



SOCIETY FOR AMERICAN ARCHAEOLOGY

**Statement of the Society for American Archaeology
Before the House Committee on Natural Resources regarding
“Forgotten Voices: The Inadequate Review and Improper Alteration of Our National Monuments”**

March 13, 2019

Chairman Grijalva and Ranking Member Bishop, the Society for American Archaeology (SAA) greatly appreciates this opportunity to testify on the subject of the current administration’s improper 2017 review of large-scale National Monument designations from 1996 onwards and its possibly illegal reduction of both the Bears Ears and Grand Staircase-Escalante National Monuments.

SAA is an international organization that, since its founding in 1934, has been dedicated to the research about and interpretation and protection of the archaeological heritage of the Americas. With more than 7,000 members, SAA represents professional archaeologists in colleges and universities, museums, government agencies, tribal programs, and the private sector. SAA has members in all 50 states as well as many other nations around the world.

The National Monument review process outcome was predetermined:

It is clear that the administration improperly disregarded the opinions of scientific experts, Native American tribes, and those of the general public, in conducting its spring 2017 review of 27 post-January 1, 1996 National Monument designations exceeding 100,000 acres. By the end of the review and its public comment period in July 2017, more than 2.4 million comments had been received by the Department of Interior, including those of the SAA and 610 of its archaeologist members. According to some estimates, fully 98% of the commenters urged that *no changes* be made to existing Monuments. It is true that several of the Monuments initially identified for review were subsequently removed from the process, and that then-Interior Secretary Zinke’s August 2017 report to the President recommended that other Monuments be left unchanged. Nevertheless, given the overwhelming opposition of the public, the tribes, and expert stakeholders to the possibility of a reduction in the size of certain Monuments, the administration’s actions of December 2017 concerning the Bears Ears and Grand Staircase-Escalante National Monuments can only lead us to believe that the President never had any outcome in mind for those two Monuments other than drastic reduction.

The reductions of the Bears Ears and Grand Staircase-Escalante National Monuments were illegal, unconstitutional, and harmful to the protection of irreplaceable archaeological resources:

Numerous lawsuits against the steep decrease in size of the Bears Ears and Grand Staircase-Escalante National Monuments were filed almost immediately after the President announced his action in late 2017. The cases were eventually consolidated. In November 2018, SAA and other archaeological and cultural resource preservation organizations, including the American Anthropological Association and the Archaeological Institute of America, joined to submit an [amicus curiae brief](#) in support of the plaintiffs of the consolidated cases. In the brief, which contains extensive background materials in support of this

statement, we lay out the reasoning for why the President does not have the authority under the Antiquities Act to substantially modify the size of any National Monument, including Bears Ears and Grand Staircase-Escalante.

The Grand Staircase-Escalante National Monument, as designated, was the best means available to protect truly unique heritage resources of the American Southwest. These include “quarries, lithic scatters, camps, structures, rock shelters, and visually impressive masonry village sites,” along with rock art and petroglyphs. The expansive size of the designated Monument was necessary for the conservation of not only the documented archaeological sites and materials, but also the potentially thousands of “historic, biological, geological, paleontological, and archaeological objects” that remained to be discovered. The President’s reduction of the Grand Staircase-Escalante National Monument from 1.9 million to 1 million acres places much of this national heritage at risk of permanent loss. Nearly 4,000 archaeological sites are known to exist within the limits of the original Monument, even though less than 10% of the land has been thoroughly inventoried.

A similar situation was created by the reduction of Bears Ears National Monument from 1.3 million to 228,000 acres. This move has placed thousands of recorded and unrecorded archaeological sites protected in the original designation at risk of damage or destruction from mining, off-road vehicle use, and other activities that threaten the integrity of archaeological objects and their surrounding context. While about 9,000 recorded archaeological sites are known to exist within the original monument boundary, only about 5% to 7% of the area has been examined.

The administration conducted a “review process” in which it had a pre-determined outcome in mind, ignoring the opinions of tribes, experts and the public alike. It then resorted to actions for which it had no authority under the law or Constitution. While we are confident that the courts will reverse the drastic reductions of the Bears Ears and Grand Staircase-Escalante National Monuments, we believe that Congress must also be prepared to act legislatively in this matter, to both restore the threatened Monuments, if necessary, but also to affirm the authorities of the respective branches of government under the Antiquities Act.

Thank you for taking up this important issue.

The SAA amicus brief can be viewed at <http://s3.amazonaws.com/rdcms-aaa/files/production/public/BearsEarsAmicus.pdf>