on an emergency basis is less than the existing authority of the Secretary to make such withdrawals. The 24-month time period is also likely to be inadequate to deal with the time periods of the required Environmental Impact Statement.

Mr. Chairman, we look forward to the insights of the Administration and others as we try to sort through the questions raised by this legislation.

Mr. INSLEE. I would also like to note that we are looking forward to Mr. Leshy's testimony. We understand that he was unable to help us the last time, but I want to make sure that folks know it was not his fault, that there was something that occurred. I look forward to his testimony.

Mr. HANSEN. Thank you.

[The information follows:]

Mr. HANSEN. The gentleman from Utah, Mr. Cannon.

STATEMENT OF HON. CHRIS CANNON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Mr. CANNON. Thank you, Mr. Chairman. I appreciate your introduction of this important legislation and our second attempt to hold a hearing on this issue, which both of us have been so heavily and personally involved. Our colleagues have heard continually of the trials of our constituents in Utah, which they expressed the result of the creation of the Grand Staircase-Escalante Monument nearly 3 years ago. This monument, encompassing over 2 million acres located in southern Utah, strips some of the most rural and poor communities of their land base and economy. What is most disturbing is a recent article in the Washington Times which describes in painful detail the additional withdrawals and monument designations this administration may attempt in yet another election year ploy.

Mr. Chairman, I would like to submit this article as part of the record.

Mr. HANSEN. Without objection so ordered.

[The prepared statement of Mr. Cannon follows:]

STATEMENT OF HON. CHRIS CANNON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Thank you, Mr. Chairman. I appreciate your introduction of this important legislation and our second attempt in holding a hearing on this issue in which we have been so heavily and personally involved.

Our colleagues have continually heard of the trials and turmoil our constituents in Utah have experienced as a result of the creation of the Grand Staircase-Escalante Monument nearly three years ago. This monument, encompassing over two million acres, located in southern Utah, stripped some of the most rural and poor communities of their land base and economy.

What is most disturbing is a recent article in the Washington Times, which describes in painful detail the additional withdrawals and monument designations this Administration may attempt in yet another election year ploy. Mr. Chairman, I would like to submit this article as part of the record.

I sincerely hope that this morning's debate is constructive and will encourage better implementation of the Antiquities Act of 1906. It simply is not right to subject

other communities to the same devastation that my constituents suffered. The process, or lack thereof, used in 1996 to create the Grand Staircase-Escalante Monument was horribly flawed.

I believe the intent of Congress and President Roosevelt when he signed the Antiquities Act into law in 1906 was very clear. The Antiquities Act was designed to protect certain natural and pristine areas. Fortunately, over the past 93 years, Congress has been very diligent and has designed a number of statutes to respond to the needs of environmental preservation, such as the: Federal Lands Policy Management Act, National Environmental Policy Act; Wild and Scenic Rivers Act; Wilderness Act; and the National Park Service Organic Act. These important laws have allowed us to protect millions of acres of public land while allowing local communities a role, albeit minimal at times, in the designation process.

Unfortunately, the process utilized in 1996 did not address or allow public participation at all. It appears that this Administration went to great lengths to avoid, not only public input, but even public knowledge of its plans to designate the Grand Staircase-Escalante National Monument. I find it ironic that the very Administration that has championed NEPA, took definite measures to avoid NEPA. The hypocrisy stuns me.

What is even more shocking are the rumors of future Administration plans. It is fairly common knowledge that this Administration is considering at least one additional monument in the southwest—but in light of the recent Times article—I suspect there are more in the works. I hope Mr. Leshy will take this opportunity to elaborate on the Administration's plans and any other monument designations it may be considering.

I look forward to the discussion we will have this morning. I am sure our witness will provide an interesting perspective. Again, Mr. Chairman, I appreciate your willingness to move this issue forward. It is time the President is subjected to the same environmental rules as the rest of us. It is clear that the Antiquities Act has been exploited and abused. H.R. 1487 seeks to end this blatant arrogance.

Thank you.

The Washington Times

Published in Washington, D.C. 5am -- June 14, 1999 www.washtimes.com

Clinton woos environmentalists, plans to ban use of public land

By Audrey Hudson
THE WASHINGTON TIMES

The Clinton administration is planning to ban most public use of 5 million acres of federal land in six states to placate environmental voters before the 2000 presidential election.

Interior Secretary Bruce Babbitt is using his regulatory authority to halt mining, grazing, logging and oil and gas exploration on public lands.

In many cases all recreational uses would be banned except walking and meditating.

"We have to be wary. They want to appease the extreme environmentalists who have this on their agenda and want this to happen," said Sen. Frank H. Murkowski, Alaska Republican and chairman of the Energy and Natural Resources Committee. "In the next

-- Continued from Front Page --

19 months we will see a significant movement to usurp congressional authority."

Mr. Babbitt also says he may ask President Clinton to use the Antiquities Act to declare some of the public land a national monument. Among other things, the act authorizes the president to set aside land for preservation.

Mr. Clinton received kudos from the environmental community when he used that act during the 1996 presidential campaign. He created the 1.7 million-acre Grand Staircase-Escalante National Monument in Utah to stop mining, and oil and gas exploration.

In four of the Western states, the administration is hoping to declare or designate:

- 2.6 million acres in Utah a wilderness study area.
- 1.5 million acres in Alaska a wilderness area.
- 505,350 acres in Arizona a national monument.
- Several miles along the Upper Missouri River in Montana as a national park, conservation area or wildlife refuge.

In a written statement, Mr. Babbitt's spokesman said Republicans should be helping them by drafting legislation

to "protect" these areas from "big mining companies, the big oil companies and the big developers who want to chop up what's left of their unspoiled American public lands."

The administration has also proposed a two-year moratorium from mineral activity on 429,000 acres in Montana; 165,000 acres in Colorado and 5,000 acres in Missouri.

Republican lawmakers say that by removing these lands from future exploration, the administration is hurting local communities by eliminating jobs and tax revenues. It also leaves the United States more dependent on foreign oil.

"There is no question they are trying to stick it to us, and it's really sad. These are pioneer families who made the West, and they feel robbed," said Sen. Orrin G. Hatch, Utah Republican.

"Their goal is to turn public lands into a museum -- a diorama where all of the people are on the outside looking in," said Laura Skaer, executive director of the Northwest Mining Association.

"I think they have quietly declared a new war on the West," she said. "I expect Clinton will find all sorts of national monuments to start popping up between now and November 2000."

Republican Missouri lawmakers have written to Mr. Babbitt saying the withdrawals were "unnecessary and inappropriate."

"It appears the administration has launched an orchestrated campaign to preclude mining on vast acreages of public lands governed by multiple-use laws and to do so without consulting Congress and without soliciting public input or independent scientific review," Sens. John Ashcroft, Christopher S. Bond, and Rep. Jo Ann Emerson, stated in the letter.

Mrs. Emerson fears many jobs would be lost in her district as a result of the administration's actions and says the land would be useless "unless people just want to stand there and meditate."

Sen. Conrad Burns, Montana Republican, said he is concerned with the lack of discussion or local input from those who will be directly affected.

"There is no doubt they have chosen to make an assault on the West. We may as well be operating under a czar," Mr. Burns said.

Mr. Murkowski is also concerned that the proposed designations are a blueprint for Mr. Clinton to bolster his environmental record before leaving office. In a letter to his Senate colleagues, he pointed to a May 22 National Journal article in which Mr. Babbitt is quoted as saying: "We've switched the rules of the game. We're not trying to do anything legislatively."

GOP lawmakers are hoping to close loopholes through proposed legislation. Sens. Robert F. Bennett of Utah and Larry E. Craig of Idaho are pushing bills to amend the Antiquities Act to include public comment.

The National Monument Public Participation Act of 1999 would ensure the public and Congress have the right to participate in decisions to declare national monuments

on federal land. It would require full public participation, environmental compliance and congressional ratification.

Before making a recommendation to the president, the secretary of Interior would also have to determine the value of the mineral and surface natural resources.

Mr. Craig initially proposed legislation in 1996 prohibiting the president from declaring national monuments in Idaho. His measure failed, but he was recently approached by other Senators to craft new legislation to provide protection to all states.

"Our general concern and frustration is what the administration did in Southern Utah they could do everywhere else in the country, and that they were unwilling to work with Congress -- especially as we head into a presidential cycle," Mr. Craig said.

"This has become a political tool and not a means to protect unique environmental assets," he said.

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Mr. CANNON. I sincerely hope that this morning's debate is constructive and will encourage better implementation of the Antiquities Act of 1906. It simply is not right to subject other communities to the same devastation that my constituents suffer. The process, or lack thereof, used in 1996 to create the Grand Staircase-Escalante Monument was horribly fraudulent. I believe the intent of Congress and President Roosevelt when he signed the Antiquities Act into law in 1906 was very clear.

The Antiquities Act was designed to protect certain natural and pristine areas. Fortunately, over the past 93 years, Congress has been very diligent and has designed a number of statutes to respond to the needs of environment preservation, such as the Federal Lands Policy Management Act, the National Environmental Policy Act, the Wilderness and Scenic Rivers Act, the Wilderness Act, and the National Park Service Organic Act. These important laws have allowed us to protect millions of acres of public land while allowing local communities a role, albeit minimal at times, in the designation process.

Unfortunately, the process utilized in 1996 did not address or allow public participation at all. It appears that this administration went to great lengths to avoid not only public input, but even public knowledge of its plans to designate the to Grand Staircase-Escalante National Monument. I find it ironic that the very administration that has championed NEPA took definite measures to avoid NEPA. The hypocrisy here stuns me.

What is even more shocking are the rumors of future administration plans. It is fairly common knowledge that this administration is considering at least one additional monument in the Southwest, but in light of the recent Times article, I suspect there are even more in the works.

I hope that Mr. Leshy will take this opportunity to elaborate on the administration's plans and any other monument designations it may be considering. I look forward to the discussion we will have this morning. I am sure our witness will provide an interesting perspective.

Again, Mr. Chairman I appreciate your willingness to move this issue forward as the President is subjected to the same environmental rules as the rest of us. It is this clear the Antiquities Act has been exploited and abused. H.R. 1487 seeks to end this blatant arrogance. Thank you.

Mr. HANSEN. Thank you, Mr. Cannon.

[The information follows:]

Mr. HANSEN. The gentleman from Colorado, Mr. Udall.

STATEMENT OF HON. MARK UDALL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. UDALL OF COLORADO. Thank you, Mr. Chairman. Mr. Chairman, I don't have any comments at this time. I would ask unanimous consent that a letter from a number of groups, including the National Parks and Conservation Association and the National Trust for Historic Preservation be included in the record.

Mr. HANSEN. Without objection so ordered.

Mr. UDALL OF COLORADO. Thank you, Mr. Chairman.

[The information follows:]

Alaska Wilderness League • Grand Canyon Trust
National Association for African American Heritage Preservation
National Parks and Conservation Association
National Trust for Historic Preservation • The Wilderness Society

June 16, 1999

The Hon. Mark Udall
138 Cannon Office Bldg.
Washington, DC 20515

URGENT

Dear Representative Udall:

The undersigned organizations are strongly opposed to H.R. 1487, the "National Monument NEPA Compliance Act," which is scheduled for a hearing before the House Subcommittee on National Parks and Public Lands on June 17.

While the legislation appears benign at first glance, its passage would severely weaken the Antiquities Act of 1906. This important statute grants presidential authority to proclaim and protect significant public lands as national monuments in cases of imminent exploitative threats. It has been used to preserve federal lands that later became revered national parks such as the Grand Canyon, Zion, Petrified Forest, C & O Canal, Acadia, and Death Valley.

The National Monument NEPA Compliance Act should be opposed for the following reasons:

- H.R. 1487 would require the President to comply with the National Environmental Policy Act (NEPA) prior to making a monument proclamation, thereby defeating the very purpose of the Antiquities Act to allow the President to act expeditiously to protect significant public resources. **In fact, H.R. 1487 would make the Antiquities Act the only act of presidential discretion that is subject to NEPA.**

- The impact of H.R. 1487 would actually go far beyond requiring the President to comply with NEPA, as the bill's procedural requirements do not comport with existing NEPA standards.

- The legislation would permit the withdrawal of the public lands in question for up to two years, while the NEPA process is underway. However, the expanded NEPA review process contemplated by H.R. 1487 will certainly exceed this time frame. Under H.R. 1487, once the two year withdrawal date expires, the land would be subject to development threats, regardless of the ongoing NEPA process. This scenario could complicate legal cases that will inevitably be filed, forcing courts to make a decision before proper NEPA review is completed.

If Congress feels a President has abused the authority to proclaim a national monument, Congress has the power to reverse or modify a specific designation at any time. The essence of the Antiquities Act—one of the most successful conservation statutes in American history—should not be altered because of opposition to one particular proclamation. We appreciate your consideration of our concerns.

Sincerely,

National Parks and Conservation Association
National Trust for Historic Preservation
Alaska Wilderness League
The Wilderness Society
National Association for African American Heritage Preservation
Grand Canyon Trust

Mr. HANSEN. Mr. Leshy, would you please step up to the area there. We appreciate you being with us and thank you so much for your testimony that you sent to us.

Mr. Leshy, before you start your testimony, I would just like—not to be redundant, I would just to make sure that we have done this right. I am going to reread some of these things.

It appears that as early as August 1995, people in the Interior Department were talking about the possibility of designating national monuments as a way of thwarting Congress's congressional control over the public lands. As the Utah wilderness debate started to heat up, the Interior Department started looking for a way to create wilderness without Congress. In August 3, 1995, memo within the Interior Solicitor's Office, from Dave Watts to Robert Baum, Mr. Watts says that John Leshy wanted to talk to them about the choices and legal risks involved in using the antiquity law. In that memo he warns that, quote, "To the extent that the Secretary proposes a national monument, NEPA applies. However, monuments proposed by the President do not require NEPA compliance because NEPA does not cover Presidential actions," end of quote.

Mr. Watts then opines that the court case Alaska v. Carter held that the Secretary could do all of the work on the national monument withdrawal without triggering NEPA if the monument is the President's proposal and the President asks the Secretary to help him.

Later the Solicitor's Office sent a letter to Sam Kalen saying that they believe they needed a letter from the President to the Secretary asking for national monument recommendation if they were to avoid NEPA problems on Antiquities Act work. They also expressed concern as to whether such a letter would be accessible to the public because of the Freedom of Information Act. Further, they were afraid that if they did not get a letter from the President, a court might be able to set a proclamation aside due to the lack of NEPA compliance.

Interior, therefore, spent the next several months trying to create a fake paper trail by trying to get the President to sign a letter asking Secretary Babbitt to start looking at the possibility of a national monument proposal, even though Interior had been planning the monument since August of 1995. The Interior Department, however, went on with their proposal, and by July 26, Interior had Professor Wilkinson from the University of Colorado drawing up the actual proclamation. However, the President did not sign the letter until August 7, 1996, after the proclamation was already drafted.

Mr. Leshy, what I have just read to you, is that a true statement?

STATEMENT OF JOHN LESHY, SOLICITOR, DEPARTMENT OF THE INTERIOR

Mr. LESHY. Mr. Chairman, thank you very much for the opportunity to be here today. I again apologize for the mix-up that resulted in our late testimony coming up a month ago. I am delighted to appear and talk about H.R. 1487 and hopefully clear up some misconceptions about the planning involved in the Grand Staircase.

It is not true that planning for Grand Staircase dates back to August of 1995, or 1995 at all, in fact. As with any Presidential power, from time to time in this administration, dating back to, I think, nearly to the beginning probably, we had conversations with people in the Executive Office of the President about various issues and powers that the President has over public lands, including the Antiquities Act.

I don't remember exactly what happened in August of 1995 that precipitated the memos that you referred to. I do know that there was no discussion of the Grand Staircase or anything like it in southern Utah at that time. There were discussions, I do recall, in the spring of 1996 about possible Antiquities Act proclamations in connection with park protection, because there was some park legislation pending in Congress at that time, and we had conversations with the White House about that in the spring of 1996, and there were memos about it. But the earliest that anybody in my office or the Department, as far as I know, ever had any conversations with the White House about a monument in southern Utah where the Grand Staircase is now located took place in early July of 1996. I think the record on that is absolutely clear. I think Katie McGinty, former Chair of CEQ, who was intimately involved in those discussions, testified in front of this Committee and the Senate on that.

I was first contacted on July 3, 1996, by Ms. McGinty to come over to the White House. At that time she asked me to communicate to the Secretary the President's desire that the Secretary look at the possibility of establishing a monument in southern Utah. That was the very first mention of that subject and that proposed monument. In response to the President's request, which I think was communicated the next day by the President directly to Secretary Babbitt, we started work on responding to the President's request and over the course of the next 6 weeks or so prepared some materials, forwarded them to the White House in mid-August of 1996, and at that point the White House had some further conversations with us and with, I think, Members of Congress, Governors and others about establishing the monument in southern Utah, including members of the Utah delegation. I think that you were at least at one of those meetings in the Secretary's office in September of 1996. And the decision—I believe the President did not make the decision to proclaim the monument until early on the morning of September 18th, after he had had a number of conversations with Members of Congress, Governor Leavitt, and others. So the Grand Staircase Monument planning from the Interior Department's perspective dates back only to early July of 1996.

As with any Presidential power involving public lands, the Interior Department, as I said, is involved from time to time in discussions with the White House about proclamations under the Antiquities Act. It is a fairly continuing dialogue. It is an important power. It has been exercised more than 100 times over the last 90 some years by 14 Presidents of both parties. There is nothing lawless about that action. The Antiquities Act was passed by unanimous consent of both Houses of Congress in 1906, a Congress, I should note, that was overwhelmingly Republican in both Senate and House. Presidents of both parties in equal numbers have cre-

ated national monuments since 1906. About 75 million acres of land has been protected under the Antiquities Act in 24 different States and the Virgin Islands. Every President but three has made use of the Act, and the historic record shows, I think, without question that the authority the President has exercised under this power given to him expressly by Congress in this statute has not been abused.

For that reason, we oppose the enactment of H.R. 1487. Should the legislation be presented to the President, the Secretary would recommend a veto because H.R. 1487 creates unprecedented strictures on Presidential action. The strictures are unnecessary. They seek to fix a problem that does not exist. The Antiquities Act, in our judgment, is one of the most successful environmental laws in American history. It has enabled Presidents to take decisive action to protect significant historical, natural, cultural resources on Federal lands for the past 93 years. If you just look down the list of monuments first protected under the Antiquities Act, we think they speak powerfully of the value and wisdom of action under that Act: Grand Canyon, Arcadia National Park, Muir Woods, Carlsbad Caverns, Channel Islands, Death Valley, the Statue of Liberty, the C&O Canal, and on and on. All of these Federal areas were first protected pursuant to congressional authority by the President of the United States under the Antiquities Act. It is an unparalleled resource protection success story.

Sometimes those proclamations have created controversy at the beginning. Some local residents were outraged when Teddy Roosevelt first protected the Grand Canyon in 1908 under the Antiquities Act. But today the residents of Coconino County, Arizona, reap significant economic benefits from millions of annual visitors to the Grand Canyon. That practice, that pattern, has been repeated across the country over the last 90 years.

H.R. 1487 would throw procedural obstacles in the path of this amazing record of success. It would make the Antiquities Act the only act of Presidential discretion that is subject to the National Environmental Policy Act. It would force all monument designations, regardless of size or impact, to skip over the environmental assessment process of NEPA and require the preparation of an environmental impact statement. It would subject this impact statement to major new procedural requirements that are not required currently by NEPA or NEPA regulations for ordinary Federal agency action, including formal hearings on the record during all phases of a development of an EIS, 6-month comment period on the draft EIS, 4-month public review on the final EIS. This kind of procedural straitjacket is unprecedented for any kind of Federal agency action. Ironically it would be imposed on one of the most successful environmental protection laws that we have. This is a great irony. It is also unnecessary. If the President does something truly boneheaded under the Antiquities Act, Congress can correct it; no harm, no foul. That has decidedly not been the pattern. This power has been exercised by 14 Presidents in this century wisely and skillfully.

Mr. CANNON. Will the gentleman yield?

Mr. HANSEN. I think under our rules the witness has the right to finish his statement, and then we will come——

Mr. CANNON. This is the opening statement then?

Mr. HANSEN. This is the opening statement. I am sorry for not mentioning that.

Mr. LESHY. I will conclude.

H.R. 1487 would severely undermine a Presidential authority that has contributed significantly to the growth and strength of an American system of conservation areas that is the envy of the world. Without the President's authority under the Antiquities Act, many of America's grandest places would never have been protected and preserved for future generations. It has had a proven successful track record of protecting at critical moments especially sensitive Federal lands and the unique historic and scientific objects they hold. These monuments have become universally revered, symbols of America's beauty and legacy. As I said, I attached a chart to the testimony that lists each monument created under the Antiquities Act in the last 93 years. Those places speak eloquently of the wisdom of leaving the Antiquities Act alone.

That completes my statement, Mr. Chairman, I would be happy to answer any questions.

Mr. HANSEN. Thank you, Mr. Leshy.

[The prepared statement of Mr. Leshy follows:]

STATEMENT OF JOHN D. LESHY, SOLICITOR, DEPARTMENT OF THE INTERIOR

Mr. Chairman, Members of the Subcommittee, thank you for the opportunity to appear before you today to present the views of the Department of the Interior on H.R. 1487, the "National Monument NEPA Compliance Act." The Administration strongly opposes this legislation. Should it be presented to the President, the Secretary of the Interior will recommend that he veto the bill.

H.R. 1487 would amend the Antiquities Act to create unprecedented strictures on Presidential action under the National Environmental Policy Act. In fact, amendment of the Antiquities Act is unnecessary. This legislation seeks to fix a problem that does not exist.

The Antiquities Act is one of the most successful environmental laws in American history. It has enabled Presidents to take decisive action to protect significant natural, historical and scientific resources on Federal lands for the past ninety-three years. President Theodore Roosevelt made the first use of the Antiquities Act in 1906 to declare Devils Tower in Wyoming a national monument. Since then, Presidents of both parties have used the Antiquities Act as an important conservation tool. Fourteen Presidents have proclaimed 105 national monuments, many of which subsequently have been endorsed by Congressional action.

The areas protected under the Antiquities Act have included such world-renowned sites as the Grand Canyon, Acadia National Park, Muir Woods National Monument, Carlsbad Caverns, the Channel Islands, Death Valley, the Statue of Liberty and the C&O Canal. The Black Canyon of the Gunnison, first designated a national monument by President Hoover, is now under consideration to become a national park. The 105 presidential designations ranged from less than 10 acres to nearly 11 million acres. They are located in 24 different states and in the Virgin Islands. About 70 million acres of Federal land have been protected under the Antiquities Act.

Protecting the resource jewels of the United States has been a bipartisan undertaking. Indeed, every President but three since 1906 has made use of the Antiquities Act to protect the special qualities of our Federal lands from potential harm. The historic record soundly refutes any notion that the authority of the President under the Antiquities Act has been abused. Sometimes the use of the Antiquities Act has initially sparked controversy and local opposition. History has taught us, however, that even initially controversial presidential proclamations are embraced by the public within a relatively short time and soon take their places among Americans' most treasured resources. For example, President Franklin D. Roosevelt designated 212,000 acres in Wyoming as the Jackson Hole National Monument, this area is now part of Grand Teton National Park. In Alaska, President Carter reserved 56 million acres of land as national monuments, most of these lands were soon designated by Congress as conservation units under the Alaska National Interest Lands Conservation Act. Most recently, President Clinton's declaration of the

Grand Staircase-Escalante National Monument in Utah, though initially controversial, was ratified by the 105th Congress with modest boundary adjustments.

States and local communities have become staunch defenders of national monument designations. Some local residents were outraged when Teddy Roosevelt designated Grand Canyon National Monument in 1908, but today the residents of Coconino County, Arizona reap significant economic benefits from the millions of annual visitors to the Grand Canyon.

As Congress recognized in enacting the Antiquities Act in the first place, the law provides needed flexibility for the President to respond quickly to impending threats to resource protection, while striking an appropriate balance between legislative and executive decision-making. Congress retains the power to overturn any monument designation. However, only a few proclamations involving a handful of small area, totaling less than 5,000 acres of the 17 million acres protected, have been rescinded since 1906. Moreover, Congress can control implementation of the Act through its authority over plans, programs and funding to manage the national monuments. In other words, the appropriations process and the laws and regulations governing the management of public lands provide appropriate checks and balances.

These existing controls over the exercise of Presidential discretion under the Antiquities Act underscore the superfluity of the unprecedented requirements that would be imposed under H.R. 1487. This bill would amend the Antiquities Act to specify that a declaration by the President making an area a national monument would be both an action of the Federal Government and a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act (NEPA). These two presumptions: (1) would make this the only act of Presidential discretion that is subject to NEPA; and (2) would force all such monument designations, regardless of size, to skip over the environmental assessment stage of NEPA and assume instead sufficient environmental impact to require preparation of an environmental impact statement (EIS).

The EIS that would be prepared as a result of the legislative presumptions under H.R. 1487 would be prepared by the Secretary of the Interior. This EIS would be subject to procedural requirements that are not required by NEPA or the NEPA regulations. The additional procedural hurdles would include:

- requiring formal hearings, on the record, during all phases of the development of the EIS, including the scoping period;
- requiring at least 6 months of public review and comment on the draft EIS before a final EIS could be published, and
- requiring at least 4 months of public review and comment on the final EIS before a record of decision could be issued.

None of these steps is currently required under NEPA or the NEPA regulations. Mandating all these procedural barriers for every national monument designation, no matter how small or how urgent, would be contrary to both protective purposes of the Antiquities Act and the flexible approach of the NEPA regulations. In addition, the bill would delay Antiquities Act protection still further by preventing the President from designating a national monument for at least 30 days after the record of decision is approved. And any emergency withdrawal of the area by the Secretary of the Interior under section 204(e) of the Federal Land Management and Policy Act could be in effect for only 24 months.

Mr. Chairman, in the view of the Administration, the new constraints that this bill would impose on the designation of national monuments are unwarranted. H.R. 1487 would severely hamper the authority enjoyed by 17 Presidents of both parties since 1906 to establish national monuments in a timely matter to protect important historic and scientific sites. The bill would impose restrictions on the process for designating national monuments that are not imposed on any other Federal actions. It would single out designations of national monuments as the *only* Presidential actions that would be subject to NEPA. By legislatively determining that designations of national monuments, regardless of their actual environmental impacts, "significantly affect the quality of the human environment," this bill would preempt and pre-judge factual analysis that NEPA requires for other Federal actions. At the same time, the bill would impose delays on Federal decision-making that NEPA does not require in any other circumstance, while limiting the length of time that the Secretary could protect the affected area pending a final decision.

The problems this bill purports to solve are often imaginary. The bill would severely undermine a Presidential authority that has contributed significantly to the growth and strength of an American system of conservation areas that is the envy of the world. Without the President's authority under the Antiquities Act, many of America's grandest places might never have been protected and preserved for future generations. Adding mandated delays to decision-making under the Act would in-

crease the opportunity and incentive to exploit resources that could irreparably harm the features and values to be preserved.

The Antiquities Act has a proven track record of protecting, at critical moments, especially sensitive Federal lands and the unique historic and scientific objects they hold. These monuments have become universally revered symbols of America's beauty and legacy. A chart detailing each monument created under the Antiquities Act, and the objects protected in each, is attached to my testimony for your further review. These places speak eloquently of the wisdom of leaving the Antiquities Act alone.

Mr. Chairman, this completes my statement. I am available to answer any questions you or other Members of the Subcommittee may have.

[The information follows:]

MONUMENTS ESTABLISHED BY PRESIDENTIAL PROCLAMATION

Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
1. Devil's Tower, WY. Proc. No. 658 (Sept. 24, 1906), Stat. 3236	"lofty and isolated rock ... such an extraordinary example of the effect of wind erosion in the higher mountains as to be a natural wonder and an object of historic and scientific interest" (Proc. No. 658)	"natural wonder and an object of historic and scientific interest" (Proc. No. 658)	1,193.91 acres	Boundary enlarged by Act of August 9, 1955, 69 Stat. 575. Now a National Monument (NM) of 1346.91 acres.	T. Roosevelt
2. El Morro, NM. Proc. No. 695 (Dec. 8, 1906), 34 Stat. 3264	"the rocks known as El Morro and Inscription Rock ... of greatest historical value" (Proc. No. 695)	"greatest historical value" (Proc. No. 695); "ruins of archaeological value" (Proc. No. 1377)	160 acres	Boundary enlarged by Proc. No. 1377 (June 18, 1917), 40 Stat. 1673; Act of June 14, 1950, 64 Stat. 211. Now a NM of 1039.92 acres.	T. Roosevelt
3. Montezuma Castle, AZ. Proc. No. 696 (Dec. 8, 1906), 34 Stat. 3265	"prehistoric object known as Montezuma's Castle ... of the greatest ethnological value and scientific interest" (Proc. No. 696); "prehistoric ruins and ancient cliff dwellings ... of great interest to the public" (Proc. No. 2226)	"greatest ethnological and scientific interest" (Proc. No. 696).	161.39 acres	Boundary enlarged by Proc. No. 2226 (Feb. 23, 1937), 50 Stat. 1817; Act of Oct. 19, 1943, 57 Stat. 572 (adding a "detached unit"); Act of June 23, 1959, 73 Stat. 108; Act of Nov. 10, 1978, 92 Stat. 3474. Now a NM of 840.86 acres.	T. Roosevelt, F.D. Roosevelt
4. Petrified Forest, AZ. Proc. No. 697 (Dec. 8, 1906), 34 Stat. 3266	"mineralized remains of Mesozoic forests" (Proc. No. 697)	"greatest scientific interest and value" (Proc. No. 697); "additional features of scenic and scientific interest" (Proc. Nos. 1927, 1975, 2011).	60,776.02 acres	Boundary reduced by Proc. No. 1167 (July 31, 1911), 37 Stat. 1716; boundary enlarged by Proc. No. 1927 (Nov. 14, 1930), 46 Stat. 3040; Proc. No. 1975 (Nov. 30, 1931), 47 Stat. 2486; Proc. No. 2011 (Sept. 23, 1932), 47 Stat. 2532; Act of March 28, 1958, 72 Stat. 69. Now National Park of 93,492.57 acres; Act of March 28, 1958, 72 Stat. 69 (codified at 16 U.S.C. § 119), Park established Dec. 9, 1962 (wilderness designated, Act of October 23, 1970, 84 Stat. 1105).	T. Roosevelt, Wm. H. Taft, Herbert Hoover
5. Chaco Canyon, NM. Proc. No. 740 (March 11, 1907), 35 Stat. 2119	"extensive prehistoric communal or pueblo ruins ... of extraordinary interest because of their number and their great size and because of the innumerable and valuable relics of a prehistoric people which they contain" (Proc. No. 740)		10,643.13 acres	Boundary enlarged by Proc. No. 1826 (Jan. 10, 1928), 45 Stat. 2937. Redesignated and renamed Chaco Culture National Historic Park (NHP) by the Act of Dec. 19, 1980, 94 Stat. 3221, 3227. Now a NHP of 31,084.74 acres.	T. Roosevelt, Calvin Coolidge

Acreage figures are estimated federal acreage where available, but may in some cases be total acreage

Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
6. Cinder Cone, CA. Proc. No. 753 (May 6, 1907), 35 Stat. 2131	"the elevation ... known as Cinder Cone, and the adjacent area embracing a lava field and Snag Lake and Lake Bidwell ... of great scientific interest, as illustrations of volcanic activity which are of special importance in tracing the history of the volcanic phenomena of that vicinity" (Proc. No. 1907)	"great scientific interest" (Proc. No. 1970)	5,120 acres	Now Lassen Volcanic NP, 106,366.70 acres; Act of Aug. 9, 1916, 39 Stat. 442 (codified at 16 U.S.C. §§ 201 et seq.) (several boundary changes; wilderness designated, Act of Oct. 19, 1972, 86 Stat. 918).	T. Roosevelt
7. Lassen Peak, CA. Proc. No. 754 (May 6, 1907), 35 Stat. 2132	"Lassen Peak ... marks the southern terminus of the long line of extinct volcanoes in the Cascade Range from which one of the greatest volcanic fields in the world extends, and is of special importance in tracing the history of the volcanic phenomena of that vicinity" (Proc. No. 754)		1,280 acres	Now Lassen Volcanic NP, 106,366.70 acres; Act of Aug. 9, 1916, 39 Stat. 442 (codified at 16 U.S.C. §§ 201 et seq.) (several boundary changes; wilderness designated, Act of Oct. 19, 1972, 86 Stat. 918).	T. Roosevelt
8. Gila Cliff Dwellings, NM. Proc. No. 781 (Nov. 16, 1907), 35 Stat. 2162	"group of cliff-dwellings ... of exceptional scientific and educational interest, being the best representative of the Cliff-Dwellers' remains of that region" (Proc. No. 781); "additional cliff-dwellings and pit-house sites ... needed to round out the interpretive story" (Proc. No. 3467)	"exceptional scientific and educational interest" (Proc. No. 781)	160 acres	Transferred from NFS to NPS, Aug. 10, 1933; boundary increase -Proc. No. 3467 (April 17, 1962), 76 Stat. 1465; NFS resumed administration, April 28, 1975. Now a NM of 533.13 acres.	T. Roosevelt, John F. Kennedy
9. Tonto, AZ. Proc. No. 787 (Dec. 19, 1907), 35 Stat. 2168	"two prehistoric ruins of ancient cliff dwellings ... of great ethnologic, scientific and educational interest" (Proc. No. 787)	"great ethnologic, scientific and educational interest" (Proc. No. 787)	640 acres	Transferred from NFS to NPS, Aug. 10, 1933; boundary increased by Proc. No. 2230 (April 1, 1937), 50 Stat. 1825. Now NM of 1120.00 acres.	T. Roosevelt, F.D. Roosevelt
10. Muir Woods, CA. Proc. No. 793 (Jan. 9, 1908), 35 Stat. 2174	"an extensive growth of redwood trees (Sequoia sempervirens) ... of extraordinary scientific interest and importance because of the primeval character of the forest in which it is located, and of the character, age and size of the trees" (Proc. No. 793)	"extraordinary scientific interest and importance" (Proc. No. 793)	295 acres	Boundary enlarged by Proc. No. 1608 (Sept. 22, 1921), 42 Stat. 2249; Proc. No. 2122 (April 5, 1935), 49 Stat. 343; Proc. No. 2932 (June 26, 1951), 65 Stat. c20; Proc. No. 3311 (Sept. 8, 1959), 73 Stat. c76; Act of April 11, 1972, 86 Stat. 120. Now NM of 522.98 acres.	T. Roosevelt

Acreage figures are estimated federal acreage where available, but may in some cases be total acreage.

Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
11. Grand Canyon "I," AZ. Proc. No. 794 (Jan. 11, 1908), 35 Stat. 2175	"an object of unusual scientific interest, being the greatest eroded canyon within the United States" (Proc. No. 794)	"an object of unusual scientific interest" (Proc. No. 794)	808,120 acres	Now part of Grand Canyon NP, 1,180,617.78 acres; Act of Feb. 26, 1919, 40 Stat. 1175 (codified at 16 U.S.C. §§ 221 et seq.) (subsequent boundary changes; establishment of Grand Canyon "II" NM, Proc. No. 2022 (Dec. 22, 1932), 47 Stat. 2547; Marble Canyon NM, Proc. No. 3889 (Jan. 20, 1969), 83 Stat. 924; Grand Canyon NP, Act of Jan. 3, 1975, 33 Stat. 2089, incorporating original Grand Canyon NP, Grand Canyon "II" NM, Marble Canyon NM, and portions of Glen Canyon and Lake Mead National Recreation Areas).	T. Roosevelt
12. Pinnacles, CA. Proc. No. 796 (Jan. 16, 1908), 35 Stat. 2177	"the natural formations known as the Pinnacles Rocks, with a series of caves underlying them ... of scientific interest" (Proc. No. 796)	"natural formations ... of scientific interest"; "additional features of scientific and educational interest" (Proc. No. 796)	1,320 acres	Boundary enlarged by Proc. No. 1660 (May 7, 1923), 43 Stat. 1911; Proc. No. 1704 (July 2, 1924), 43 Stat. 1961; Proc. No. 1948 (April 13, 1931), 47 Stat. 2451; Proc. No. 2050 (July 11, 1933), 48 Stat. 1701; Proc. No. 2528 (Dec. 5, 1941), 55 Stat. 1709; Act of Oct. 20, 1976, 90 Stat. 2692; wilderness designated, Act of Oct. 20, 1976, 90 Stat. 2692. Now NM of 16,254.62 acres.	T. Roosevelt, Warren G. Harding, Calvin Coolidge, Herbert Hoover, F.D. Roosevelt
13. Jewel Cave, SD. Proc. No. 799 (Feb. 7, 1908), 35 Stat. 2180	"the natural formation, known as the Jewel Cave ... of scientific interest" (Proc. No. 799); "significant caverns and other geological features" (Act of Oct. 9, 1965)	"natural formation ... of scientific interest" (Proc. No. 799); "geological features" (Act of Oct. 9, 1965)	1,274.56 acres	Transferred from NFS to NPS, Aug. 10, 1933; boundary enlarged by the Act of Oct. 9, 1965, 79 stat. 971. Now NM of 1274.56 acres.	T. Roosevelt
14. Natural Bridges, UT. Proc. No. 804 (April 16, 1908), 35 Stat. 2183	"a number of natural bridges ... having heights more lofty and spans far greater than any heretofore known to exist ... of the greatest scientific interest ... extraordinary examples of stream erosion" (Proc. No. 804); "prehistoric cave springs" (Proc. No. 881); "additional cliff-type prehistoric Indian ruins" (Proc. No. 3486)	"greatest scientific interest" (Proc. No. 804)	120 acres	Boundary enlarged - Proc. No. 881 (Sept. 25, 1909), 36 Stat. 2502; Proc. No. 1323 (Feb. 11, 1916), 39 Stat. 1764; Proc. No. 3486 (Aug. 14, 1962), 76 Stat. 1495. Now NM of 7,636.49 acres.	T. Roosevelt, Wm. H. Taft, Woodrow Wilson, John F. Kennedy

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
15. Lewis & Clark, MT Proc. No. 807 (May 11, 1908), 35 Stat. 2187.	"an extraordinary limestone cavern ... of great scientific interest" (Proc. No. 807).		160 acres	Location confirmed - Proc. No. 1123 (May 16, 1911), 37 Stat. 1679. Now abolished by Act of Aug. 24, 1937, 50 Stat. 746 (property to be transferred to state).	T. Roosevelt, Wm. H. Taft
16. Tumacacori, AZ. Proc. No. 821 (Sept. 15, 1908), 35 Stat. 2205.	"the Tumacacori Mission, an ancient Spanish ruin, which is one of the oldest mission ruins in the Southwest ... and in remarkable repair, considering its great age, and of great historical interest" (Proc. No. 821)	"great historical interest" (Proc. No. 821)	10 acres	Boundary enlarged - Proc. No. 3228 (March 28, 1958), 72 Stat. c30; Act of Nov. 10, 1978, 92 Stat. 3475. Redesignated Tumacacori NHP by Pub. L. 101-344, 104 Stat. 393, codified at 16 U.S.C. §§ 410ss and 410ss note. Now an NHP of 15.88 acres.	T. Roosevelt
17. Wheeler, CO. Proc. No. 831 (Dec. 7, 1908), 35 Stat. 2214.	"certain volcanic formations ... of unusual scientific interest as illustrating erratic erosion" (Proc. No. 831)	"unusual scientific interest" (Proc. No. 831)	300 acres	Abolished by Act of Aug. 3, 1950, 64 Stat. 405 (property to be administered as national forest)	T. Roosevelt
18. Mount Olympus, WA. Proc. No. 869 (March 2, 1909), 35 Stat. 2247.	"the slopes of Mount Olympus and the adjacent summits of the Olympic Mountains... embrace ... numerous glaciers, and ... the summer range and breeding grounds of the Olympic Elk" (Cervus roosevelti), a species peculiar to these mountains and rapidly decreasing in numbers" (Proc. No. 869)	"certain objects of unusual scientific interest" (Proc. No. 869)	639,200 acres	boundary reduced - Proc. No. 1191 (April 17, 1912), 37 Stat. 1737; Proc. No. 1293 (May 11, 1915), 39 Stat. 1726; Proc. No. 1862 (Jan. 7, 1929), 45 Stat. 2984. Transferred from NFS to NPS, Aug. 10, 1933. Now Olympic NP, 913,280.5 acres; Act of June 29, 1938, 52 Stat. 1241 (codified at 16 U.S.C. §§ 251 et seq.) (several subsequent changes).	T. Roosevelt, Wm. H. Taft, Woodrow Wilson, Herbert Hoover
19. Navajo, AZ. Proc. No. 873 (March 20, 1909), 36 Stat. 2491.	"a number of prehistoric cliff dwellings and pueblo ruins ... which are new to science and wholly unexplored, and because of their isolation and size are of the very greatest ethnological, scientific and educational interest" (Proc. No. 873)	"very greatest ethnological, scientific and educational interest" (Proc. No. 873)	360 acres	Boundary reduced - Proc. No. 1186 (March 14, 1912), 37 Stat. 1733. Now NM of 360.00 acres.	Wm. H. Taft
20. Oregon Caves, OR. Proc. No. 876 (july 12, 1909), 36 Stat. 2497.	"certain natural caves ... of unusual scientific interest and importance" (Proc. No. 876)	"unusual scientific interest" (Proc. No. 876)	465.80 acres	Now NM of 466.23 acres.	Wm. H. Taft

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
21. Mukuntuweap (Zion), Ut. Proc. No. 877 (July 31, 1909), 36 Stat. 2498.	"Mukuntuweap Canyon... is an extraordinary example of canyon erosion and is of the greatest scientific interest" (Proc. No. 877); "many natural features of unusual archaeologic, geologic, and geographic interest ... the archaeologic features pertain [sic] to the prehistoric races of America and to the ancestral Indian tribes, ... the geologic features include craters of extinct volcanoes, fossiliferous deposits of unusual nature, and brilliantly colored strata of unique composition, among which are some believed to be the best representatives in the world of a rare type of sedimentation ... the features of geographic interest include a labyrinth of remarkable canyons with highly ornate and beautifully colored walls, in which are plainly recorded the geologic events of past ages" (Proc. No. 1435)	"greatest scientific interest" (Proc. No. 877); "natural features of unusual archaeologic, geologic, and geographic interest" (Proc. No. 1435)	16,000 acres	Name changed and boundary enlarged - Proc. No. 1435 (March 18, 1918), 40 Stat. 1760. Now Natl. Park (Zion NP) - 142,542.05 acres; Act of Nov. 19, 1919, 41 Stat. 356 (several subsequent boundary changes)	Wm. T. Taft, Woodrow Wilson, F.D. Roosevelt
22. Shoshone Cavern, WY. Proc. No. 880 (Sept. 12, 1909), 36 Stat. 2501.	"a cavern...of unknown extent but of many windings and ramifications and containing vaulted chambers of large size, magnificently decorated with sparkling crystals and beautiful stalactites, and containing impenetrable pits of unknown depth" (Proc. No. 880)	"of great scientific interest and value" (Proc. No. 880)	210 acres	Now abolished by Act of May 17, 1954, 68 Stat. 98 (property to be conveyed to city for public park and recreational use with reverter to federal government).	Wm. H. Taft
23. Gran Quivira, NM. Proc. No. 882 (Nov. 1, 1909), 36 Stat. 2503.	"one of the largest and most important of the early Spanish church ruins ... together with numerous Indian pueblo ruins in its vicinity ... of great historical interest"; (Proc. No. 882); "ruins of archaeological value" (Proc. No. 1545)	"great historical interest" (Proc. No. 882); "ruins of archaeological value" (Proc. No. 1545)	183.77 acres	Boundary enlarged - Proc. No. 1545 (Nov. 25, 1919), 41 Stat. 1778. Monument abolished and funds made available to Salinas NM by Pub. L. 96-550, Dec. 19, 1980, 94 Stat. 3231. Salinas NM redesignated Salinas Pueblo Missions NM by Pub. L. 100-559, Oct. 28, 1988, 102 Stat. 2797.	Wm. H. Taft, Woodrow Wilson

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
24. Sitka, AK. Proc. No. 959 (March 23, 1910), 36 Stat. 2601)	"the decisive battleground of the Russian conquest of Alaska in 1804, and ... the site of the former village of the Kit-Siti tribe, the most warlike of the Alaskan Indians ... and ... the graves of a Russian midshipman and six sailors, killed in the conflict, and numerous totem poles constructed by the Indians, which record the genealogical history of their several clans" (Proc. No. 959)		51.25 acres	Boundary redefined and enlarged - Proc. No. 2965 (Feb. 25, 1952), 66 Stat. c22. Now Sitka NHP, 106.17 acres; Act of Oct. 18, 1972, 86 Stat. 904.	Wm. H. Taft, Harry S. Truman
25. Rainbow Bridge, UT. Proc. No. 1043 (May 30, 1910), 36 Stat. 2703.	"an extraordinary natural bridge, having an arch which is in form and appearance much like a rainbow, and which is three hundred and nine feet high and two hundred and seventy-eight feet span ... of great scientific interest as an example of eccentric stream erosion" (Proc. No. 1043)	"great scientific interest" (Proc. No. 1043)	160 acres	now NM of 160.00 acres.	Wm. H. Taft
26. Big Hole Battlefield, MT. Exec. Order No. 1216 (June 23, 1910)		"historic landmarks" (Exec. Order No. 1216)	5 acres	Transferred from War Department to NPS, Aug. 10, 1933; boundary enlarged - Proc. No. 2239 (June 29, 1939), 53 Stat. 2544; name changed and boundary enlarged, Act of May 17, 1963, 77 Stat. 18. Now Natl. Battlefield (Big Hole NB) - 655.61 acres; Act of May 17, 1963, 77 Stat. 18 (subsequent boundary changes)	Wm. H. Taft, F.D. Roosevelt
27. Colorado, CO. Proc. No. 1126 (May 24, 1911), 37 Stat. 1681.	"extraordinary examples of erosion ... of great scientific interest ... natural formations" (Proc. No. 1126)	"great scientific interest ... natural formations" (Proc. No. 1126); "features of historical and scientific interest" (Proc. No. 2037)	13,466.21 acres	Boundary enlarged - Proc. No. 2037 (March 3, 1933), 47 Stat. 2563; boundary revised - Proc. No. 3307 (Aug. 7, 1959), 73 Stat. 69; Oct. 21, 1976). Nov. 10, 1978. Now NM of 19,925.91 acres.	Wm. H. Taft, Herbert Hoover, Dwight D. Eisenhower
28. Devil Postpile, CA. Proc. No. 1166 (July 6, 1911), 37 Stat. 1715.	"the natural formations known as the Devil Postpile and Rainbow Falls ... of scientific interest" (Proc. No. 1166)	"scientific interest" (Proc. No. 1166)	798.46 acres	Transferred from NFS to NPS, Aug. 10, 1933. Now NM of 798.46 acres.	Wm. H. Taft

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
29. Papago Saguaro, AZ. Proc. No. 1262 (Jan. 31, 1914), 38 Stat. 1991.	"splendid examples of the giant and many other species of cacti and the yucca palm, with many additional forms characteristic of desert flora, grow to great size and perfection and are of great scientific interest, and ... numerous prehistoric pictographs of archaeological and ethnological value" (Proc. No. 1262)	"great scientific interest ... archaeological and ethnological value ... natural objects and prehistoric inscriptions" (Proc. No. 1262)	2,050.43 acres	Boundary reduced - Exec. Order No. 3769 (Dec. 28, 1922). Now abolished by Act of April 7, 1930, 46 Stat. 142 (property to be conveyed to state for park, recreational, and public convenience purposes with reverter to federal government).	Woodrow Wilson, W.G. Harding
30. Cabrillo, CA. Proc. No. 1255 (Oct. 14, 1913), 38 Stat. 1965.	"when Cabrillo sailed from San Diego Bay on the 28th day of September, 1542, Point Loma was the first land sighted" (Proc. No. 1255)	"historical landmarks and historical objects" (Proc. No. 32730)	0.50 acres	Proc. No. 1773 (May 12, 1926), 44 Stat. 2612; transferred from War Dept. to NPS, Aug. 10, 1933; boundary enlarged - Proc. No. 3273 (Feb. 2, 1959), _ Stat. _ ; Proc. No. 4319 (Sept. 28, 1974), _ Stat. _ . Now NM of 137.06 acres.	Woodrow Wilson, Dwight D. Eisenhower, Gerald R. Ford
31. Dinosaur, CO. Proc. No. 1313 (Oct. 4, 1915), 39 Stat. 1752.	"an extraordinary deposit of Dinosaurian and other gigantic reptilian remains of the Juratrias period, which are of great scientific interest and value" (Proc. No. 1313)	"great scientific interest and value" (Proc. No. 1313); "various objects of historic and scientific interest" (Proc. No. 2290)	80 acres	Boundary enlarged - Proc. No. 2290 (July 14, 1938), 53 Stat. 2454; Act of Sept. 8, 1960, 74 Stat. 857. Boundaries enlarged by Notice of the Secretary of the Interior, Feb. 21, 1963, March 27, 1964, Notice of the Asst. Secretary of the Interior, Oct. 6, 1964, and Notice of the Dir. of the NPS, Aug. 27, 1985. Now NM of 204,355.49 acres.	Woodrow Wilson, Calvin Coolidge
32. Walnut Canyon, AZ Proc. No. 1318 (Nov. 30, 1915), 39 Stat. 1761.	"certain prehistoric ruins of ancient cliff dwellings ... of great ethnologic, scientific, and educational interest" (Proc. No. 1318)	"great ethnologic, scientific, and educational interest" (Proc. No. 1318); "various objects of historic and scientific interest" (Proc. No. 2300)	960 acres	Transferred from NFS to NPS, Aug. 10, 1933; boundary enlarged - Proc. No. 2300 (Sept. 24, 1938), 53 Stat. 2469. Now NM of 2,011.62 acres.	Woodrow Wilson, F.D. Roosevelt
33. Bandelier, NM. Proc. No. 1322 (Feb. 11, 1916), 39 Stat. 1764	"certain prehistoric ruins ... of unusual ethnologic, scientific, and educational interest ... relics of a vanished people" (Proc. No. 1322); "pueblo-type archaeological ruins" (Proc. No. 3388); "prehistoric aboriginal ruins ... unusual scenic character together with geologic and topographic features" (Proc. No. 3539)	"unusual ethnologic, scientific, and educational interest" (Proc. No. 1322)	23,352 acres	Transferred from NFS to NPS, Feb. 25, 19321; boundary enlarged - Proc. No. 1991 (Feb. 25, 1932), 47 Stat. 2503; Proc. No. 3388 (Jan. 9, 1961), 75 Stat. 1014; Proc. No. 3539 (May 27, 1963), 77 Stat. 1066. Now NM of 32,737.20 acres.	Woodrow Wilson, Herbert Hoover, Dwight D. Eisenhower

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
34. Sieur De Monts, ME. Proc. No. 1339 (July 8, 1916), 39 Stat. 1785.	"Mount Desert Island ... discovered by Samuel de Champlain and upon which he first landed when ... he explored and described the present New England coast, an exploration and discovery of great historic interest. The topographic configuration, the geology, the fauna and the flora of the island ... are also of great scientific interest" (Proc. No. 1339)	"great historic interest ... great scientific interest" (Proc. No. 1339)	5,000 acres (subsequent boundary changes).	Now Acadia NP. 40,699.48 acres; Act of Feb. 26, 1919, 40 Stat. 1178 (establishing "Lafeyette NP"); Act of Jan. 19, 1929; 45 Stat. 1083, extending boundaries and changing name to "Acadia NP"	Woodrow Wilson
35. Capulin Mountain, NM. Proc. No. 1340 (Aug. 9, 1916), 39 Stat. 1792.	"striking example of recent extinct volcanoes and ... of great scientific and especially geologic interest" (Proc. No. 1340); "scenic and scientific integrity of Capulin Mountain National Monument" (Act of Sept. 5, 1962)	"great scientific and especially geologic interest" (Proc. No. 1340)	640.42 acres	Boundary enlarged by the Act of Sept. 5, 1962, 76 Stat. 436. Renamed Capulin Volcano NM by Pub. L. 100-225, Dec. 21, 1987, codified at 16 U.S.C. § 560uu-46(g). Boundary adjusted by Public Land Order 5273, May 14, 1980.	Woodrow Wilson
36. Old Kasaan, AK. Proc. No. 1351 (Oct. 25, 1916), 39 Stat. 1812	"certain historic aboriginal ruins of the former Haida Indian village known as 'Old Kasaan' ... representing a distinctive type of aboriginal American civilization, the vestiges of which are rapidly disappearing" (Proc. No. 1351)	"Unusual ethnologic, scientific, and educational interest" (Proc. No. 1351)	43 acres	Now abolished by Act of July 26, 1955, 69 Stat. 380 (property to be administered as part of Tongass National Forest).	Woodrow Wilson
37. Verendrye, ND. Proc. No. 1380 (June 29, 1917), 40 Stat. 1677	"a high and imposing butte ... it marks the spot where the Verendrye party first crossed the Missouri River in their journey to the Rocky Mountains, thus giving the place great historic interest" (Proc. No. 1380)	"great historic interest" (Proc. No. 1380)	253.04 acres	Abolished by Act of July 30, 1956, 70 Stat 730 (property to be conveyed to state for public recreation use and as state historic site with reverter to federal government)	Woodrow Wilson
38. Casa Grande, AZ. Proc. No. 1470 (Aug. 3, 1918), 40 Stat. 1818	"the prehistoric ruin known as Casa Grande ... ruins of the ancient buildings and other objects of prehistoric interest (Proc. No. 1470)	"objects of prehistoric interest"	480 acres	Boundary reduced by the Act of June 7, 1926, 44 Stat. 698. Now a NM of 472.50 acres.	Woodrow Wilson

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
39. Katmai, AK. Proc. No. 1487 (Sept. 24, 1918), 40 Stat. 1855	Mount Katmai ... has proved ... to be of importance in the study of volcanism, inasmuch as its eruption of June, 1912, was one of excessive violence, ranking in the first order of volcanic eruptions ... The results of this eruption are still fresh, offering excellent opportunities for studying the causes of the catastrophe and its results ... The Valley of the Ten Thousand Smokes, a valley of hot springs in a condition of development toward a possible future geyser field ... This wonderland may become of popular scenic, as well as scientific, interest for generations to come, inasmuch as all its phenomena exist upon a scale of great magnitude, arousing emotions of wonder at the inspiring spectacles, thus affording inspiration to patriotism and to the study of nature"; "features of historical and scientific interest and ... brown bear, moose, and other wild animals" (Proc. 1950); "inclusion of all ... [Naneck Lake] and its shores ... for the protection of the ecological and other scientific values of this lake and the existing monument" (Proc. No. 3890)	"scenic, as well as scientific, interest" (Proc. No. 1487); "features of historical and scientific interest" (Proc. No. 1950); "objects of scientific interest" (Proc. No. 2564); "ecological and other scientific values" (Proc. No. 3890)	1,088,000 acres	Boundary enlarged by Proc. No. 1950 (April 24, 1931), 47 Stat. 2453; valid existing rights recognized by Proc. No. 2177 (June 15, 1936), 49 Stat. 3523; boundary enlarged by Proc. No. 2564 (Aug. 4, 1942), 56 Stat. 1972; Proc. No. 3890 (Jan. 20, 1969), 83 Stat. 926; Proc. No. 4619 (Dec. 1, 1978). Redesignated Katmai National Park and Preserve by the Alaska National Interest Lands Conservation Act (ANILCA), Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, codified at 16 U.S.C. § 410hh-1(2). Now a NP of 3,674540.87 acres and a national preserve of 382,074 acres.	Woodrow Wilson, Herbert Hoover, F.D. Roosevelt, L.B. Johnson, Jimmy Carter
40. Scotts Bluff, NE. Proc. No. 1547 (Dec. 12, 1919), 41 Stat. 1779	"... the highest point within the State of Nebraska ... traversed by the old Oregon Trail ... used as a landmark and rendezvous by thousands of immigrants and frontiersmen ... " (Proc. No. 1547)	"scientific interest" (Proc. No. 1547); "additional features of scenic and scientific interest" (Proc. No. 1999)	2,053.83 acres	Boundary enlarged by Proc. No. 1999 (June 1, 1932), 47 Stat. 2512; Proc. No. 2391 (March 29, 1940), 54 Stat. 2690; Act of June 30, 1961, 75 Stat. 148	Woodrow Wilson, Herbert Hoover, F.D. Roosevelt
41. Yucca House, Co. Proc. No. 1549 (Dec. 19, 1919), 41 Stat. 1781	"an imposing pile of masonry of great archaeological value, relic of the prehistoric inhabitants of that part of the country" (Proc. No. 1549)	"great archaeological value" (Proc. No. 1549)	9.60 acres	Now a NM of 9.60 acres	Woodrow Wilson

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
42. Lehman Caves, NV. Proc. No. 1618 (Jan. 24, 1922), 42 Stat. 2260	"certain natural caves ... of unusual scientific interest and importance (Proc. No. 1618)	"unusual scientific interest and importance" (Proc. No. 1618)	593.03 acres	Incorporated into Great Basin NP, 77,180 acres, by Pub. L. 99-565, 100 Stat. 3181, codified at 16 U.S.C. § 410mm(d)	W.G. Harding
43. Timpanogos Cave, UT. Proc. No. 1640 (Oct. 14, 1922), 42 Stat. 2285	"a natural cave ... of unusual scientific interest and importance" (Proc. No. 1640)	"unusual scientific interest and importance" (Proc. No. 1640)	250 acres	Now a NM of 250 acres	W.G. Harding, J.F. Kennedy
44. Fossil Cycad, SD. Proc. No. 1641 (Oct. 21, 1922), 42 Stat. 2286	"rich Mesozoic deposits of fossil cycads and other characteristic examples of paleobotany, which are of great scientific interest and value" (Proc. No. 1641)	"great scientific interest and value" (Proc. No. 1641)	320 acres	Abolished by Act of Aug. 1, 1956, 70 Stat. 898 (property to be administered under public land laws)	W.G. Harding
45. Hovenweep, CO. Proc. No. 1654 (March 2, 1923), 42 Stat. 2299	"four groups of ruins, including prehistoric structures, the majority of which belong to unique types not found in other National Monuments, and show the finest prehistoric masonry in the United States" (Proc. No. 1654);	"prehistoric remains" (Proc. No. 1654); "very important archaeological sites" (Proc. No. 2998); "historic and scientific value" (Proc. No. 3132)	285.80 acres	Boundary enlarged by Proc. NO. 2924 (April 26, 1951), 65 Stat. 8; Proc. No. 2998 (Nov. 20, 1952), 67 Stat. c21; Proc. No. 3132 (April 6, 1956), 70 Stat. 26. Now an NM of 784.93 acres.	W.G. Harding, Harry S. Truman, Dwight D. Eisenhower
46. Mound City Group, OH. Proc. No. 1653 (March 2, 1923), 42 Stat. 2298	"'Mound City Group' of prehistoric mounds ... is an object of great historic and scientific interest" (Proc. No. 1653)	"object of great historic and scientific interest" (Proc. No. 1653)	57 acres	Transferred from War Dept. to NPS, Aug. 10, 1933; boundary changed, April 3, 1952, 66 Stat. 42. Renamed and redesignated as part of Hopewell Culture National Historic Park (NHP), 412.72 acres, by Pub. L. 102-294, 106 Stat. 185, codified at 16 U.S.C. §§ 410uu, 410uu-1.	W.G. Harding
47. Pipe Spring, AZ. Proc. No. 1662 (May 31, 1923), 43 Stat. 1913	"a spring ... which affords the only water along the road between Hurricane, Utah, and Fredonia, Arizona, a distance of sixty-two miles ... used as a place of refuge from hostile Indians by the early settlers" (Proc. No. 1663)		0 acres	Acreage conveyed to federal government by quitclaim deed, 1924. Now a NM of 40 acres.	W.G. Harding
48. Bryce Canyon, UT. Proc. No. 1664 (June 8, 1923), 43 Stat. 1914	(Establishing Proc. lists no specific objects)	"certain lands within the Powell National Forest, ... known as Bryce Canyon, are of unusual scenic beauty, scientific interest and importance" (Proc. No. 1664)	7,440 acres	Now Bryce Canyon NP, 35,832.58 acres; Act of June 7, 1924, 43 Stat. 593 (authorized as "Utah National Park"); name changed to "Bryce Canyon National Park" by Act of Feb. 25, 1928, 45 Stat. 147 (subsequent boundary changes).	W.G. Harding

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
49. Carlsbad Cave, NM. Proc. No. 1679 (Oct. 25, 1923), 43 Stat. 1929	"a limestone cavern ... of extraordinary proportions and of unusual beauty and variety of natural decoration ... as to make this a cavern equal, if not superior, in both scientific and popular interest to the better known caves" (Proc. No. 1679)	"scientific and popular interest" (Proc. No. 1679)	719.22 acres	Now Carlsbad Caverns NP, 46,427.26 acres; Act of May 14, 1930, 46 Stat. 279 (subsequent boundary changes; wilderness designated, Act of Nov. 10, 1978, 92 Stat. 3489)	Calvin Coolidge
50. Chiricahua, AZ. Proc. No. 1692 (April 18, 1924), 43 Stat. 1946	"certain natural formations, known as 'The Pinnacles,' of scientific interest" (Proc. No. 1692)	"scientific interest" (Proc. No. 1692); "objects of historic and scientific interest" (Proc. No. 2288)	3,655.12 acres	Now a NM of 11,982.38 acres	Calvin Coolidge
51. Craters of the Moon, ID. Proc. No. 1694 (May 2, 1924), 43 Stat. 1947	"remarkable fissure eruption together with its associated volcanic cones, craters, rifts, lava flows, caves natural bridges, and other phenomena characteristic of volcanic action which are of unusual scientific value and general interest" (Proc. No. 1694); "an island of vegetation completely surrounded by lava, that is scientifically valuable for ecological studies because it contains a mature, native sagebrush-grassland association which has been undisturbed by man or domestic livestock" (Proc. No. 3506)	"unusual scientific value and general interest ... many curious and unusual phenomena of great educational value" (Proc. No. 1694); "additional features of scientific interest" (Proc. No. 1843)	22,651.80 acres	Boundary enlarged by Proc. No. 1843 (July 23, 1928), 45 Stat. 2959; Proc. No. 1916 (July 9, 1930), 46 Stat. 3029; lands excluded by Proc No. 2499 (July 18, 1941), 55 Stat. 1660; boundary enlarged by Proc. No. 3506 (Nov. 19, 1962), 77 Stat. 960. Now an NM of 53,545.05 acres	Calvin Coolidge, Herbert Hoover, F.D. Roosevelt, John F. Kennedy
52. Fort Marion (Castillo de San Marcos), FL. Proc. No. 1713 (Oct. 15, 1924), 43 Stat. 1968	"various military reservations ... which comprise areas of historic and scientific interest" (Proc. No. 1713)	"areas of historic and scientific interest" (Proc. No. 1713)	18.51 acres	Transferred from War Dept. to NPS Aug. 10, 1933; boundary adjustment authorized by the Act of June 29, 1936, 49 Stat. 2029; name changed from "Fort Marion" to "castillo de San Marcos," Act of June 5, 1942, 56 Stat. 312; addition of lands authorized by Act of July 5, 1960, 74 Stat. 317. Now a NM of 20.18.	Calvin Coolidge
53. Fort Matanzas, FL. Proc. No. 1713 (Oct. 15, 1924), 43 Stat. 1968	"various military reservations ... which comprise areas of historic and scientific interest" (Proc. No. 1713)	"areas of historic and scientific interest" (Proc. No. 1713)	1 acre	Transferred from War Dept. to NPS Aug. 10, 1933; boundary enlarged by Proc. No. 2773 (March 24, 1948), 62 Stat. 1491; Proc. No. 2114 (Jan. 9, 1935), 49 Stat. 3433. Now a NM of 298.51 acres.	Calvin Coolidge, F.D. Roosevelt

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
54. Fort Pulaski, GA. Proc. No. 1713 (Oct. 15, 1924), 43 Stat. 1968	"various military reservations ... which comprise areas of historic and scientific interest" (Proc. No. 1713); "the Cockspur Island Lighthouse Reservation ... contains an old abandoned lighthouse which is contemporary with Fort Pulaska and ... of historic interest"	"areas of historic and scientific interest" (Proc. No. 1713)	20 acres	Transferred from War Dept. to NPS Aug. 10, 1933; boundary enlarged by Act of June 2, 1936, 49 Stat. 1979; Proc. No. 3254 (Aug. 14, 1958), 72 Stat. c52. Now a NM of 5,365.13 acres.	Calvin Coolidge
55. Statue of Liberty, NY. Proc. No. 1713 (Oct. 15, 1924), 43 Stat. 1968	"various military reservations ... which comprise areas of historic and scientific interest .. the site of the Statue of Liberty Enlightening the World" (Proc. No. 1713)	"areas of historic and scientific interest" (Proc. No. 1713	2.5 acres	Transferred from War Dept. to NPS Aug. 10, 1933; boundary enlarged by Proc. No. 2250 (Sept. 7, 1937), 51 Stat. 393; Proc. No. 3656 (May 11, 1965), 79 Stat. 1490. Now a NM of 58.38 acres.	Calvin Coolidge, F.D. Roosevelt, L.B. Johnson
56. Castle Pinckney, SC. Proc. No. 1713 (Oct. 15, 1924), 43 Stat. 1968.	"various military reservations ... which comprise areas of historic and scientific interest" (Proc. No. 1713)	"areas of historic and scientific interest" (Proc. No. 1713)	3.5 acres	Now abolished by Act of March 29, 1956, 70 Stat. 61 (property to be disposed of in accordance with the laws relating to the disposition of surplus Federal property).	Calvin Coolidge
57. Wupatki, AZ. Proc. No. 1721 (Dec. 9, 1924), 43 Stat. 1977.	"two groups of prehistoric ruins built by the ancestors of a most picturesque tribe of Indians still surviving in the United States, the Hopi or People of Peace" (Proc. No. 1721)	"prehistoric remains" (Proc. No. 1721); "prehistoric and archaeological ruins of historic and scientific interest" (Proc. No. 2243)	2,234.10 acres	Boundary enlarged - Proc. No. 2243 (July 9, 1937), 50 Stat. 1841; lands excluded - Proc. No. 2454 (Jan. 22, 1941), 55 Stat. 1608; boundary revised - Act of Aug. 10, 1961, 75 Stat. 337. Now NM 35,253.24 acres.	Calvin Coolidge
58. Meriwether Lewis, TN. Proc. No. 1730 (Feb. 6, 1925), 43 Stat. 1986.	"the grave of Captain Meriwether Lewis [whose] faithful and effective services are of transcendent importance to the Nation" (Proc. No. 1730)		50 acres	Boundary enlarged - Proc. No. 1825 (Dec. 6, 1927), 45 Stat. 2935; transferred from War Dept. to NPS, Aug. 10, 1933; included in the Natchez Trace Parkway, Act of Aug. 10, 1961, 75 Stat. 335. Now Part of Natchez Trace National Scenic Trail, 10,995 acres, established by Pub. L. 98-11, codified at 16 U.S.C. § 1244(a)(12).	Calvin Coolidge, F.D. Roosevelt

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
59. Glacier Bay, AK. Proc. No. 1733 (Feb. 26, 1925), 43 Stat. 1988.	"a number of tidewater glaciers of the first rank in a magnificent setting of lofty peaks ... a unique opportunity for the scientific study of glacial behavior and of resulting movements and development of flora and fauna and of certain valuable relics of ancient interglacial forests ... of historic interest having been visited by explorers and scientists since the early voyages of Vancouver in 1794, who have left valuable records of such visits and explorations" (Proc. No. 1733)	"unique opportunity for ... scientific study ... historic interest" (Proc. No. 1733); "geologic features of scientific interest" (Proc. No. 2330)	1,379,315.58 acres	Boundary enlarged - Proc. No. 2330 (April 18, 1939), 53 Stat. 2534; lands excluded - Proc. No. 3089 (March 31, 1955), 69 Stat. c27; boundary enlarged by Proc. No. 4618 (Dec. 1, 1978). Boundary expanded and redesignated a NP and national preserve by ANILCA, Pub. L. 96-487, 94 Stat 2382, codified at 16 U.S.C. § 410hh-1(1). Now a NP of 3,224,938 acres and a national preserve of 55,439 acres.	Calvin Coolidge, F.D. Roosevelt, Dwight D. Eisenhower, L.B. Johnson
60. Father Millet Cross, NY. Proc. No. 1745 (Sept. 5, 1925), 44 Stat. 2582.	"Father Millet, a French Jesuit Priest, who came to Canada - then known as New France - in 1667, and who did, on Good Friday, 1688, erect and dedicate a cross on what is now the Fort Niagra Military Reservation" (Proc. No. 1745)		0.0074 acres	Now abolished by Act of Sept. 7, 1949, 63 Stat. 691 (property conveyed to state for use as part of state park).	Calvin Coolidge
61. Lava Beds, CA. Proc. No. 1755 (Nov. 21, 1925), 44 Stat. 2591.	"cliffs with petroglyphic carvings from a prehistoric period ... a large cinder cone, important to the geological interpretation of the ... Monument" (Proc. No. 2925)	"objects of such historic and scientific interest as to justify their reservation and protection as a National Monument" (Proc. No. 1755); "prehistoric and geologic phenomena" (Proc. No. 2925)	45,589.92 acres	Transferred from NFS to NPS, Aug. 10, 1933; boundary enlarged - Proc. No. 2925 (April 27, 1951), 65 Stat. c9; Oct. 26, 1974, 88 Stat. 1447. Now NM of 46,821.33 acres.	Calvin Coolidge, Harry Truman
62. Arches, UT. Proc. No. 1875 (April 12, 1929), 46 Stat. 2988.	"extraordinary examples of wind erosion in the shape of gigantic arches, natural bridges, 'windows,' spires, balanced rocks, and other unique wind-worn sandstone formations, the preservation of which is desirable because of their educational and scenic value" (Proc. No. 1875)	"educational and scenic value" (Proc. No. 1875); "geologic and prehistoric structures of historic and scientific interest" (Proc. No. 2312); "outstanding interest" (Proc. No. 3360); "objects of geological and scientific interest to complete the geologic story presented at the monument" (Proc. No. 3887)	4,833.63 acres	Boundary enlarged - Proc. No. 2312 (Nov. 25, 1938) 53 Stat. 2504; boundary revised - Proc. No. 3360 (July 22, 1960), boundary revised - Proc. No. 3360 (July 22, 1960),74 Stat. c79; boundary enlarged - Proc. No. 3887 (Jan. 20. 1969), 83 Stat. 920. Now Natl. Park (Arches NP) - 66,343.51 acres; Act of Nov. 12, 1971, 85 Stat. 422 (codified at 16 U.S.C. § 272).	Herbert Hoover, F.D. Roosevelt, Dwight D. Eisenhower, L.B. Johnson
63. Holy Cross, CO. Proc. No. 1877 (May 11, 1929), 46 Stat. 2993.	"the figure in the form of a Greek Cross found on the side of the Mount of the Holy Cross .. is an object of much public interest" (Proc. No. 1977)	"object of much public interest" (Proc. No. 1877)	1,392.00 acres	Now abolished by Act of Aug. 3, 1950, 64 Stat. 404 (property to be administered as part of national forest).	Herbert Hoover

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
64. Sunset Crater, AZ. Proc. No. 1911 (May 26, 1930), 46 Stat. 3023.	(Establishing Proc. No. 1911 lists no specific objects)	"certain geologic formations ... of scientific and public interest" (Proc. No. 1911)	3,040 acres	Transferred from NFS to NPS, Aug. 10, 1933. Name changed to Sunset Crater Volcano NM by Pub. L. 101-612, Nov. 16, 1990, 104 Stat. 3222. Now NM of 3,040.00 acres.	Herbert Hoover
65. Great Sand Dunes, CO. Proc. No. 1994 (March 17, 1932), 47 Stat. 2506.	"the great sand dunes and additional features of scenic, scientific, and educational interest" (Proc. No. 1994)	"features of scenic, scientific, and educational interest" (Proc. No. 1994)	35,528.36 acres	Boundary redefined - Proc. No. 2681 (March 12, 1946), 60 Stat. 1339; boundary revised - Proc. No. 3138 (June 7, 1956), 70 Stat. 631; boundary enlarged - Act of Nov. 10, 1978, 92 Stat. 3474. Now NM of 36,426.16 acres.	Herbert Hoover, Harry S. Truman, Dwight D. Eisenhower
66. Grand Canyon "II", AZ. Proc. No. 2022 (Dec. 22, 1932), 47 Stat. 2547.	"the Grand Canyon of the Colorado River is an object of unusual scientific interest, being the greatest eroded canyon within the United States ... and ... that portion of the canyon which continues down the Colorado River below the Grand Canyon National Park contains much that is most significant and important in this unusual scientific interest" (Proc. No. 2022)	"unusual scientific interest" (Proc. No. 2022)	273,145 acres	Lands excluded - Proc. No. 2393 (April 4, 1940), 54 Stat. 2692. Now Natl. Park (Grand Canyon NP) - 1,189,641.37 acres; Act of Jan. 31, 1975, 88 Stat. 2089 (incorporated existing Grand Canyon NP, Grand Canyon "II" National Monument, Marble Canyon National Monument, and portions of Glen Canyon and Lake Mead National Recreation Areas).	Herbert Hoover , F.D. Roosevelt
67. White Sands, NM. Proc. No. 2025 (Jan. 18, 1933), 47 Stat. 2551.	"the white sands and additional features of scenic, scientific, and educational interest" (Proc. No. 2025)	"features of scenic, scientific, and educational interest" (Proc. No. 2025)	131,486.84 acres	Boundary enlarged - Proc. No. 2108 (Nov. 28, 1934), 49 Stat. 3426; lands excluded - Proc. No. 2295 (Aug. 29, 1938), 53 Stat. 2465; boundary enlarged - Act of June 6, 1942, 56 Stat. 327; Proc. No. 3024 (June 24, 1953), Nov. 10, 1978, 92 Stat. 3475. Now NM 143,732.92 acres.	Herbert Hoover, F.D. Roosevelt, Dwight D. Eisenhower
68. Death Valley, CA. Proc. No. 2028 (Feb. 11, 1933), 47 Stat. 2554 (includes Devils's Hole, Proc. No. 2961 Jan. 17, 1952), 66 Stat. 18)	"(Establishing Proc. No. 2028 lists no specific objects); "a remarkable underground pool known as Devil's Hole ... said pool is a unique subsurface remnant of the prehistoric chain of lakes which in Pleistocene times formed the Death Valley Lake System ... [and contains] a peculiar race of desert fish, and ... said pool is of ... outstanding scientific importance" (Proc. No. 2961)	"Unusual features of scenic, scientific, and educational interest" (Proc. No. 2028); "various objects of historic and scientific interest" (Proc. No. 2228)	848,581.36 acres	Boundary enlarged Proc. No. 2228 (Mar. 26, 1937), 50 Stat. 1823; Proc. No. 2961 (Jan. 17, 1952), 66 Stat. 18 (adding a "detached unit"). Established as a NP by Pub. L. 103-433 (Oct. 4, 1994), 108 Stat. 4471, codified at 16 U.S.C.A. § 410aaa. Now a NP of 2,048,928.88 acres.	Herbert Hoover, F.D. Roosevelt, Harry S. Truman

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
69. Saguaro, AZ. Proc. No. 2032 (Mar. 1, 1933), 47 Stat. 2557.	exceptional growth ... of various species of cacti, including the so-called giant cactus" (Proc. No. 2032); "a remarkable display of relatively undisturbed lower Sonoran desert vegetation, including a saguaro stand which equals or surpasses saguaro stands elsewhere in the Nation" (Proc. No. 3439)	"outstanding scientific interest" (Proc. No. 3439)	53,510.08 acres	Transferred from NSF to NPS, Aug. 10, 1933; boundary enlarged - Proc. No. 3439 (Nov. 15, 1961), 76 Stat. 1437; Act of Oct. 21, 1976, 90 Stat. 2735; wilderness designated - Act of Oct. 20, 1976, 90 Stat. 2692. Established as a NP by Pub. L. 103-364 (Oct 14, 1994), 108 Stat. 3467, codified at 16 U.S.C.A. §§ 410zz, 410zz-1, 410zz-2. Now a NP of 83,108.09 acres.	Herbert Hoover, John F. Kennedy
70. Black Canyon of the Gunnison, CO. Proc. No. 2033 (Mar. 2, 1933), 47 Stat. 2558.	"spectacular gorges and additional features of scenic, scientific, and educational interest" (Proc. No. 2033)	"features of scenic, scientific, and educational interest" (Proc. No. 2033)	10,287.95 acres	Boundary enlarged - Proc. No. 2286 (May 16, 1938), 52 Stat. 1548; Proc. No. 2372 (Oct. 28, 1939), 54 Stat. 2669; lands excluded - Proc. No. 3344 (April 8, 1960), 74 Stat. 5. Boundary enlarged by Pub. L. 98-357 (June 13, 1984), 98 Stat. 397. Now a NM of 20,646.14.	Herbert Hoover, F.D. Roosevelt, Dwight D. Eisenhower
71. Channel Islands, CA. Proc. No. 2281 (April 26, 1938), 52 Stat. 1541	"fossils of Pleistocene elephants and ancient trees ... and ... noteworthy examples of ancient volcanism, deposition, and active sea erosion and ... various other objects of ecological and scientific interest" (Proc. No. 2281)	"objects of geological and scientific interest" (Proc. No. 2281)	1,119.98 acres	Boundary enlarged by Proc. No. 2825 (Feb. 9, 1949), 63 Stat. 1258. Established as a NP by the Act of March 5, 1980 (May 31, 1980), 94 Stat. 67. Now a NP of 10,887.82.	F.D. Roosevelt, Harry S. Truman
72. Cedar Breaks, UT. Proc. No. 2054 (Aug. 22, 1933), 48 Stat. 1705.	"spectacular cliffs, canyons, and features of scenic, scientific, and educational interest" (Proc. No. 2054)	"features of scenic, scientific, and educational interest" (Proc. No. 2054)	5,701.39 acres	Boundary adjusted by Act of Mar. 7, 1942, 56 Stat. 141; boundary revised by Act of June 30, 1961, 75 Stat. 198. Now a NM of 6,154 acres.	F.D. Roosevelt
73. Fort Jefferson, FL. Proc. No. 2112 (Jan. 4, 1935), 49 Stat. 3430.	"Fort Jefferson and the historic and educational interest contained in such area" (Proc. No. 2112)	"historic and educational interest" (Proc. No. 2112)	47,125 acres	Redesignated Dry Tortugas NP by Pub. L. 102-525 (Oct. 26, 1992), 106 Stat. 3439, codified at 16 U.S.C.A. § 410xx. Now a NP of 61,480 acres.	F.D. Roosevelt

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
74. Joshua Tree, CA. Proc. No. 2193 (Aug. 10, 1936), 50 Stat. 1760.	(Establishing proclamation lists no specific objects)	"historic and prehistoric structures, and ... various objects of historic and scientific interest" (Proc. No. 2193)	378,018.40 acres	Boundary reduced and revised by Act of Sept. 25, 1950, 64 Stat. 1033; boundary enlarged by Act of June 30, 1961, 75 Stat. 197. Established as a NP by Pub. L. 103-433 (Oct. 31, 1994), 108 Stat. 4488, codified at 16 U.S.C.A. § 410aaa-22. Now a NP of 548,536.36 acres.	F.D. Roosevelt
75. Zion, UT. Proc. No. 2221 (Jan. 22, 1937), 50 Stat. 1809	"volcanic phenomena of unusual scientific value, and ... various other objects of geological and scientific interest" (Proc. No. 2221)	"objects of geological and scientific interest" (Proc. No. 2221)	36,431.05 acres	Redesignated Zion NP by Act of July 11, 1956, 70 Stat. 527. Subsequent boundary changes. Now a NP of 143,040.40.	F.D. Roosevelt
76. Organ Pipe Cactus, AZ. Proc. No. 2232 (Apr. 13, 1937), 50 Stat. 1827	(Establishing proclamation lists no specific objects)	"historic landmarks, and ... various objects of historic and scientific interest" (Proc. No. 2232)	329,199.10 acres	Now a NM of 329,316.31	F.D. Roosevelt
77. Capitol Reef, UT. Proc. No. 2246 (Aug. 2, 1937), 50 Stat. 1856	"narrow canyons displaying evidence of ancient sand dune deposits of unusual scientific value, and ... various other objects of geological and scientific interest" (Proc. No. 2246)	"geological and scientific interest" (Proc. No. 2246)	32,607.31 acres	Boundary enlarged by Proc. No. 3249 (July 2, 1958), 72 Stat. 48; Proc. No. 3888 (Jan. 20, 1969), 83 Stat. 922. Redesignated Capitol Reef NP by the Act of Dec. 18, 1971, 85 Stat. 739, codified at 16 U.S.C. § 273. Now a NP of 222,753.35	F.D. Roosevelt, Dwight D. Eisenhower, L.B. Johnson
78. Fort Laramie, WY. Proc. No. 2292 (July 16, 1938), 53 Stat. 2461	(Establishing proclamation lists no specific objects)	"the lands and structures are of great historic interest and constitute a historic landmark" (Proc. No. 2292	214.41 acres	Redesignated Fort Laramie National Historic Site (NHS) by the Act of Apr. 29, 1960, 74 Stat. 83. Subsequent boundary changes. Now a NHS of 831.11.	F.D. Roosevelt
79. Santa Rosa Island, FL. Proc. No. 2337 (May 17, 1939), 53 Stat. 2542	(Establishing proclamation lists no specific objects)	"various objects of geological and scientific interest" (Proc. No. 2337)	9,500 acres	Abolished by Act of July 30, 1946, 60 Stat. 712. (property donated to county for its use, but disposal by county prohibited except to state or federal government)	F.D. Roosevelt
80. Tuzigoot, AZ. Proc. No. 2344 (July 25, 1939), 53 Stat. 2548	(Establishing proclamation lists no specific objects)	"historic and prehistoric structures and other objects of historic or scientific interest" (Proc. No. 2344)	42.67 acres	Boundary enlarged by the Act of Nov. 10, 1978, 92 Stat. 3475. Now a NM of 57.78 acres.	F.D. Roosevelt
81. Jackson Hole, WY. Proc. No. 2578 (Mar. 15, 1943), 57 Stat. 731	(Establishing proclamation lists no specific objects)	"historic landmarks and other objects of historic and scientific interest" (Proc. No. 2578)	210,950 acres	Redesignated Grand Teton NP by the Act of Sept. 14, 1950, 64 Stat. 849. Now a NP of 307,619.71 acres.	F.D. Roosevelt

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82. Effigy Mounds, IA. Proc. No. 2860 (Oct. 25, 1949), 64 Stat. A371	"the earth mounds ... are of great scientific interest because of the variety of their forms ... illustrative of a significant phase of the mound-building culture of the prehistoric American Indians" (Proc. No. 2860)	"national scientific importance" (Proc. No. 2860)	1,000 acres	Boundary enlarged by the Act of May 27, 1961, 75 Stat. 88. Now a NM of 1,481.39.	Harry S. Truman
83. Edison Laboratory, NJ. Proc. No. 3148 (July 14, 1956), 70 Stat. c49	"the Edison Laboratory, used by the great inventor for the last 44 years of his life and the scene of many of his celebrated inventions" (Proc. No. 3148)		1.51 acres	Boundary enlarged by the Act of June 23, 1959, 73 Stat. 87. Redesignated Edison NHS by the Act of Sept. 5, 1962, 76 Stat. 428. Subsequent boundary changes. Now a NHS of 21.25.	Dwight D. Eisenhower
84. Chesapeake and Ohio Canal, MD. Proc. No. 3391 (Jan. 18, 1961), 75 Stat. 1023	(Establishing proclamation lists no specific objects)	"the Chesapeake and Ohio Canal is of historic and scientific interest, and historic structures and objects of scientific interest are situated upon the lands thereof" (Proc. No. 3391)	5,263.94 acres	Redesignated Chesapeake and Ohio NHP by the Act of Jan. 8, 1971, 84 Stat. 1978, codified at 16 U.S.C. § 410y. Now a NHP of 14,068.62 acres.	Dwight D. Eisenhower
85. Russell Cave, AL. Proc. No. 3413 (May 11, 1961), 75 Stat. 1058	"Russell Cave ... is recognized by scientists to contain outstanding archeological and ethnological evidences of human habitation in excess of 8,000 years" (Proc. No. 3143)	"the scientific importance and educational value of Russell Cave" (Proc. No. 3413)	310.45 acres	Now a NM of 310.45 acres.	John F. Kennedy
86. Buck Island Reef, VI. Proc. No. 3443 (Dec. 28, 1961), 76 Stat. 1441	"Buck Island and its adjoining shoals, rocks, and undersea coral reef formations possess one of the finest marine gardens in the Caribbean Sea ... unique natural area and the rare marine life which are dependent upon it" (Proc. No. 3443)	"these lands and their related features are of great scientific interest and educational value to students of the sea and to the public ... area of outstanding scientific, aesthetic, and educational importance" (Proc. No. 3443)	850 acres	Boundary enlarged by Proc. No. 4346 (Feb. 1, 1975), 89 Stat. 1238; Proc. No. 4346 amended by Proc. No. 4359 (Mar. 28, 1975), 89 Stat. 1254. Now a NM of 880 acres.	John F. Kennedy, Gerald R. Ford
87. Marble Canyon, AZ. Proc. No. 3889 (Jan. 20, 1969), 83 Stat. 924	"the Marble Canyon of the Colorado River in Arizona, a northerly continuation of the world-renowned Grand Canyon, possesses unusual geologic and paelontologic features and objects and other scientific and natural values" (Proc. No. 3889)	"unusual geologic and paelontologic features and objects and other scientific and natural values" (Proc. No. 3889)	32,546.69 acres	Now part of Grand Canyon NP, established by the Act of Jan. 3, 1975, 88 Stat. 2089, incorporating the existing Grand Canyon NP, Grand Canyon II NM, Marble Canyon NM, and portions of Glen Canyon and Lake Mead National Recreation Areas. Now part of a NP of 1,189,641.37	Lyndon B. Johnson

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88. Admiralty Island, AK. Proc. No. 4611 (Dec. 1, 1978), 93 Stat. 1446	"Archaeological sites and objects ... cultural history of the Tlingit Indians ... exceptional distribution of animal species"	"archeological and historical resources in a relatively unspoiled natural ecosystem" (Proc. No. 4611)	1,100,000 acres	Established as a monument within Tongass National Forest by Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2399.	Jimmy Carter
89. Aniakchak, AK. Proc. No. 4612 (Dec. 1, 1978), 93 Stat. 1448	"one of the world's largest calderas ... textbook examples of certain volcanic features such as lava flows, cinder cones, and explosion pits ..." (Proc. No. 4612)		350,000 acres	Established as a NM and preserve by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh(1). Now a NM of 137,176 acres and a national preserve of 434,933 acres.	Jimmy Carter
90. Becharof, AK. Proc. No. 4613 (Dec. 1, 1978), 93 Stat. 1450	"one of the densest known ... populations of the great Alaska brown bear ... Gas Rocks under Mount Peulik" (Proc. No. 4613)		1,200,000 acres	Established as Becharof National Wildlife Refuge (NWR) by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat 2385. Now a NWR of 1,200,000 acres.	Jimmy Carter
91. Bering Land Bridge, AK. Proc. No. 4614 (Dec. 1, 1978), 93 Stat. 1451	"rich archeological sites ... paleontological sites providing abundant evidence of the migration of plants and animals ... summering area for a number of Old World bird species ..."; "the migration route by which many plants, animals, and humans arrived on the North American continent" (Proc. No. 4614)		2,590,000 acres	Established as a NM by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh(2). Now a NM of 2,690,179 acres.	Jimmy Carter
92. Cape Krusenstern, AK. Proc. No. 4615 (Dec. 1, 1978), 93 Stat. 1453	"one hundred fourteen horizontal ridges hold an archeological record of every major cultural period associated with habitation of the Alaska coastline in the last 5000 years ... older archeological record dating back to pre-Eskimo period of 8000 years ago ... a still recognizable Illinoisian glacial esker, ... over 100,000 years old";	"archeological record of great significance ... " (Proc. No. 4615)	560,000 acres	Established as a NM by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh(3). Now a NM of 444,673 acres.	Jimmy Carter

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93. Denali, AK. Proc. No. 4616 (Dec. 1, 1978), 93 Stat. 1455	southern half of Mt. McKinley "significant system of glaciers ... Cathedral Spires ... McKinley caribou herd . . . unique area of warm springs" (Proc. No. 4616)	"protection of the geological, biological, and other phenomena . . ." (Proc. No. 4616)	3,890,000 acres	Incorporated with Mt. McKinley NP as Denali National Park and Preserve by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh-1(3). Now a NP of 4,724,505.36 acres and a national preserve of 1,304,132 acres.	Jimmy Carter
94. Gates of the Arctic, AK. Proc. No. 4617 (Dec. 1, 1978), 93 Stat. 1457	"wide variety of interior arctic geological and biological forms ... progression of ecosystems ... substantial portion of the habitat requirements for the Western Arctic caribou herd ... [s]everal known traditional Indian-Eskimo trade routes ... opportunities for historical study of the life of the Alaskan pioneer miner of the early twentieth century" (Proc. No. 4617)	"protection of the biological, geological, archeological, historical, and other phenomena" (Proc. No. 4617)	8,220,000 acres	Established as a National Park and Preserve by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh(4). Now a NP of 4,724,505.36 acres and a national preserve of 1,304,132 acres.	Jimmy Carter
95. Kenai Fjords, AK. Proc. No. 4620 (Dec. 1, 1978), 93 Stat. 1462	Harding Icefield "rain forest habitats" (Proc. No. 4620)	"significant opportunity for geologic study of mountain building and for scientific study of ecological variations from an icecap environment to a marine shoreline environment" (Proc. No. 4620)	570,000 acres	Established as a NP by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh(5). Now a NP of 529,273 acres.	Jimmy Carter
96. Kobuk Valley, AK. Proc. No. 4621 (Dec. 1, 1978), 93 Stat. 1463	Onion Portage Archeological Dist.; Great and Little Kobuk Sand Dunes; "Archeological features ... illustrate an unbroken continuum of human adaptation from the early pre-Eskimo people of 10,500 years ago to present-day ... essentially unspoiled laboratory for the study of the northern boreal forest." (Proc. No. 4621)		1,710,000 acres	Established as a NP by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh(6). Now a NP of 1,669,643 acres.	Jimmy Carter
97. Lake Clark, AK. Proc. No. 4622 (Dec. 1, 1978), 93 Stat. 1465	Redoubt and Iliamna volcanoes; Muchatna caribou herd; Kijik Village; "examples of geological phenomena associated with ... the Alaska Range and the Chigmit Mountains ... an outstanding example of ecological diversity in zones which remain relatively unspoiled ..." (Proc. No. 4622)		2,500,000 acres	Established as a NP and national preserve by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh(7). Now a NP of 2,573,724.02 acres and a national preserve of 1,297,503.16 acres.	Jimmy Carter

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Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
98. Misty Fjords, AK. Proc. No. 4623 (Dec. 1, 1978), 93 Stat. 1466	"extraordinarily deep and long fiords with sea cliffs rising thousands of feet. Active glaciers ... traditional native hunting and fishing grounds ... a mid-1800's military post-port entry ... wildlife representative of nearly every ecosystem in southeast Alaska"; "essentially untouched two million-acre area in the Coast Mountains of Southeast Alaska within which are found nearly all of the important geological and ecological characteristics of the region" (Proc. No. 4623)		2,285,000 acres	Established as a monument within Tongass National Forest by Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2399	Jimmy Carter
99. Noatak, AK. Proc. No. 4624 (Dec. 1, 1978), 93 Stat. 1468	"Grand Cnayon of the Noatak River... [n]early 200 archeological sites"; "the largest mountain-ringed river basin in the Nation still virtually unaffected by technological human activity ... an essential base against which scientists may judge environmental dynamics of the future" (Proc. No. 4624)		5,880,000 acres	Established as a national preserve by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh-1(a). Now a national preserve of 6,275,935 acres.	Jimmy Carter
100. Wrangell-St. Elias, AK. Proc. No. 4625 (Dec. 1, 1978), 93 Stat. 1470	Mt. St. Elias; Mt. Wrangell; Malaspina Glacier; Kennecott Copper Works; "the greatest assemblage of mountain peaks over 14,500 feet ... found in the Nation ... an active glacial complex ... mudcones and hot springs ... ecological islands ... [t]hree major culture areas converge here ... the North Athapascans, the Pacific Eskimo, and the Chugach" (Proc. No. 4625)		10,950,000 acres	Established as a NP and national preserve by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh(9). Now a NP of 7,656,394.06 acres and a national preserve of 3,992,209.55 acres.	Jimmy Carter
101. Yukon-Charley, AK. Proc. No. 4626 (Dec. 1, 1978), 93 Stat. 1472	"historic remains of early mining activity ... fossils estimated to be 700 million years old ... Ice Age fossils ... relict Pleistocene plant communities"; "outstanding paelontological resources and ecologically diverse natural resources ... a nearly unbroken visible series of rock strata representing a range in geologic time from pre-Cambrian to Recent" (Proc. No. 4626)		1,720,000 acres	Established as Yukon-Charley Rivers National Preserve by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2371, codified at 16 U.S.C. § 410hh(10). Now a national preserve of 2,183,093 acres	Jimmy Carter

Acreage figures are estimated federal acreage where available, but may in some cases be total acreage

Monument	Specific Object(s)	Categorical Object(s)	Initial Reservation	Subsequent History/ Current Status	President
102. Yukon Flats, AK. Proc. No. 4627 (Dec. 1, 1978), 93 Stat. 1473	"largest and most complete example of an interior Alaska solar basin ... unique race of salmon ... rich population of furbearers"; "opportunity to investigate the life and society of the peoples which utilized these resources [furbearers]" (Proc. No. 4627)		10,600,000 acres	Established as Yukon Flats NWR by ANILCA, Pub. L. 96-487 (Dec. 2, 1980), 94 Stat. 2388. Now a NWR of 8,630,000 acres.	Jimmy Carter
103. Grand Staircase-Escalante, UT, Proc No. 6920 (Sept. 18, 1996)	"significant portions of a vast geologic stairway, named the Grand Staircase . . . rugged canyon country of the upper Paria Canyon system, major components of the White and Vermilion Cliffs and associated benches, and the Kaiparowits Plateau . . . [n]aturally burning coal seams . . . of the Burning Hills . . . the East Kaibab Monocline . . . the Circle Cliffs and part of the Waterpocket Fold . . . many arches and natural bridges, including the 130-foot-high Escalante Natural Bridge, with a 100 foot span, and Grosvenor Arch, a rare double arch" (Proc. No. 6920)	" exemplary opportunities for geologists, paleontologists, archeologists, historians, and biologists . . . geologic treasure . . . world class paleontological sites . . . rich in human history" (Proc. No. 6920)	1,700,000 acres approx.	Boundary adjusted by the Act of November 6, 1998, Pub. L. No. 105-355	W.J. Clinton

Acreage figures are estimated federal acreage where available, but may in some cases be total acreage.

Mr. HANSEN. The gentleman from Utah, Mr. Cannon, is recognized for 5 minutes.

Mr. CANNON. Thank you, Mr. Chairman.

Just one thing that you said that caught my attention. If the President does something truly bone-headed, then Congress has the ability to change what the President does.

I take it that you think that we could override a Presidential action, and that—I suspect you would think that a simple majority should be able to change the President's action, or if he truly did something bone-headed, would he veto the action of Congress and require a two-thirds majority?

Mr. LESHY. Well, the President exercises authority under the Antiquities Act that Congress has given him. Congress can withdraw that authority, or Congress can override the exercise by ordinary legislation. But after the ordinary legislative process, it would have to be presented to the President for signature or veto. If the President vetoed it, obviously a veto could be overridden. I can't prejudge what——

Mr. CANNON. Then we would probably have to have fewer than a third of the Members of the Congress who are also not bone-headed to actually override a truly bone-headed activity by the President.

Mr. LESHY. Well, it is an interesting but, frankly, very hypothetical question.

Mr. CANNON. No. You raised the issue. You said that Congress could change it. But that is not how the American system works very well, is it?

Mr. LESHY. I think the American system works that Congress can pass legislation and can override a President's veto if the President vetoes such legislation. But the record is absolutely clear that of the 104 or -5 national monuments created, none of them have been overridden by legislation except for a very tiny handful of very small monuments. All of the monuments have all been ratified, affirmed and endorsed subsequently by Congress.

Mr. CANNON. I am sorry. You said a great number of things, including a reference to ratification by Congress. When you suggested that the appropriations process, in your opening statement or earlier submitted—when you suggest that the appropriations process and current laws and regulations provide appropriate checks and balances, are you ratifying the use of riders as reasonable?

Mr. LESHY. Well, riders are a part of the legislative process that many people find offensive because they bypass the ordinary committee and authorizing committee processes if they are put on appropriations bills. I don't think that anybody denies that a rider that is attached to a bill goes through the process and, signed by the President or veto-overridden, becomes law. That is a given. I acknowledge that.

Mr. CANNON. Mr. Leshy, in the President's statement when he designated the monument, he said, we will save the Grand Escalante canyons and the Kaiparowitz Plateaus of Utah for our children.

Could you explain exactly what these lands were being saved from?

Mr. LESHY. The Antiquities Act is authorized as a proclamation of national monuments. It is an affirmative act of recognition of the value of scientific and historic resources found on those lands. It is also a means of protecting those resources. So it is really both. I think the proclamation at Grand Staircase goes into great detail describing those resources, what their value is, and why they should be protected. The proclamation speaks for itself.

Mr. CANNON. What was it that we were trying to protect there? What were we protecting those resources from? What was the danger to those resources?

Mr. LESHY. Well, this area of southern Utah had probably been debated in terms of how it should be managed more than any other area of Federal land that I know of for the last 25 years. There had been a huge debate dating back to the late 1960s, early 1970s, about whether this area should be industrialized. As you probably remember, there were proposals to build coal-fired power plants in southern Utah in the Grand Staircase area by southern California. That goes back to the early 1970s.

Mr. CANNON. Those go back, way back. What at the time of this monument designation was the danger that was perceived by the President that precipitated such dramatic action that so dramatically affected the lives of so many American citizens?

Mr. LESHY. Some of those proposals to industrialize that area continued. There were coal mining proposals that were pending at the time.

Mr. CANNON. The coal mining, was that the precipitating factor?

Mr. LESHY. As I said, there were a number of precipitating factors, including the fact that the future management of this area, should it be industrialized or not was an issue. There was also a sense, I believe, as the proclamation itself expresses, that there are important historic, scientific, cultural values in this area that ought to be protected.

Mr. CANNON. What made it, what precipitated, what caused the action to actually happen? Was there a danger other from the coal mining that made it so important that the President in secrecy go around any kind of open process and designate this monument? Was there something that was urgently in need of protection?

Mr. LESHY. First of all, there is no requirement in the Antiquities Act that there be an immediate threat or danger. The Antiquities Act says if the President identifies important scientific, historical, cultural resources on the Federal lands that he thinks ought to be given recognition and protection, he can exercise the power under the Antiquities Act. This was not done in secret.

For the last several weeks leading up to the proclamation, there was an active vigorous debate involving the Utah delegation, the Governor of Utah, and many other people about whether this should be done and how it should be done. I participated in some of those discussions with members of the Utah delegation. During those discussions we heard concerns about if the President does this, what is going to happen to water rights; what is going to happen to hunting, fishing, grazing; which agency is going to manage this area. All of those concerns were expressed to the President, to the Secretary and others in the days leading up to the proclamation. Frankly, I am happy to say that the proclamation addresses

each one of those issues, because that consultation process, while brief, worked, and the President listened, the Secretary listened, and the proclamation is unprecedented in its detailed address of those issues. While we heard lots of complaints about how short that——

Mr. CANNON. My time has, in fact, expired. I do hope that we will have another round of questioning.

Mr. HANSEN. We will have another round of questioning. The time for the gentleman from Utah has expired.

The gentleman from Colorado, Mr. Udall.

Mr. UDALL OF COLORADO. Thank you, Mr. Chairman. I want to welcome the solicitor. It is good to see you here today. I want to start out just asking you under the Antiquities Act, is it your opinion that anybody but the President can establish a monument?

Mr. LESHY. Mr. Chairman, Congressman Udall, that is a very interesting question. I don't know that anybody knows the answer. It has only been the President who has done it. The President, as far as I know, in 93 years, none of the 17 Presidents that have lived under this have ever tried to delegate that power to the Secretary of the Interior or somebody else. It has been regarded certainly by practice as a uniquely Presidential power.

Mr. UDALL OF COLORADO. So whatever may have been going on in your Department, the decision to establish the Grand Staircase was made by the President himself; is that right?

Mr. LESHY. I want to make it absolutely clear. This process was initiated by the President, by the White House. We did not start working on this proposal or recommendation until we were asked to do so by the President of the United States, and the President ultimately made the decision.

Mr. UDALL OF COLORADO. Is it your opinion that the decision was made in compliance with the Antiquities Act and all of the other applicable laws?

Mr. LESHY. Yes. It is our firm position that the President acted well within his authority, that all of the processes required by law were followed.

I should add that there is a litigation pending in Utah as I speak involving the Mountain States Legal Foundation. It's a plaintiff that is challenging our authority in the processes. We are confident that we are going to win that litigation. The courts will tell us.

There have been a number of cases over the last 93 years in court that have involved challenges to the President's exercise of power. The Supreme Court of the United States in 1920 unanimously upheld Teddy Roosevelt's designation of the Grand Canyon as a national monument, rejecting all legal challenges. Grand Teton by Franklin Roosevelt was challenged in court and upheld. Jimmy Carter's exercise of Antiquities Act authority in Alaska was challenged in court and upheld. We have had legal challenges, and the government has won them all.

Mr. UDALL OF COLORADO. It appears to me then that today we are not discussing whether or not the law was followed, but whether we ought to change the law. The question becomes would it be better for the purposes of the Antiquities Act and for the country to change it or continue to use it in the way that it has been applied in the past. Would you agree?

Mr. LESHY. Yes.

Mr. UDALL OF COLORADO. Let me ask you a couple of questions about the proposal itself. There are lands that potentially the Secretary would not administer for which he would have to prepare an EIS. Do you think this would present problems?

Mr. LESHY. Yes, it could present problems because sometimes speed is important. Decisive action is sometimes necessary. In the Grand Staircase, I should point out that the President made it very clear in the proclamation that the on-the-ground management of this area would be determined through an open public process creating a management plan for the monument that would fully comply with NEPA. We are in the middle of that process now. We have gone through a draft plan, public hearings, environmental impact statement, et cetera. The final environmental impact statement is under preparation now, and we will be out with a final plan this fall. So NEPA applies to the detailed management of this monument once it is created.

Mr. UDALL OF COLORADO. So right now there is this EIS process going on, and it seems like it is working well, from all that I have heard. There is a great amount of input. Would you care to comment any more on the process itself?

Mr. LESHY. I think it is working well. This is a complicated undertaking. We are managing nearly 2 million acres of land and trying to set the management guidelines for that area. You obviously can't please everybody, but there has been a very vigorous public involvement. We have had well-attended public hearings. We have had thousands of comments from people all over the country, as well as people in Utah, about the management plan. We have devoted a lot of time and effort to it, and we think it is working well.

Mr. UDALL OF COLORADO. One last question, I believe. I have some concerns that the requirements in H.R. 1487 might open up the action of the President to judicial review prior to that final decision. Do you read it that way? Would you care to comment on that?

Mr. LESHY. Well, it is certainly possible. NEPA actions, the adequacy of environmental impact statements, generally speaking, are subject to a judicial challenge, and sometimes injunctions are possible against Federal actions. The President has never been subject to NEPA. The CEQ guidelines from the very beginning of NEPA have made it clear NEPA does not apply to Presidential decision-making. NEPA also does not, as you probably know, apply to congressional decision-making.

The President in a sense is the most politically accountable person in the country. He is the only person who stands up in front of all of the people subject to periodic elections, and in that sense his actions are the most visible, accountable things that we have. It has never been understood that NEPA applies to Presidential decision-making. NEPA was intended to open up agency, Federal agency, decision-making by the unelected bureaucrats that we speak of and not to Presidential action.

I should also point out that H.R. 1487 does not simply apply NEPA to the Antiquities Act. It goes beyond NEPA in a number of important respects to make it even more cumbersome and more difficult, more procedural requirements than NEPA itself or the

CEQ guidelines require. If you add up the time requirements for public hearings and comment periods and all of that, it is a 2- to 3-year process if you would comply with that process in H.R. 1487. It is interesting that H.R. 1487, as I read it, only gives the President emergency protective authority for 2 years. So I am not sure the Act would even work well because you would, in essence, lead to unprotected areas; the 2-year period would expire before you finish the process requirements of H.R. 1487. So it is a real problem in its mechanics, I think.

Mr. UDALL OF COLORADO. Thank you Mr. Leshy. Thank you, Mr. Chairman.

Mr. HANSEN. Thank you.

Mr. Leshy, when I outlined to you the procedure that you went through, you said it wasn't true. I would agree with you, the procedure is true. Where I would agree with you is that you hadn't narrowed it down to the Grand Staircase-Escalante, and that is true. You are correct in that statement. But as you know, we subpoenaed all of these papers. Unless all of this stuff we subpoenaed from you is wrong, then I guess that we have got a problem here. But there were other areas that you were looking at.

Also, let me state this. NEPA, in effect, asked for public input. That is basically what we are looking at. Now, if I have got this gob of papers in front of me coming from people from the White House and others, let me go to Mr. Udall's question, why is it that this administration tried so hard for this not to get out? Quote, "Some of the people in the White House said it is imperative this does not get out. If this gets out, the whole deal is off."

Why is it that this administration and this Interior Department did not want this information to get out?

Mr. LESHY. Well, first of all, as I said, the planning for the Grand Staircase started in early July of 1996, and it got out, information got out, and the proposal was made public, in essence, in either late August or early September. So the very early stages were conducted without public involvement. That was a decision the White House made. We were responding to the President's request for information, advice, and recommendations. And obviously, it is not up to us to decide to make public those deliberations or not. But it did, word eventually did get out.

As I said, there was a vigorous, if brief, but very vigorous public debate over several days in September about whether and, if so, how this should be done. The President, I believe, took all of that debate into account and all of the issues that were raised during that consultation process into account in putting the final proclamation together.

Mr. HANSEN. The proclamation was already drafted at that time, if our records are correct, and didn't change one iota.

Mr. LESHY. There were changes. I can recall at least one or two changes made literally at the very last minute.

Mr. HANSEN. We could see some minor changes. We didn't see any substantive changes.

Also, Mr. Cannon brought up the idea of this, as to what is it that you were protecting—actually the President in his oral statement said that he wanted to stop the mine. Tell me, have you ever been to that mine site? Has Mr. Babbitt ever been to that mine

site? Has the President ever been to that mine site? Has the Vice President ever been to Smokey Hollow?

Mr. LESHY. I have been. I believe the Secretary has been. I don't know about the President or the Vice President.

Mr. HANSEN. What did you find there? You said that you have been there.

Mr. LESHY. Yes, I have been there.

Mr. HANSEN. I have been there a number of times. Describe to the Committee what it is like, would you, please?

Mr. LESHY. It is in the heart of a very remote area. In fact, I do recall that when we were in the early planning stages looking at this area, Car and Driver Magazine coincidentally——

Mr. HANSEN. What is the ground covered with other than sagebrush? Did you see anything unique and beautiful, Mr. Leshy?

Mr. LESHY. According to the geological studies that have been done, very interesting geology. I think the Kaiparowitz Plateau where this mine site is in the heart of has been described as having world-class paleontological deposits, scientific resources that tell us about the past of the Earth. It is one of those great places that has a lot of geologic and scientific information.

Mr. HANSEN. If I may interrupt you, the geologist from the State of Utah said this mine site is no different than millions of millions of acres all throughout the West. In fact, when we were trying to find it the last time, the pilot, even with ground positioning stuff, couldn't find it because every hill looked alike for 50 miles. But we all have our own interpretation of beauty. I will surely acquiesce to that.

Let me go back to one other thing you point out. The bill—if I am correct, the law says, "And he shall use the smallest acreage available to protect the site."

The Golden Spike site is infinitesimal. Some of those are infinitesimal. By that I am not referring to the Arches National Park, I am referring to the one in Grand Canyon, the Rainbow Bridge. How come we need 1.7 million acres to protect that site when the law says the smallest amount? The mine site was only 40 acres.

Mr. LESHY. If you look at the proclamations done through history, I think you will find that the sizes of the monuments vary dramatically from a few acres to—I think the biggest one is 11 million acres in Alaska. The size is dictated, I think, faithfully in accordance with the statute by the resources you are protecting. In the Grand Staircase the proclamation goes on at some length about all of the different kinds of resources there and what their extent is.

Mr. HANSEN. They just pulled them all together; 50 Mile Mountain, Burning Hills, Paria Canyon, the mine site? They said, okay, we will just get them all in one big fell swoop and not go to the law, which says we protect one site; is that what you are saying then?

Mr. LESHY. We follow the guidance of the unanimous decision of the Supreme Court of the United States in 1920 where exactly this question was raised, where people challenged the creation of the Grand Canyon National Monument, what was in the Grand Canyon National Monument, by saying that it is way too big, you are not following the intent of the law. The Supreme Court, frankly,

just brushed it off saying, you are talking about a resource that is certainly a very large resource, but who is to say that that resource does not have historic and scientific value? The Grand Canyon is one of the great places on Earth.

Mr. HANSEN. Mr. Leshy, I see my time is up. We will have another round.

I want to go back to what you said about the statement from Mr. Kalen to you and Mr. Watts, and Mr. Baum, and read that back to you, because it is contrary to what you have stated.

I will now turn to the gentleman from Minnesota and then the gentleman from Tennessee and then the gentleman from Pennsylvania. The gentleman from Minnesota is recognized for 5 minutes.

Mr. VENTO. Mr. Leshy, I guess the issue, of course, here in terms of this bill is—I think the spirit of it is to try to provide more public participation. I think that obviously tries to superimpose the NEPA process, which I think was your response to Congressman Udall's comments. You pointed out that it would be the first time that any Presidential action would be subject to NEPA, and that the Courts and the Congress are not subject—our actions are not subject to NEPA. Is there a constitutional question, do you believe, in that vein?

Mr. LESHY. Well, I am not sure. There could be. For example, the Constitution quite clearly gives the President the power, the specific authority, to ask subordinates for their opinions and advice, the so-called opinion clause in the Constitution in Article II. To the extent that the Congress wants to interpose some sort of procedural or public disclosure requirements on that advice, it could well raise a constitutional issue. I haven't looked at that issue closely. Clearly, the President—the Antiquities Act itself is a creature of Congress, and so the antiquities, Congress clearly has some power to modify it or even repeal it, I suppose. I am not sure that there is a serious constitutional question there, but there could be.

Mr. VENTO. What is the status, Mr. Solicitor, with the NEPA and with the some of the lands use planning? How would you say that NEPA is best used today generally in terms of public domain or other types of public lands? I think initially when NEPA was first enacted, that there was a lot of problems and delays, but it is pretty efficient. Most of our lands, for one reason or another, under the various FLPMA process or other general management plans for parks, we are really going through it. Most of our lands have been subject to at least an environmental assessment at various times and EISs; is that correct?

Mr. LESHY. Yes. I should point out that, frankly, in the Grand Staircase situation, there had been, as I mentioned earlier, a number of proposals to industrialize the area. There was NEPA applied to those reviews. The Kaiparowits power plant that was proposed in the early 1970s, there was a big multivolume environmental impact statement done on that proposal. The proposal eventually went away, but that process produced a lot of useful information.

Mr. VENTO. Parts of it has been subject to wilderness study and review; is that correct?

Mr. LESHY. Absolutely. Many of those were also accompanied by environmental impact statements. The BLM's original inventory, the wilderness study area established in the late 1970s and the

BLM land use planning in that area has also been subject to environmental impact statements. So there were a number of layers of environmental impact statements and review in that area already present when the President acted.

Mr. VENTO. One of the issues, of course, has been whether or not under FLPMA, where we were with some of the formal plans for the BLM lands. I remember chairing committees and working with John Seiberling. They point out they were really way behind in the 1980s in terms of getting this information up to date because it didn't have the funding. And today we have sort of a 10-year cycle. I guess probably your report to me would be back with the same circumstances.

Mr. HANSEN. Would the gentleman from Minnesota yield?

Mr. VENTO. Sure, I would be happy to, Mr. Chairman.

Mr. HANSEN. I appreciate that.

Let me point out that when the EIS was done on this piece of land, the finding was there was no significant impact. That was the finding on EIS. I appreciate the gentleman yielding.

Mr. VENTO. I would be happy to yield, Mr. Chairman.

What I am trying to suggest is that there is a body of information, whether it is supported or didn't support, but there was information available, and it was done, and obviously we have got this problem with this 10-year cycle where we have got a commitment to do this, but we don't do it every 10 years simply because of limits in terms of funding. I would suggest that might be a place that you would want to put some additional resources so that we are up to speed. But the information is out there. Is there any problem with suggesting that the administration would have to look at existing information since there is a base of information, some at EIS and some EAs, you know, and many other—actually, it is much more complete than just an EIS, isn't it, because an EIS has a specific target in terms of use. In one way this would be even more comprehensive. It might have been studied for an ACEC; is that correct?

Mr. LESHY. Yes. All of those things are possible. There is a wealth of information available, public information that, as I said, a great public debate about how this area—Grand Staircase—should be managed at the time the President acted. I mean this was not just done on a clean slate.

Mr. VENTO. So I think the question only here, I think a valid one that is being raised in terms of how does the public or how can the public participate in this particular process, because clearly Grand Staircase-Escalante National Canyon, or whatever is being designated, or put it under the Antiquities Act and give monument status there is—we are talking an emergency situation generally, are we not, that there is some threat to it, some action that needs to be taken, is that right?

Mr. LESHY. Yes, there is no requirement in the law that there is an emergency or a threat, but in fact if you look at history, a number of national monuments were created in situations where there was some sort of an immediate threat. But it doesn't have to be.

Mr. VENTO. I mean we have got a wealth of information albeit it isn't precisely tailor made to the exact—to a monument status

and for how long. And the monument status can be temporary and very often is, isn't it? Very often Congress has come back and decided those decisions, you know, by declaring wilderness, by making parks and I know the Alaska situation, by very often ratifying what the President has done, but I expect not always.

Mr. LESHY. That is right. Very often Congress comes back 2, 10, 15, 20 years later, and confirms the monument status or changes it into a park or some other form of status.

Mr. VENTO. Expands the bill. I think that is the balance and, of course, you can come back, I mean, I don't know what harm is done here, in terms I guess probably. But you have to honor all patented claims. You cannot take private land, all of that, those rights were all preserved, are they not?

Mr. LESHY. Yes, first of all, the Antiquities Act applies only to Federal lands so we cannot set aside private or state lands, only Federal lands, as a national monument. And second, all proclamations are subject to valid existing rights or whatever property rights exist on the land.

Mr. VENTO. Obviously you have been under the firing range for a few years. I can understand my colleagues' concerns about it, so I have sat through a few of these hearings and I guess we are going to sit through a few more. But thank you, Mr. Leshy.

Mr. HANSEN. Thank you, Mr. Vento. Let me just exercise a priority of the chair and make one statement, we are barking up the wrong tree on some things here. The President is not subject to NEPA under this Act that is being proposed, regardless what you have heard. As John Sideman says, when all else fails read the Act. And I am not accusing you, Mr. Vento, I don't know anybody that spends any more time reading it. The bill asks the Secretary to do the NEPA work, not the President. It just sets the completion of the EIS by the Secretary's condition must be met prior to the Presidential proclamation. Let's get that thing ironed out right now.

The gentleman from Tennessee.

Mr. DUNCAN. Thank you, Mr. Chairman.

Let me read a portion of the briefing paper that we received on this, it says—in regard to the designation of the Utah monument, it says that the President used the Antiquities Act to thwart public input into Federal land management not to protect land. President Clinton's creation of the Grand Staircase-Escalante Monument in September of 1996 is a prime example of the need for more public input in national monument decisions.

Documents obtained from the Clinton Administration show that the monument was being planned for months, yet the State of Utah was not informed of the decision to create a monument until 2 a.m. The morning that the proclamation was signed.

The documents show that the monument decision process was kept secret in order to help Clinton's reelection campaign.

Now, let me say this, following up on what the chairman was talking about a while ago. It is simply false, it is not true to say that the public knew about this or that word got out. We were told in testimony by the Governor of Utah that he did not find out about this until he read about it on the front page of the Washington Post and he didn't find out about this until—and he had to

desperately try to get ahold of the President at 1 or 1:30 in the morning, and as the briefing paper says, he got final information at 2 o'clock in the morning of the day the proclamation was signed.

And then in one hearing that we held later on on this, we actually had a memo or a letter from a law professor in Colorado who was on the committee that used words to the effect that he couldn't overemphasize the need for secrecy.

And this is the kind of thing that used to go on in Communist countries, all of this—all of these big important decisions being made in secret, with trying to suppress as much public involvement as possible. It is shocking that this type of thing could go on in the United States of America. And you are talking about a great deal of land here.

I represent a big portion of the Great Smoky Mountains National Park. It is the most heavily visited national park in the country with 9 or 10—9½ to 10 million visitors a year, the entire Great Smoky National Park is 565,000 acres. You are talking about here three times that much, 1.8 million acres.

I guess because we talk about billions all the time, we regard a figure as 1.8 million as not being really significant.

And then another thing that gets me whenever we have a hearing on this, we always hear from the other side about Theodore Roosevelt, that he was the first person to use this, because he was a Republican President that most Republicans still revere, it is just like we are supposed to accept anything that is done under this Act.

Well, the situation is totally different today from when Theodore Roosevelt was in office. In fact, I think Theodore Roosevelt would be shocked if he knew how much land was under public ownership today. Theodore Roosevelt—I could come in here with all kinds of quotes about how he believed in private property.

But today and especially over the last 25 or 30 or 40 years more and more and more land has been taken over, so that today almost one-third of the land of this country is owned by the Federal Government, another 20 percent is owned by State and local governments and quasi-governmental units, so over half the land today is in some type of public ownership.

And this bill that is before us does not say that we have to do away with the Antiquities Act. Although this briefing paper says—points out that we now have in addition—this is totally different from when Theodore Roosevelt was in there—we now have the Archeological Resources Protection Act, the National Park Organic Act, the Wilderness Act, the National Environmental Policy Act, the Federal Land Policy and Management Act, the National Forest Management Act, and on and on and on.

We have so many laws protecting land and putting land in public usage that there is really, as this briefing paper says, there is no need for this Antiquities Act anymore unless you just want to do something so that there can be no public involvement, so all that this bill before us is attempting to do is to try to allow a little more public input into these decisions before they are done in the middle of the night or done in secrecy so that the public can't be involved.

You know, it is just a question of, are we going to have a government of, by and for the people, or are we going to have a govern-

ment of, by and for the bureaucrats, because that is what it has become. And all this is doing is in some—in one, little, small way attempting to say that we don't want to have a government of, by and for the bureaucrats, we want to have a government of, by and for the people.

And to do the things that was done in regard to this Utah thing is—these are decisions that would come from arrogant elitists who think they know better how to run everybody's life, and they don't want ordinary citizens to be involved in these things, because they are not intelligent enough to really make the correct decisions.

And I have been shocked since I first learned about—that this type of thing would go on in this country. And I am really saddened that we have gotten to the point where the people involved in this don't want ordinary citizens to have a chance to say something about this, or some participation.

And I yield back the balance of my time.

Mr. HANSEN. I thank the gentleman from Tennessee.

Mr. LESHY. Mr. Chairman——

Mr. HANSEN. The gentleman from New Mexico, Mr. Udall.

Mr. LESHY. Mr. Chairman, may I respond briefly?

Mr. HANSEN. Excuse me, Solicitor. Surely, if you would like to have a minute's response, go ahead.

Mr. LESHY. Thank you, Mr. Chairman. Three very quick points.

First of all, the Antiquities Act, as I said, only applies to Federal lands, so it does not bring—the President can't bring land, can't take over land, can't bring land into Federal ownership that is in private or State ownership. We can only designate what the taxpayers already own as national monuments.

Second, to the extent the briefing paper suggests that nobody knew about this, including the governor of the delegation, until 2 a.m. on the morning of the day the monument was proclaimed, the briefing paper is flat wrong. I think everybody involved in the process knows that there was a period of several days of discussions and intense consultations in the days leading up to the establishment of the national monument.

Third, and last, this process, the President acted to culminate a very long decade's process of intense public debate about the future of this area. He exhibited decisive leadership, and I think his leadership and his proclamation will stand the test of time. It has already had enormous benefits for the people of Utah.

With the help of the chairman of this Subcommittee, we last year fulfilled an important promise the President made in creating the national monument, which was to give the people of Utah and the school children of Utah fair value for the State in-holdings that were found in this area.

And we engineered with the help of the Chairman and others a massive land trade where the State of Utah got millions and millions of dollars' worth of value for those State in-holdings. That exchange would never have taken place without the creation of the monument.

And there have been other benefits as well.

Thank you very much.

Mr. HANSEN. Thank you. Just let me quickly clarify another point.

Mr. Duncan, there were hundreds and thousands of acres of schools, trust lands, it may be a gray area whether or not—who owns that, but the Constitution gives it to the State of Utah. Mr. Leshy is correct, we traded that.

Would we have been able to do it without the monument? I think we would. We go back to one of the fine Democratic governors, Scott Matheson, who tried to do that all the way back in the 1970s. Scott was a visionary and ahead of his time.

The gentleman from New Mexico, Mr. Udall.

Mr. Tom UDALL OF NEW MEXICO. Thank you very much, Mr. Chairman. I am looking at the second page of the bill, down at the bottom, and then at the top of the third page, Mr. Leshy, and in general, it says here, "In general, the President, subject to subsections (b) and (c)," and "may"; and then at the top of the next page it talks about "Compliance With National Environmental Policy Act of 1969."

And there is a section there that looks to me, under subsection (A) and (B), "an action by an agency of the Federal Government, a major Federal agency significantly affecting the quality of human life."

It looks to me like these two sections clearly put the President under NEPA.

I mean, do you disagree with that?

Mr. LESHY. No.

Mr. Chairman, Congressman Udall, I think you are exactly right, this bill makes basically presidential action under the Antiquities Act subject to NEPA. Yes, the Secretary of the Interior, not the President, prepares the environmental impact statement; but the President can't act, can't take action under the Antiquities Act without those processes being followed.

So he is basically made subject to those processes, and that is unprecedented, I believe.

Mr. Tom UDALL OF NEW MEXICO. Thank you very much. The other point, it has been said in some of the background and things that we have used the Antiquities Act to thwart public input into Federal land management, not to protect land.

Well, my memory is seeing the process that President Carter followed as far as public input, that this was a very extensive process. I mean, President Carter's action in invoking the Antiquities Act came after a very long process starting under President Nixon that included extensive studies of areas in Alaska that Interior Secretary Rogers Morton withdrew pursuant to 17(d)(2) of the Alaska Native Land Claims Settlement Act.

The Carter proclamations also came after subcommittee hearings by Morris Udall. And the subcommittee in Washington, Atlanta, Chicago, Denver, Seattle, Juneau, Sitka, Ketchikan, Anchorage, Fairbanks and a number of other small town meeting-type hearings in Alaskan villages.

The Carter proclamations also came after the House of Representatives that passed the Alaska lands bill by an overwhelming vote of 300 to maybe 31, 32 opposed, and the bill had been reported favorably by the Senate Committee on Energy and Natural Resources.

Also the chairman of the Interior Committee here in the House, and the chairman of the relevant subcommittee, Mr. Seiberling, wrote the President and asked him to act.

So I can't see any more of a record that is out there that evidences public input than what was done on Alaska with respect to the Congress. I don't know if you have any comments on that.

Mr. LESHY. Mr. Chairman, Congressman Udall, I agree wholeheartedly, and I think there is a good parallel between the experience you described with President Carter and what President Clinton did in southern Utah, because there, too, there was a very vigorous public debate over the future of this area. There were bills pending in Congress to create some wilderness and to release other lands from wilderness protections pending at this time when the President acted. There have been many years of history and public hearings and debates on these issue.

I should also point out that Congress has come back to the Antiquities Act after NEPA passed when it reviewed public land law generally. When Congress passed FLPMA in 1976, 6 years after NEPA passed, Congress discussed whether or not the FLPMA process should somehow overtake or result in the repeal of the Antiquities Act; and Congress very clearly preserved the President's authority under the Antiquities Act when Congress enacted FLPMA.

Similarly, 2 years after President Carter created monuments in Alaska, an unprecedented scale, Congress came back to that whole issue and passed the ANILCA and there too had an opportunity to look at how the Antiquities Act and the exercise of authority under that Act had worked, and left it alone basically.

Mr. Tom UDALL OF NEW MEXICO. Thank you, Mr. Leshy, for clarifying the record. I mean, there were clearly two very extensive public processes going on under the Clinton Administration and under the Carter Administration with regard to these kinds of activities. Thank you.

Mr. HANSEN. Mr. Udall, let me point out that under President Carter, you are absolutely right. But also what happened under President Carter is the Interior Department prepared NEPA documents. Under the Grand Staircase there was no such thing, no one was made aware of it. In fact, we would like to give you the documents that we subpoenaed from the White House and from Interior where they went out of their way to say, we have to keep this thing quiet.

The governor of the State was not even made aware of it till 2 a.m. On the morning that it happened. The only way—what Mr. Leshy said, the administration, we knew about it, we knew there was—the Washington Post said we were leaking a story. In fact, my administrative assistant, Nancy Blochinger, called up Kathleen McGinty the day before and pointedly asked the question, We are hearing about this proposed monument in Utah, is there any truth in this? And she said, We heard the same rumor, but there is no truth in it.

Now, then, we go back and see the correspondence between the White House, entirely different situation if I may say so, but I agree, your relatives did a very fine job. I don't argue with that, but I surely think there is a tremendous difference between the two.

Thank you very much for allowing me to have that little input.

The gentleman from Pennsylvania, Mr. Sherwood.

Mr. SHERWOOD. Thank you, Mr. Chairman.

What bothers me here a little bit is that if any private citizen or any township supervisor or any county official or any State official wants to change the use of land in this country in a major way, we have very extensive laws that we follow; and what you have told me here today is that the President designated this monument sort of in the dark of night without following those procedures.

And I think a basic tenet of any democracy is the sunshine law; we have in Pennsylvania a sunshine law that goes right down to our school boards or anything else. And I don't understand why you are concerned about Chairman Hansen's bill, which basically just asks that the public be involved, that we let the sunshine in.

When the Governor of Utah learns about 1.8 million acres of land in his own State at 2 o'clock in the morning before it happens that has to, it seems to me—and I wasn't paying any attention at that time, but I listened to my chairman and the rest of these folks that have subpoenaed documents, and you are saying that there was input.

We have got a base dichotomy here that I don't understand, and I frankly need you to help me understand why you are here protesting.

Mr. LESHY. Mr. Chairman, Congressman, first of all, let me say once again, because it keeps being repeated and it is not true, this proposed action was generally known well before 2 a.m. on the morning it was taken. The President, I think, made the final decision to go ahead, 2 a.m. in the morning it was taken, and I assume probably talked to Governor Leavitt about it. But he had talked to Governor Leavitt, and the chief of staff in the White House had talked to Governor Leavitt, I believe Secretary Babbitt had talked to Governor Leavitt.

I had personally been in meetings with the Utah delegation. Days and days before 2 a.m. on the morning of the proclamation, it was generally known and vigorously debated that this was under consideration, so it was not, you know, that last-moment surprise. There was a very vigorous debate in the days leading up to the proclamation as to whether or not the President should do it or not.

Second, as I said before, H.R. 1487 doesn't simply sort of say, "Let the public know." It has an extremely elaborate set of processes that goes well beyond what NEPA now requires for ordinary Federal action before the President can act.

And it, for the first time, I believe, in history, applies the National Environmental Policy Act to the President himself in making discretionary decisions. That is something that Congress has not imposed on itself. Congress has never imposed that on the President before; it has been well understood for the last 29 years that NEPA does not apply to Presidential action. And that is a very significant step, I think, to take.

Third, these proclamations, if you look throughout history, do involve usually some form of consultation; and again, it is usually the President acting after a very extensive and vigorous public debate. In the case of the Grand Staircase, 25 or 30 years of public debate about whether and the extent to which this particular area should

be protected and how it should be managed, the Federal lands in these areas.

So we think there is really nothing broken here to fix, and that H.R. 1487's remedy goes way beyond what existing law would require and creates a whole host of problems and, frankly, I think would undermine the implementation of one of the most successful laws that we have.

If you just look around at the areas that have been protected under the Antiquities Act, it is an amazing collection of areas. I don't know of anybody who would point to the Grand Canyon or Acadia National Park or Olympic National Park and say, "That was a mistake, protection of that area was a mistake." To the contrary, I think every one of those areas that was first protected by a monument is an amazing success story, and we ought to preserve that authority and that record.

Mr. SHERWOOD. Well, I would have to agree that those previous actions have probably been good, but I don't understand why you think that the President should be able to act without the same adherence to the law that the rest of the world be asked to abide with.

These public lands belong to everyone, not just the President. At a recent hearing with the Senate Energy Committee, Secretary Babbitt denied consideration using the Antiquities Act on the coastal plane of the ANWR, and I think you were staffing the Secretary at that hearing, were you not?

Mr. LESHY. Probably. I don't recall specifically.

Mr. SHERWOOD. Do you agree with his answer that the Antiquities Act would not be used?

Mr. LESHY. As far as I know. I obviously can't speak for the President, but as far as I know, certainly the Interior Department, there are no discussions or deliberations going on about using the Antiquities Act in the Arctic refuge.

Mr. SHERWOOD. Thank you very much.

Mr. HANSEN. Again, let me just say—I don't mean to take you on, Mr. Leshy, but you didn't have a conversation with me 2 weeks before. You didn't have a conversation with Orrin Hatch. You didn't have a conversation with Bennett. You didn't have a conversation with Enid Greene, nor did you have a conversation with Bill Orton.

We have discussed wilderness, and if we want to take your words apart, protection of the ground has been discussed since either you or I were born. But—and we can accept that from the days of Brigham Young. But no one had a conversation with us, this delegation, regarding this antiquities law; that just happens to be a fact.

Do you want to respond to that?

Mr. LESHY. Yes, Mr. Chairman. I have a very distinct memory of a Saturday morning meeting, my guess is, about 10 days or so before the President acted on September 1st in Secretary Babbitt's conference room. I am not sure you were there——

Mr. HANSEN. I was not there.

Mr. LESHY. [continuing] but many members. Senator Hatch was there, Senator Bennett was there, at least a couple of House Members were there. And we had—and Secretary Babbitt chaired the meeting. I think Katie McGinty was there, I was there, two or

three other staff members. We had a 2-hour, I think, discussion talking about what was being considered and the potential issues with it and an intense meeting. And there was a lot of full and frank discussion, as the diplomats would put it.

Soon after that, I think 2 or 3 days later, I led a number of Interior Department people up to, I believe it was Senator Bennett's office, where I think the staff from most of the delegation members were present. We had another 2- or 3-hour discussion about the Grand Staircase, the proposed proclamation, the potential issues with it.

As I said, we had talked at both of these meetings about who is going to manage this monument if the President decides to go ahead: Is it going to be the Park Service, is it going to be the BLM, or who? What are you going to say in the proclamation about water rights, if anything? What are you going to say in the proclamation about grazing? What are you going to be saying about hunting? What are you going to say about fishing, et cetera?

And each one of those issues is addressed in the proclamation. And frankly, I believe it is addressed, generally speaking, to the satisfaction of the interests in Utah, that is, we're not claiming a Federal water right, grazing is protected, hunting and fishing is preserved, the Bureau of Land Management manages the monument, not the Park Service, which was something the Governor, I believe, and members of the delegation were very interested in.

All of that discussion took place in the days leading up to the proclamation.

Mr. HANSEN. I don't want to get into a kicking match with you, but the recollection of the Senators as they explained it to me is a little bit different. And, of course, being the chairman of the Committee, I was omitted from these things, and I don't mean to let my ego show, it doesn't really bother me much; either way you could do it anyhow.

That is not the issue before us today; the issue before us today happens to be public input. Public input is the whole issue before us.

The gentleman from New York, Mr. Crowley. No comments.

The gentleman from Utah, Mr. Cannon. Thank you.

Mr. CANNON. Thank you, Mr. Chairman.

My recollection of that meeting that you had is actually just the 3 days before, just the weekend prior to; could that be possible?

Mr. LESHY. Mr. Cannon, I'm sorry, I don't remember exactly. I know it was days before, because I know at least a couple of days after that—that was a Saturday morning, I have a very distinct recollection of that.

Mr. CANNON. You probably wouldn't quarrel about a week except you quadrupled or tripled the amount of time available for notice if it was 10 days or 3 days. My recollection is it was just the weekend before the designation.

Let me just point out to the gentleman from Pennsylvania that the designation was not done in the dark of night, that was—that was the hearings that happened in the dark of night, 2 o'clock in the morning of the designation.

Now, Mr. Leshy, you said that the Antiquities Act can only designate what the Federal Government already owns, that is Federal lands, and that statement is true to a large degree.

But isn't it true that that goes—that is probably too broad a statement, because there are many other property rights that are involved in land including, for instance, roads?

Mr. LESHY. I am sorry, including what, I didn't hear.

Mr. CANNON. For instance roads.

Mr. LESHY. Oh, well, yes, Federal land—the Antiquities Act only authorizes the President to set aside, proclaim monuments on Federal lands. Sometimes those Federal lands are encumbered with mineral leases, rights and things like that.

Mr. CANNON. We have a package of property rights and those are embodied even in Federal law, and not to be disrespected. The Department of the Interior is now suing Garfield County for civil damage to a road called the Burr Trail. Are you familiar with that?

Mr. LESHY. Generally, yes.

Mr. CANNON. Do you know particularly how many residents there are in Garfield County?

Mr. LESHY. No, not exactly, a few thousand.

Mr. CANNON. A few thousand, 5,000 or more; this would not surprise you, that ballpark?

Mr. LESHY. Yes, that sounds right.

Mr. CANNON. How much do you expect—by the way Garfield county has about 98 percent of its land base is federally owned. What do you think the cost of that lawsuit has been to the county?

Mr. LESHY. I have no idea. It has been——

Mr. CANNON. Would a couple of hundred thousand dollars be in the ballpark?

Mr. LESHY. I really—I couldn't say. It has been a difficult piece of litigation, I think, for all concerned. We have tried repeatedly to settle it, and Garfield County has tried to settle it over the years.

Mr. CANNON. I am not actually quite so much interested in that as the process that the Department has gone through under your direction and the direction of the President and Vice President. The fact is it would not surprise you if it cost in the ballpark of a couple hundred thousand dollars for that county to litigate that road?

Mr. LESHY. I really can't say. I don't know.

Mr. CANNON. Would that be way high?

Mr. LESHY. I'm sorry.

Mr. CANNON. Would $200,000 be way high for that kind of litigation?

Mr. LESHY. I don't know. I have no idea what they are paying their lawyers. I don't know.

Mr. CANNON. But you practiced law.

Mr. LESHY. I don't know how many motions have been filed, et cetera. I really can't say, I can't speculate.

Mr. CANNON. Do you think it is important that a tiny county with 5,000 people spend something in the ballpark of $200,000 to defend an action that you bring against them?

Mr. LESHY. I can only tell you that we have been very interested for years in settling this litigation. We think we have put on the table many reasonable proposals to settle it. We have had the gov-

ernor involved in trying to broker a settlement, we called in an inside——

Mr. CANNON. The amount after issue is $7,000 in damage to the road that the government has claimed. What has been the problem of settling it? It is an etiological problem, is it not.

Mr. LESHY. I think to some extent it is an argument about whether or not the county has a free hand to take actions to improve or enlarge the road and the right-of-way without consent, inside the national park.

Mr. CANNON. Without the consent of the Department of Interior.

Mr. LESHY. That is correct.

Mr. CANNON. And it really comes down to the nature the ownership of those roads, whether they are owned by the State or whether they are controlled by the Department of the Interior? Is that not what you are doing in Garfield County?

Mr. LESHY. No, not exactly, Mr. Chairman, Congressman Cannon. What the—the issue is not whether the county has a valid right-of-way in the Burr Trail. The issue—that right-of-way goes through the heart of Capitol Reef National Park and the issue is what is the right of the Park Service that owns the underlying title and the borders of that right-of-way to control what happens in terms of enlarging that right-of-way. It is a regular—it is an issue of regulatory control not ownership.

Mr. CANNON. The issue is not enlarging the right-of-way, but whether that right-of-way exists because you are not talking about enlarging a right-of-way in that particular case.

But let me just congratulate you on keeping a straight face while saying there is a—there was consultation, albeit brief, on the reference to the 2 a.m. phone call between the governor and the President, where I think many of the issues which actually were considered were put together in a handwritten form and faxed to the President and not exactly what I would call a public input. That was, by the way, on the morning of the—2 a.m. In the morning on the morning of the designation.

Mr. LESHY. Mr. Chairman, if I can just add a footnote to that, I believe that Governor Leavitt had an extensive conversation, I can't recall if it was telephone or in person, with then Chief of Staff Panetta, days before that about——

Mr. CANNON. My time is about to expire.

Mr. LESHY. About Grand Staircase.

Mr. CANNON. I understand. I am congratulating you for the straight face you are putting on this. You deserve that. I want to point out that you did send a letter to Professor Wilkinson, you did, telling him to keep this secret?

Now, I think this comes down to just a difference in view of governance between you and this administration, this President, this Vice President, and what I view and I think many Americans view as the proper rule of governance. I don't think that it is the role of Congress to override a President who pushes the envelope with a two-thirds majority of the Congress.

I don't think that is how it ought to be done. I don't think even when a President does truly bone headed things that the responsibility ought to be on Congress not to have more than a third of its

members so etiologically bound to the President that you can't override what he does.

I believe there is a rule of law that requires a President to be considerate of the effects of what he does as opposed to looking at the law and seeing where the edges and however he can push that edge to advance his etiological interests and those of his Vice President and his narrow base and group of constituents.

Thank you. I yield back, Mr. Chairman.

Mr. HANSEN. Thank you. In defense, it wasn't totally in public. The environmental community was made aware of this in great detail, and that is why they were there, Mr. Redford and a few others. Some of the citizens of Utah didn't quite have that benefit, however.

The gentleman from Minnesota.

Mr. VENTO. Well, thanks, Mr. Chairman, I was—I didn't get to the Burr Trail today. I traveled it and obviously it is passable on a dry day. I don't know if I want to go across that clay but it would involve a lot of modification to make it usable year-round, and transportation in any of these remote areas, besides water, one of the big issues in terms of the community like the county of Garfield. But, you know, the unilateral paving of that, trying to improve it obviously is an action within the park, and it has to be addressed.

I am sorry to hear that it has persisted as a case, because clearly Congress did not respond to that during our work on it with then Senator Garn and others.

Mr. Leshy, on the 1978 Act, I don't know how much you know about the NEPA process, but the NEPA process wasn't aimed at the monument designation, was it; it was simply a NEPA process that had been developed generally in terms of the D2 lands?

Mr. LESHY. That is exactly right. There were environmental documents in preparation under NEPA at the time Carter, President Carter, acted, but they were a separate process and that goes back, as you said, Congressman, to the—I guess it was the native claims action, section D(2) that created the process for studying the future of these Federal lands in Alaska, and those—Congress put a withdrawal on those lands that expired in 1978 by terms of law.

And it was the continuation of that proposed withdrawal that was subject to NEPA and then NEPA documents were prepared. The President created the national monument with that in the record, but it was not NEPA on the monument creation.

Mr. VENTO. And I think that my institutional memory here, that in fact President Carter at that time did direct Secretary Andrus to look at other actions that the Secretary may take in terms of exploring all the options to protect the land and of course the Secretary's actions would have been subject to the NEPA; is that correct, Mr. Leshy?

Mr. LESHY. Well, the President had asked the Secretary to give him Antiquities Act recommendations among others. And that issue was litigated actually, because after the President created the monuments in Alaska action, the State brought a lawsuit saying the President should have been subject to NEPA and the Secretary should have been subject to NEPA, and the court basically threw out all of those challenges and, among other things, said that there

could be a constitutional problem, because the President's entitled under the Constitution to ask for the advice of his subordinates. And if his—and it is certainly appropriate in some circumstances that that be a confidential kind of advice, and if the Congress is going to come in and interfere with that, it could raise constitutional issues.

Mr. VENTO. But the Secretary's action generally in terms of some land use designations, whether it is ACEC, or other types of designations, would be subject to NEPA, the Secretary's action?

Mr. LESHY. Yes, absolutely.

Mr. VENTO. So there may have been some exploration of that. I think the issue here, of course, is that—and I think what I heard you say is that the process that has been established here which indirectly, you know, I guess you know, kind of recognizing indirectly this makes—I mean it is a distinction without a difference. NEPA does apply to the Presidential action here, but this action sets a 2-year time frame. In the action that is being discussed here it is likely to—the framework that is laid out here, which is of course quite rigid, would take at least, could likely take a lot longer than that.

Mr. LESHY. I think that is a concern, because this doesn't, the proposed legislation does not simply apply NEPA to the President, it has these additional procedures and if you chart those out——

Mr. VENTO. So you have a potentially 3-year process and a 2-year protection of the lands, but I am not interested in fixing this, because I think that the process of what is being proposed is really to in essence take away this power from the President. I think that is really what the justification is.

Is there an interest in terms of public participation? Do you think that the NEPA is the best possible way to get public participation? It seems to me that is a very awkward and cumbersome way to get participation from your statement. I think you agree with that, don't you?

Mr. LESHY. If you look at—there will be public participation in these decisions. I think there always has been, there will be. The Secretary in response to the President's request, as has been mentioned, has looked at the possibility of Antiquities Act protection elsewhere and is going through a consultation process, openly and publicly.

Mr. VENTO. I suppose, you know, I suppose we could satisfy our own self while saying that the President has to consider public opinion and consult with him—it seems to be sort of a redundant type of activities. Certainly the President has to consider this. It may be, you know, popular in Utah with the people, but not necessarily with the public officials. There has sort of been some disparities I suppose in each of our States with regards to some of those matters.

But certainly that has been the case if you believe the public opinion polls in some of the States, in Utah, so I don't know—or any State that that would be possible. So I don't have any objection to public, considering public input or views on this in some sort of consultation type of issue, but I think the problem here is, of course, that if it gets in the way of actually accomplishing the purposes of the Act, then you are in essence greatly weakening or at

least in fact or repealing the basic law, which has been around and it may not be as necessary today as it was in 1908 because of Congress' and the President's willingness to act in a whole host of other laws, but it still is very much necessary I think to have that as a power.

So I hope we can resolve this.

Mr. HANSEN. Thank you. Mr. Leshy, are you aware of any current national monument proposals besides the Shivwitz Plateau proposal in northern Arizona? I am not asking whether any final decision has been made or whether a recommendation has been forwarded to the President or whether you were in the formal planning stages.

I am asking you to tell us of all the areas that you are aware of where the idea of a national monument has been suggested by anyone in the Interior Department.

Mr. LESHY. As you know, and I think we have given you this information, the President has asked the Secretary to forward any recommendations he has on any further exercise of authority under the Antiquities Act. The Secretary has not forwarded any recommendations but has been visiting a number of areas, including Shivwitz Plateau, and—not simply in terms of protection under the Antiquities Act, but just areas that in his judgment need further protection, whether it is through congressional action or executive branch action, and those trips have been well publicized and—but no decisions or recommendations have been forwarded.

We are in fact in the Shivwitz and elsewhere working with Members of Congress, the delegation. You chaired that public hearing, I believe, down in St. George a couple months ago exploring the ramifications of that proposal. So, you know, we are interested in consultation, obviously. And we are interested in listening to what Members of Congress and local citizens have to say about these issues and the Secretary is out there on the ground meeting with people and talking to them about it.

Mr. HANSEN. Thank you. The Secretary did indicate to me and members of the Arizona delegation that if they didn't get something going, he would. I am given to understand that the Arizona delegation is moving ahead with something, and there will be a meeting next week regarding legislation that will be introduced. I would hope you take a close look at that.

Mr. LESHY. Yes, I am—I think I have a meeting scheduled with members of the delegation next week to talk about that.

Mr. HANSEN. All right, probably the same meeting. Further, Mr. Leshy, assuming that the provisions of this bill become law, and the Secretary of the Interior is required to prepare an environmental impact statement before the President can sign a monument proclamation, could you explain how these provisions would harm the environment?

Mr. LESHY. Well, in some circumstances, in the past, as I said there has been the need for decisive action to be taken to—where proclaiming monuments can have an immediate protective effect. The problem that we just discussed, the way this bill is structured, I think it calls for up to 3 years of procedure, but only 2 years of protection. There could be a problem with that where the emergency protections allowed for in this bill would expire before the

processes could be finished to allow the President to act. That would pose a significant risk, I think, to the environment, if that happened, because, as you know, once you express interest in proclaiming an area or withdrawing an area from mining claims or whatever, it can encourage some people to go out there and try to locate mining claims and create other kinds of problems for you, so they become sort of a magnet for potentially disruptive activities and that is certainly a protective risk under this legislation.

Mr. VENTO. Would the gentleman yield.

Mr. HANSEN. I would yield, yes.

Mr. VENTO. But the issue is that it is sort of an indefinite, it isn't just 3 years, it is indefinite, isn't it, because the court appeals and other matters and of course we are all familiar with individuals that make claims and then come back to try to reap a financial reward because of the designation issue. Isn't it indefinite really?

Mr. LESHY. Yes, because I would guess that this bill would make the—not only NEPA compliance required but also subject it to judicial review, court injunctions and the like. And again if—I think one way to view the legislation here is to go back and look at all the monuments that have been created and say are they, are any of them really, truly bone headed, to use that word, exercises of presidential power, are we sorry the President first set aside these areas. And I think the answer in every case is no.

Mr. VENTO. Thank you, Mr. Chairman.

Mr. HANSEN. Thank you, Mr. Vento.

Let me point out this to the gentleman from Minnesota, the President still has withdrawal power. In the case Mr. Leshy brought up and correctly has pointed out, an emergency comes up, he has withdrawal power. He doesn't really need that; in fact, he doesn't need the antiquities law. He has withdrawal power if he sees some problem coming up with the ground.

We have a vote on. Is there anybody here that just has a dying need to ask Mr. Leshy further questions? We can come back, and I hate to hold you here. You have been very patient with us, and we appreciate it. But if no one has any big hangup, I will just consider this meeting over with.

My whole issue has been why is the Interior Department and this President afraid of public input. But I won't make a big deal out of that, I guess we have said that before and you have answered it 15 different ways. And thank you so much, Mr. Leshy, for being with us. We appreciate your patience.

We are adjourned.

[Whereupon, at 11:45 p.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows.]

STATEMENT OF GOVERNOR MICHAEL O. LEAVITT, STATE OF UTAH

Thank you for allowing me the opportunity to speak to you today about the recently designated Grand Staircase–Escalante National Monument in Southern Utah.

The protection of public lands in the State of Utah is a familiar issue. The Federal Government administers more than 65 percent of the land in the State, and we are continually pursuing new and better ways to work with the Federal Government in the planning and administration of these lands. We have worked hard to build relationships, forge partnerships, and lay the groundwork for interagency cooperation unmatched by other public lands states. For these reasons, the chain of events surrounding the establishment of the Grand Staircase–Escalante National Monument have caused me great concern, and created a greater distrust of governmental processes by many people in the State of Utah.

On September 18, 1996, President Clinton invoked a provision of the 1906 Antiquities Act to designate 1.7 million acres in southern Utah as the Grand Staircase–Escalante National Monument. The first reports of this that I, or any other elected official in the State of Utah, had received were from a story in the Washington Post only 9 days prior to Mr. Clinton's public proclamation. I would like to share with you a day-by-day account from my perspective, of the events leading up to President Clinton's announcement:

Monday, September 9, 1996: Upon reading of the new National Monument in the Washington Post, I placed a call to Secretary of the Interior Bruce Babbitt. I asked Secretary Babbitt about the article in the Post and was told that Interior was not involved and that I should call the White House.

When I called the White House, I spoke with Director of Intergovernmental Affairs, Marsha Hales. She had seen the story and told me that they weren't certain were it came from. She committed to get back to me relative to how serious the proposal was.

Wednesday, September 11, 1996: Two days later, Ms. Hales reported that a monument was being discussed but "no decision had been made." I asked, "what is the timing on this?" "That's what we are trying to decide," she replied. I asked Ms. Hales for an appointment with President Clinton or his Chief of Staff, Leon Panetta. Later that week an appointment was confirmed with Mr. Panetta for the following Tuesday.

Friday, September 13, 1996: My office became aware through the news media that an important environmental announcement was planned by the President at the Grand Canyon the following week. Preparations were being made by environmental organizations to transport groups from Utah. When we inquired directly of the Administration about the time, place and subject of an event they were not willing to even confirm the event would occur. Local governments in Utah were becoming more and more concerned. On two other occasions during the week I had conversations with Mr. Babbitt or his office. They continued to indicate that they had no information, insisting that this matter was being handled by the White House. When we called the White House we were referred to the Interior Department.

Late Friday afternoon, Secretary Babbitt called an emergency meeting in his office for the next day, Saturday. The Congressional delegation was invited. I was not able to attend the meeting, but the fact that meetings were being called on a weekend added to the sense of inevitability. However, we were still being told that "no decision had been made."

Monday, September 16, 1996: The weekend was a blur of phone calls, and meetings with local officials. Despite the fact that buses where being organized to take Utahn's to Arizona for the announcement, the Governors office could still not get confirmation of where or what the official announcement would be. I traveled to Washington for my meeting with Mr. Panetta.

Tuesday, September 17, 1996: Tuesday afternoon, I met with Mr. Panetta. I was told that Mr. Panetta had the responsibility of making a recommendation to the President. Mr. Panetta said that he had set aside the afternoon to prepare that recommendation. Kathleen McGinty, Chair of the President's Council on Environmental Quality, Marsha Hale, Director of Intergovermnental Affairs and another member of the White House staff were also in attendance.

My presentation focused on the problems caused by this complete abandonment of public process. I explained that it was our desire to protect the spectacular lands of this region but that this was the wrong way to go about it. I detailed for them a proposal ironically called, *Canyons of the Escalante: A National EcoRegion* that resulted from an intergovernmental public planning process I initiated three years earlier to protect the area. This concept was developed by state, local and Federal land managers working together for over a year. It would have provided flexibility

and yet gave even more stringent protection for the most pristine areas. I also spent a considerable amount of time discussing our school trust lands. Mr. Panetta asked me to explain the status of those lands. Prior to our discussion he was unaware of their existence or the importance they hold to the school children of our state.

Our meeting lasted just under an hour. Mr. Panetta told me that this was the first time he had been able to focus on this issue. He reiterated that he would make a recommendation to the President that afternoon. To Mr. Panetta's credit, he was very thoughtful in the questions he asked. He told me that he didn't like making decisions in a vacuum like this. At the conclusion of the presentation, Mr. Panetta said, "you make a very compelling case." To which I replied, "If this is compelling to you, then before the President sets aside part a piece of land equal to Rhode Island, Delaware and Washington, DC combined, he needs to hear the same information, directly from the Governor of the State." I was told Mr. Clinton was campaigning in Illinois and Michigan, but he would call me later in the evening.

Wednesday. September 18, 1996: At 1:58 a.m., my telephone rang, it was the President. The President told me that he was just then beginning to review this matter. I restated in short form the material I discussed with Mr. Panetta. The call lasted for nearly 30 minutes. At 2:30 AM we were both very tired. I offered to write a memo that the President could read when he woke in the morning. He asked that I write the memo.

I sat at the desk in my room and prepared a handwritten 2+ page memo to the President. It was faxed to him at 4 a.m. that morning. The memo, told the President that if a monument was going to be created he should create a commission that included state and local government officials to recommend boundaries and to solve a number of management questions. I told him that it should work toward a policy that protects the land, preserves the assets and maintains the integrity of the public process. I knew the local government leaders in this area would welcome such a process.

At 7:30 a.m. I spoke with Mr. Panetta. He had reviewed the memo that was written for the President and again indicated he felt my ideas had merit. He said he would be reviewing the matter again with the President. Later in the morning Mr. Panetta called to inform me that the monument would be announced. He detailed the conditions of the action, which gratefully, incorporated some of my suggestions on water, wildlife access and a planning process with local and state participation.

At 2 p.m. Eastern time, President Clinton stood on the north rim of the Grand Canyon to announce the creation of the Grand Staircase–Escalante National Monument, a 1.7 million acre expanse in Utah's Garfield and Kane counties. No member of Congress, local official or the Governor were ever consulted, nor was the public. As the Governor, I had not seen a map, read the proclamation or for that matter even been invited. This is not about courtesy, it is about process and public trust. A major land decision, the biggest in the last two decades, was being made. Obviously, this is not the way public land decisions should, nor were ever intended to be made.

In 1976 this nation made an important public policy decision. Congress passed landmark legislation in the Federal Land Policy and Management Act (FLPMA), requiring great deliberation and careful process in determining how public lands would be used. That Act, and other related legislation, contains protections for states and local communities. It is the policy of my administration to assure that our state is not denied those protections. We will defend Utah's interest against abuses of our existing protections and we will seek additional protections where they are currently inadequate.

The President's use of the Antiquities Act to create the monument was a clear example of inadequate protection. Our system of government was constructed to prevent one person from having that much power without checks or balances from another source. This law was originally intended to provide emergency power to protect Indian ruins and other matters of historic importance. Over the past ninety years the Federal courts have allowed a gradual expansion of the powers. The President's recent proclamation was a classic demonstration of why the founders of this nation divided power. Power unchecked is power abused. Utah and other states need protection from further abuses of the 1906 Antiquities Act. My administration will join other states in support of appropriate amendments.

Land preservation decisions must consider the relationship between the land and the local economy. The State of Utah intends to intensify our efforts in assisting in the promotion of new economic opportunities for the region and will challenge the national government to be responsive to the needs that its actions in Southern Utah have created. Historically, whenever the Federal Government has determined that a local interest is subordinate to the national interest, then some form of Federal assistance is provided. We should all focus on developing real economic opportuni-

ties for rural Utah counties in order to build a more diversified and sustainable economy.

There are many issues surrounding the creation of this monument apart from the designation process. One of the most controversial and most complicated are the school trust lands located within the boundaries of the monument. Approximately 176,000 acres of school trust lands were included within the monument.

The school trust lands are managed by the Utah School and Institutional Trust Lands Administration, an independent state agency. The Trust Lands Administration is governed directly by a separate Board of Trustees, and is required to optimize the value of the lands for both the short and long term. The Chairman of the Board of Trustees will testify later today and will give more details. However, I want to emphasize that not only did the declaration of the monument possibly affect the use and value of the trust lands in the long term, but also that several sources of revenue from the lands, including an imminent multi-million dollar deal involving coal, have been eliminated as a result of the declaration.

The Board of Trustees, the Trust Lands Administration and myself are united in protecting the value of the trust lands within the monument and in protecting the purposes of the trust. We will work together to see that either the lands can be used for their purpose as the national economy permits or that other Federal assets will be available as compensation for the trust lands.

I appreciate the President's remarks concerning the trust lands at the time he signed the declaration and appreciate his decision to resolve any reasonable differences in value in favor of the school children as part of any land exchange proposal. However, I must express some healthy skepticism about the efficiency of the Federal exchange or compensation process and the ability to bring such processes to conclusion at all. The problem of school trust lands within Federal reservations like the monument is both an old problem and a constantly recurring one. Currently, Trust Lands and the Federal Government are negotiating several different exchange packages, including the statutorily authorized process mentioned by the President in his remarks (P.L. 103-93). These exchange processes are complex, heavily laden with Federal rule-driven procedures and very costly to the trust. The Trust Lands Administration estimates that an exchange process for the monument lands, similar to that in P.L. 103-93, could cost $5 to $10 million; a cost which, in all fairness, should be covered by the Federal Government.

I would hope that we can learn from past experience and begin to take advantage of new ideas or approaches which are more expeditious, yet fair to both parties. The Trust Lands Administration intends to propose solutions for the trust lands within the monument in the near future. I will ask Congress to give these proposals serious consideration and to consider appropriating funds to the Trust Lands Administration to offset any costs resulting from the declaration of the monument.

The State of Utah is committed to being a full partner in the planning process for the Grand Staircase–Escalante National Monument. Promises were made by both President Clinton and Secretary Babbitt which ensured the State a prominent role in the plan development and implementation process. The State of Utah intends to take full advantage of those commitments and has, in fact, already appointed five members of the planning team who will represent the State and its issues and concerns. We have every intention of being active participants in the process and committing the necessary resources to see that the Grand Staircase–Escalante National Monument best meets the needs of the citizens of the State of Utah. We intend to use every mechanism available to ensure that the Federal Government keeps its commitments to this end. We would appreciate your help in assuring that this happens.

In closing, I would like to reiterate to you my support for the idea of some kind of protection of the sensitive and spectacular lands of the Escalante area in Southern Utah. However. I feel deeply that President Clinton did not keep the public trust by choosing this process to protect this area. Had Mr. Clinton been willing to discuss his ideas with those of us in Utah involved in public lands issues, he would have found both State and local representatives were ready and willing to work with his staff to provide the best protection of the natural resources of the area, while at the same time providing economic stability to those communities most impacted by it.

Obviously, this did not happen. President Clinton was unwilling to reveal his plan to any elected officials in Utah. Perhaps the only thing more disappointing than this was his consultation with elected officials in other Western States but NOT in Utah, about this proposal. I have seen a copy of an August memo from Kathleen McGinty to Marcia Hale regarding contact with Governors Roy Romer and Bob Miller, former Governors Mike Sullivan and Ted Schwinden, Senators Harry Reid and Richard Bryan, and Representative Bill Richardson to get their reactions on this proposed

"Utah event." The memo states that these reactions and other factors, "will help determine whether the proposed action occur(s)." In addition, the memo states, "If a final decision has been made on the event, and (sic) any public release of the information would probably foreclose the President's option to proceed." The event was a partisan, political rally that had been planned and executed as an "under the cover of darkness" surprise.

I find it regrettable that someone we have entrusted to the highest office in the United States of America is willing to undertake a process which is purely partisan. We, as a nation, need to examine the power by which a single person is able to impact the lives of so many. It is too late for residents of Southern Utah living near the Grand Staircase–Escalante National Monument. However, in true Utah tradition, we will pull together and rise above the circumstances created by those in Washington.