

**Congress of the United States**  
**Washington, DC 20515**

March 29, 2017

The Honorable Ken Calvert  
Chairman  
Committee on Appropriations  
Subcommittee on Interior,  
Environment, and Related Agencies  
U.S. House of Representatives  
2007 Rayburn HOB  
Washington, DC 20515

The Honorable Betty McCollum  
Ranking Member  
Committee on Appropriations  
Subcommittee on Interior,  
Environment, and Related Agencies  
U.S. House of Representatives  
1016 Longworth HOB  
Washington, DC 20515

As you begin work on the fiscal year (FY) 2018 Interior, Environment and Related Agencies Appropriations bill, we urge you to include language that would prevent presidential abuse of the Antiquities Act.

National monuments can be powerful symbols of our nation's historical and natural heritage. Unfortunately, there is a long and shameful list of abuses of the Antiquities Act whereby Presidents of both parties far exceeded the intent and letter of the 1906 law. The law was enacted over concerns about protecting mostly prehistoric Indian ruins and artifacts—collectively termed "antiquities"—on federal lands in the West.

According to the nonpartisan Congressional Research Service and the actual statute, "In establishing a national monument, the president is required by the Antiquities Act to reserve 'the smallest area compatible with the proper care and management of the objects to be protected.'"

Presidents on either side of the aisle should not have unilateral authority to create massive new national monuments by executive fiat without local public input. It is, after all, the people living near these national monuments who are most affected by their creation. These citizens deserve to have a strong voice regarding the use of public land near their communities.

Unilateral designations that circumvent Congress typically result in devastating consequences for local communities that negatively affect their future economic prosperity. Designations under the Antiquities Act are not required to follow the environmental process required under NEPA nor must they solicit public input prior to declaration. These declarations often result in some of the most restrictive land-use regulations possible and also greatly impact hunting, fishing, OHV, and other multiple-use recreational activities. Grazing rights, water rights, wildfire prevention, and other land management activities can also be negatively impacted.

In both the fiscal year 2016 and fiscal year 2017 appropriations processes, the House passed an amendment with bipartisan support to prohibit the use of funds to make a Presidential declaration by public proclamation under the Antiquities Act in counties where there is significant local opposition. In the 113<sup>th</sup> Congress, the House passed legislation with bipartisan support to reform the Antiquities Act and to ensure public involvement in the creation of national monuments.

President Obama grossly exceeded the intent of this law and abused the Antiquities Act more than any other American president. Over the course of his administration, President Obama locked up more than 554,000,000 acres- nearly twice the sum of all acres designated by every president from President Theodore Roosevelt to President George W. Bush. In December 2016, the president unilaterally designated the Utah Bears Ears National Monument comprised of nearly 1.4 million acres. While the current administration likely understands the value and importance of consulting local stakeholders, future administrations and presidents may not similarly value and respect the voices of the states.

Accordingly, we ask that you include language similar to the following:

#### *DECLARATIONS OF NATIONAL MONUMENTS*

*Sec. \_\_. (a) Consultation Requirement- The President may not designate lands to be a new or expanded national monument unless, not more than 1 year before such designation, the Secretary of the Interior--*

*(1) consulted with each community, county, municipality, city, town, or township created pursuant to State law with boundaries within or adjacent to lands affected by the designation; and*

*(2) obtained concurrence for the designation from--*

*(A) the governing body of each community, county, municipality, city, town, or township described in paragraph (1); and*

*(B) the wildlife management and land management authorities and governor of each State in which all or part of the new or expanded national monument would be located.*

*(b) Limitations on Declarations- A declaration of a national monument shall not--*

*(1) include private property without the informed written consent of the owner of that private property;*

*(2) be construed to increase the amount of funds that are authorized to be appropriated for any fiscal year;*

*(3) apply to more than 5,000 acres;*

*(4) include any area of the exclusive economic zone as established by Proclamation Numbered 5030, dated March 10, 1983; or*

*(5) be construed to prohibit or constrain any activities on or above the land conducted by the Department of Defense or other Federal agencies for national security purposes, including training and readiness activities.*

*(c) Additional Requirements for Declarations- A declaration of a national monument shall*

*(1) expire 3 years after proclaimed or reserved unless specifically approved by--*

*(A) a Federal law enacted after the date of the proclamation or reservation; and*

*(B) a State law, for each State where the land covered by the proclamation or reservation is located, enacted after the date of the proclamation or reservation; and*

*(C) a Governor, for each State where the land covered by the proclamation or reservation is located, enacted after the date of the proclamation or reservation; and*

*(2) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).*

*(d) Water Rights- Water rights associated with a national monument created or expanded by a declaration --*

*(1) may not be reserved expressly or by implication by a declaration; and*

*(2) may be acquired for a national monument created or expanded by declaration under this section only in accordance with the laws of the States in which the water rights are based.*

We thank you for your consideration of this request, and for your leadership on the committee.

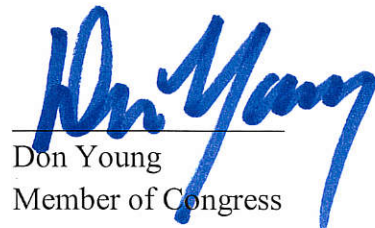
Sincerely,




Paul A. Gosar, D.D.S.  
Member of Congress



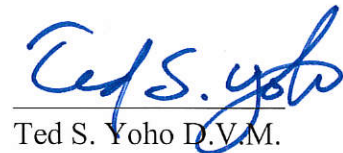
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