



NATIONAL MONUMENTS & THE ANTIQUITIES ACT

Issue:

For more than a century, the President of the United States has had the power to unilaterally designate federal lands as a National Monument without the consent of Congress, local governments or affected citizens. National Monument designations, under the Antiquities Act of 1906, are meant to ensure the proper care and management of historic landmarks and other objects of historic or scientific interest. The Act also states that the monuments shall be confined to the smallest area compatible with proper care and management of the objects.

In recent decades, presidents from both parties have used the power of the Act to designate hundreds of thousands of acres, and in some cases millions of acres, at a time. This scale of designation goes far beyond the executive authority that Congress originally intended. Such abuse restricts or even prohibits economic opportunity and removes decision making from the states and private citizens. These designations have affected water rights, grazing rights and access to state and private lands.

Background:

Use of the Antiquities Act for large tract designation does not provide reasonable notice to the public, and has gone well beyond Congress' original intent to designate the smallest portion of land needed to protect certain objects of genuine historic and scientific interest. Because there is no requirement to determine what the impact of the designation would be on communities and the local economy, these executive actions can lead, and in fact have led, to devastating reductions in economic activity and the loss of jobs in resource-dependent communities.

While many monuments have been quite small, several presidents have established large monuments. Examples of large monuments include Katmai, established in 1918 with 1.1 million acres; Glacier Bay, created in 1925 with 1.4 million acres; most of the Alaska monuments proclaimed in 1978, the largest being Wrangell-St. Elias, with nearly 11 million acres; and Grand Staircase-Escalante, established in 1996 with 1.7 million acres. During the Bush administration, several large marine monuments were designated, namely the Papahānaumokuākea Marine National Monument, with approximately 89 million acres; the Marianas Trench Marine National Monument, with 60.9 million acres; the Pacific Remote Islands Marine National Monument, with 55.6 million acres; and the Rose Atoll Marine National Monument, with 8.6 million acres.

During the Obama administration, 26 monuments (totaling 5.6 million acres) were created with several large designations including the Bears Ears in Utah (1.6 million acres) the Berryessa Snow Mountain in California (330,780 acres), the Organ Mountains-Desert Peaks in New Mexico (496,330 acres), the Rio Grande del Norte in New Mexico (242,555 acres) and the Basin and Range in Nevada (703,585 acres).

On December 4, 2017 President Trump signed two proclamations modifying the boundaries of the Bears Ears National Monument and Grand Staircase Escalante National Monument in Utah. The President's proclamation follows an open and transparent review process originally initiated by President Trump's Executive Order 13792, "Review of Designations under the Antiquities Act." The Executive Order limited the review to monuments designated after January 1, 1996, and over 100,000 acres in size, or monuments that Secretary Zinke deemed to have been created without adequate public input. The reduction in the size of the Bears Ears and Grand Staircase-Escalante monuments marks a return of common sense to environmental stewardship.

We urge the executive branch to discontinue designation of any national monument under the Antiquities Act until the proposal is first vetted and approved by Congress, landowners and local governments affected by these decisions.

AFBF Policy:

Farm Bureau supports rewriting the Antiquities Act to revoke the executive branch's ability to designate national monuments. Congress, with the approval of state and local governments, should be the body to designate national monuments.

Farm Bureau supports the multiple-use concept of federal lands, recognizing that definable land areas have dominant-use capability, which should be recognized with the concept of multiple uses without the total exclusion of other uses.

Contact: Ryan Yates, 202-406-3664, ryany@fb.org

2018