

## **H.R.4558 - Grand Staircase Escalante Enhancement Act, Rep. Stewart, Chris [R-UT-2]**

### **HR 4558 Talking Points - Grand Staircase-Escalante Enhancement Act aka "The Grand Staircase Giveaway"**

Advances the wildly unpopular public lands takeover agenda, handing control of over 1 million acres of public lands to local officials with a well-documented disregard for federal laws.

- Section 14 of this bill directs an outright giveaway of the 55 mile Hole in the Rock Road - which crosses Grand Staircase-Escalante National Monument and Glen Canyon National Recreation Area - to the State of Utah. This section cedes what the public lands takeover movement has been unable to achieve with years of litigation and illegal actions, control over a federal road. A public lands giveaway with no benefit to the owners of this land, the American people.
- This bill hands control of nearly 1 million acres of public lands to local officials with a long history of extreme anti-conservation and anti-public lands views. These same officials have displayed a shocking disregard for federal laws.
- Kane County, for example, illegally removed vehicle management signs from public lands and, with no authority, opened sensitive habitats, wilderness, and archeological sites to off-road vehicle damage. Garfield County illegally bulldozed a road into Capitol Reef National Park and arrested Federal law enforcement officers fulfilling their duties.
- Embracing the public lands sell off agenda promoted by a radical fringe of anti public lands zealots is incredibly unpopular with the American people that don't want to see the lands they owned seized to be turned over to private interests.
- Rallies at state capitols across the west including Montana, New Mexico, and Idaho have seen historic participation of thousands of members of the public joining to oppose efforts to transfer public lands as this bill proposes.
- A December 2016 Hart Research Poll found that 78% of Americans oppose efforts to sell or privatize our public lands. Transferring public lands to local or state control represents the first step in this unpopular scheme.
- Doubles down on President Trump's illegal attack on monuments by codifying these unpopular rollbacks – the largest elimination of public lands protections in history
- This bill takes the President's illegal rollback of Grand Staircase-Escalante National Monument (which proposed eliminating nearly 1 million acres of protections) and codifies it. It shows the coordinated effort between Congress and the Administration to giveaway public lands to private profit - against public opinion and without any public benefits.
- Nearly 3 million Americans commented with over 99% opposing changes like these to current national monuments. Despite this overwhelming opposition from the owners of these lands - the public - this bill would advance the President's misguided decision.
- Bad for local economies - The attack on Grand Staircase-Escalante and other national monuments was opposed by nearly 600 businesses and local chambers of commerce, including dozens of Utah businesses and the Escalante & Boulder Chamber of Commerce.

- In the 21 years since its creation, the Grand Staircase-Escalante National Monument has already benefited the local economy. Since Grand Staircase-Escalante's designation in 1996, per capita incomes have risen 28 percent and employment has risen 40 percent in the communities adjacent to the national monument.
- This bill shows that the Utah delegation, despite statements to the contrary, realize the President's actions were illegal and likely to be struck down in court. This is why they are using the actions to distract the public while they move swiftly to codify these dangerous rollbacks.
- The "Park" is a Park in Name Only
- The so called Escalante-Canyons Park and Preserve is a park in name only. This bill is not a park proposal, it is a giveaway proposal. Smoke and mirrors that ultimately gives Grand Staircase-Escalante to special interests, instead of the American people.
- This bill is a sham and a distraction. National parks are established to protect natural resources like amazing slot canyons, breathtaking plateaus, snow capped peaks and freshwater from Yellowstone to the Great Lakes; and safeguard our cultural sites and stories that connect people to places, tell the story of dinosaurs in the Southwest and civil rights in the Southeast. Instead, H.R. 4558 would weaken protections for adjacent parks like Bryce Canyon, Capitol Reef and Glen Canyon, and open up a yet-to-be-identified area in Grand Staircase Escalante to damaging activities like hunting or increased grazing without appropriate input or oversight from the National Park Service.
- It's an insult that any Member of Congress would call this scheme a 'national park.'
- H.R. 4558 is a cynical approach to our National Park System, that essentially thinks of national parks only as a monetizing vehicle.
- Just as with the rest of the monument lands identified in H.R. 4558, this "Park" would be managed by the very same anti-conservation officials, not the National Park Service.
- It sets dangerous precedents for park units by making the protection and enhance of grazing, recreation, and hunting the primary purposes of the "Park".
- While the enabling acts for existing National Preserves (outside of Alaska) include hunting as an activity, Congress did not include hunting in the core purpose of these park units. Most also clearly stated the authority of Secretary to determine places where and times when hunting would not be permitted.
- Of the National Preserves where grazing is permitted, only the continuation of existing leases, or leasing at or below existing levels, is allowed. Most also include provisions for lessees to voluntarily terminate their leases.

**H.R.4532 - Shash Jaa National Monument and Indian Creek National Monument Act, Rep. Curtis, John R. [R-UT-3]**

Doubles down on President Trump's illegal attack on monuments by codifying these unpopular rollbacks – the largest elimination of public lands protections in history

- This bill takes the President's illegal rollback of Bears Ears National Monument (which proposed eliminating over 1 million acres of protections) and codifies it. It shows the coordinated effort between Congress and the Administration to eliminate public lands protections – against public input or regard for public benefits.

- Nearly 3 million Americans commented with over 99% opposing changes like these to current national monuments. Despite this overwhelming opposition from the owners of these lands - the public - this bill would advance the President's misguided decision.
- Bad for local economies - The attack on Bears Ears and other national monuments was [opposed by nearly 600 businesses and local chambers of commerce](#), including dozens of Utah businesses.
- This bill shows that the Utah delegation, despite statements to the contrary, realize the President's actions were illegal and likely to be struck down in court. This is why they are using the actions to distract the public while they move swiftly to codify these dangerous rollbacks.

#### A slap in the face to tribal sovereignty

- Against the clear position of the tribes - Goes against the express wishes of the five sovereign tribal nations of the Bears Ears Commission (Navajo, Hopi, Zuni, Ute, and Ute Mountain Ute) who have unequivocally stated their position for seeing the Bears Ears National Monument remain intact.
- No outreach to tribes on legislation - Rep. Curtis could have reached out to the tribes before he introduced his bill to get their input on the structure or management. Instead he went ahead with this bill which is entirely contrary to their wishes and seeks to cement an action that they have sued to prevent in court.
- Codifies the President's illegal action and removes tens of thousands of cultural and sacred sites from the protection of the national monument.
- Rather than a productive nation to nation relationship between the original Bears Ears Commission working directly with federal agencies, it creates two management councils to filter the voice of tribal nations through management councils appointed and approved by the very anti-conservation voices attacking the monument in the first place.
- The bill creates a sham "Tribal Management Council" to dictate the management plan for the Shash Jaa unit. Unlike true respect for tribal sovereignty which dictates a government to government relationship as seen in the Bears Ears Commission (which allows each tribe to nominate their representative) the management council would:
  - Require selections to have the consultation of the Utah Congressional Delegation but not the tribal governments
  - Require two of seven slots (29%) be San Juan County Commissioners – a county that has been ordered to redraw commission districts after illegally racially gerrymandering districts in violation of the Constitution and Voting Rights Act.
  - Require only that the commission members are Navajo Nation and Ute Mountain Ute *members* but that the elected tribal governments themselves have no say in their selections or appointments.
- Leaves the management planning for the Indian Creek National Monument it creates up to a management council that:
  - Require selections to have the consultation of the Utah Congressional Delegation but not the tribal governments
  - Requires two of five slots (40%) to be filled by San Juan County Commissioners and another by a representative of the executive branch of the State of Utah.

- Includes only one tribal member (without input from tribal governments on this appointment) and would exclude members from outside of the state of Utah regardless of the tribe's historic ties to the lands.
- A majority of the votes on this council would be state or local officials (60%) – meaning those with a documented history of ignoring tribal input and no federally required trust responsibility would be making management decisions of huge consequence to cultural resources and sacred sites.

Mineral Withdrawal is a distraction from the largest monument rollback in history

- Once again, a member of the Utah delegation is attempting to distract the American public from the egregious nature of this legislation, which simply attempts to lock-in the illegal action from President Trump on December 4<sup>th</sup>.
- President Trump's action to eliminate 85% of Bears Ears was illegal. Without the illegal action of President Trump, these lands stand protection from mineral exploration, making Mr. Curtis' token unnecessary.
  - This bill is out of sync with the interests of the American people, and when the courts are done, the existing mineral withdrawal will ensure these lands remain protected.
- Additionally, there are threats to cultural and natural resources beyond those posed by mining or drilling. Threats to these objects include vandalism, looting, and destruction from inappropriate uses on the lands.
- Tribal leaders spent years designing a proposal for protecting the area as a national monument after careful study demonstrated that was the most appropriate for protecting the resources of the area. Instead of recognizing this work, HR 4532 bill locks in and requires ongoing off-road vehicle travel, grazing levels and locations, and ecological activities that could be inconsistent with protecting the very cultural and natural resources for which Bears Ears was designated to protect.
- Further, mineral withdrawal or not, this bill continues the theme of disenfranchising the tribes most connected to these landscapes.

Locks in Potentially Damaging Uses without Options to Mitigate Impacts on Objects

- In addition to leaving the drafting of the management plan up to an appointed council likely to be stacked with anti-conservation interests, the bill also locks in motorized vehicle usage and grazing levels in perpetuity. While these uses aren't prohibited by the monument designation and can be managed compatibility in many cases, removing any flexibility or consideration for management impacts on protecting the objects of the monument including cultural sites, archaeological resources and other fragile areas is reckless and potentially damaging.

**H.R.3990 — 115th Congress (2017-2018) – Rep. Rob Bishop [R-UT-1]**

**Introduced in House (10/06/2017)**

**National Monument Creation and Protection Act**

This bill amends the Antiquities Act of 1906 to allow the President to declare by public proclamation an object or objects of antiquity (currently, historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest) that are situated on lands owned or controlled by the federal government to be national monuments. "Objects of antiquity" means relics, artifacts, human or animal skeletal remains, fossils, and certain buildings constructed before enactment of this bill.

The bill prescribes limits on land that may be declared to be a national monument based on acreage, proximity to other national monuments, whether it has been reviewed by the Department of the Interior or Agriculture (USDA) under the National Environmental Policy Act, and whether it has been approved by each county and state within whose boundaries it will be located.

Such limitation shall not apply to a designation made to prevent imminent and irreparable harm to the object or objects of antiquity to be protected. Such exception shall end after one year and may be used only once.

The President may reduce the size of any declared national monument: (1) by 85,000 acres or less; or (2) by more than 85,000 acres only if the reduction has been approved by each county and state within whose boundaries the monument will be located and reviewed by Interior or USDA under the National Environmental Policy Act.

The bill prohibits any land from being declared as a national monument in a configuration that would place non-federally owned property within the monument without first obtaining the owners' written consent.

- This bill is the most aggressive legislative attack on the Antiquities Act we have seen. It goes together with the Trump Administration's ongoing attempt to sell our national monuments to the highest bidder.
- Should this bill become law, it would undermine the conservation legacy of 16 presidents – both Republican and Democrat – to protect America's cultural and natural heritage.
- This bill would undermine the Antiquities Act and the protection of public lands by:
  - Radically altering the definition of antiquities and what can be protected in a national monument.
  - It would eliminate "natural geographic features and objects not made by humans" from being protected in future national monuments.
- If this new definition had been applied when the Antiquities Act was signed into law in 1906, many of the national monuments and parks we enjoy today would not exist.
- Teddy Roosevelt could not have designated the Grand Canyon, Devil's Tower, or Muir Woods under this proposed language.
- It also would eliminate wildlife habitat from protection, a direct affront to sportsmen.
- The courts have repeatedly upheld the law's definition of antiquities, as well as the President's authority under the law.
- Limiting the size of new national monuments and creating illegitimate obstacles for the designation of boundaries based on the location of existing nearby national monument boundaries.
- These arbitrary size limits would block the creation of new national monuments.

- They would also virtually eliminate the possibility of protecting undiscovered cultural heritage sites that are found within a close proximity to other national monuments, a direct attack on Native American tribes and their heritage.
- Imposing unnecessary checks on presidential authority to declare new national monuments.
  - This would change the original intent of the Antiquities Act, which was to provide the President with the authority to safeguard public lands expeditiously.
  - Rejecting the original intent of the Antiquities Act through the codification of presidential authority to reduce national monuments.
- This would give presidents the authority to erase vast portions of national monuments.
- This also makes clear that President Trump does not currently have the authority to reduce existing national monument boundaries and undercuts Interior Secretary Ryan Zinke's recommendations resulting from Executive Order 13792.
- This bill is a clear effort to gut the Antiquities Act, restrict the ability to designate new national monuments or national parks, and protect America's most spectacular and significant scenic, natural, historical, cultural and archaeological sites.
- More than 2.8 million people weighed in during the Department of Interior's 60-day comment period – a record-breaking response – and more than 99% of all comments received expressed support for maintaining and expanding national monuments.
- If Congress moves forward with this legislation, it will be ignoring the vast majority of Americans who want to see their public lands and waters protected for future generations.