

House Committee on Natural Resources
“Forgotten Voices: The Inadequate Review and
Improper Alteration of Our National Monuments.”

March 13, 2019

Testimony of Utah Governor Gary R. Herbert
Offered by Kathleen Clarke,
Director of Utah’s Public Lands Policy Coordinating Office

Chairman Grijalva and Ranking Member Bishop, I appreciate the invitation to participate in this hearing. Governor Herbert has asked me, as the director of his Public Lands Policy Coordinating Office and his primary advisor on public lands policy, to read a statement by him. He was unable to attend but wanted to convey his thoughts on the topic.

When I spoke to this Committee a year ago about the revised boundaries of the Bears Ears National Monument, I emphasized a point that I want to reiterate now— I believe we all have the same goal: to protect these treasured landscapes, traditional uses, and precious archeological resources. I’m concerned that we sometimes talk past each other and miss the reality that we all want the same thing. If protection is our shared goal, then use of the Antiquities Act was always the wrong way to reach that goal.

First, the Antiquities Act allows a president to create a monument with no input from local residents, those whose lives are most impacted by land management decisions. Second, the creation of a national monument does not itself add to the protections already contained in existing laws. Only increased enforcement of those laws will produce the protections that we all want. Third, and perhaps most importantly, declaring a monument doesn’t provide any funding or staffing resources to actually enhance protections. In fact it tends to worsen the problem by creating a magnet for increased visitation without any commensurate increase in funding for signs, law enforcement presence, fencing, or other tools for protecting sensitive areas. Finally, desired protections become more difficult as the area reserved for a monument increases in size.

If we really want to accomplish the protections that we all want, I’d like to strongly suggest two concrete actions for this Committee.

First, please reform the Antiquities Act and return to the original intent of the law, allowing a president to speedily create national monuments that are the “**smallest** area compatible with the proper care and management of the objects to be protected.” While we may disagree about the right size of these monuments, the lesson here is that the Antiquities Act is being misused. It is simply the wrong way to protect enormous expanses of land without adversely affecting those whose lives depend on that land.

If you accept my challenge, Representative Bishop's National Monument Creation and Protection Act is an excellent starting point, requiring Congressional approval for monument designations larger than a given acreage. If you want to play with that acreage threshold, that's fine, but we should all be able to agree that 1.35 or 1.9 million acres is far larger than what the Antiquities Act envisioned.

Second, whether or not you reform the Antiquities Act, let's do our best to create protections *legislatively* rather than through Presidential decree. The Congressional process—as we're experiencing it today—inherently brings different voices to the table and creates more enduring outcomes and less local animosity. We saw this three weeks ago with Congressional passage of S. 47, a large public lands package that contains 10 Utah specific bills, each reflecting input and compromises negotiated at the local level. Incidentally, the bill contains a new national monument, the Jurassic National Monument in beautiful Emery County Utah. The monument is small, specific, and enthusiastically supported by the local community. I thank both the chair and ranking member for their work to pass this bill.

I encourage you to advance more such legislation. With respect to the monuments we're discussing today, I reiterate my support for bills sponsored by Representatives Stewart and Curtis that would not only codify the boundaries of the monuments, but create management councils to ensure local involvement in writing management plans.

The most enduring solutions to difficult problems are always those that are achieved through dialogue and the involvement of all stakeholders. There is simply no need for the rancor and frustration that accompany this debate. We each want to protect these lands without needlessly harming the livelihoods of those who live on and around them, and the way to do so is by empowering local communities to participate in the solutions.

Thank you for the chance to submit my views. Utah stands ready to work with stakeholders across the political spectrum to find solutions that work for everyone.

Mr. Chairman, I am happy to answer questions.