# Congress of the United States
## House of Representatives
### Washington, DC 20515-0301

March 22, 2016

The Honorable Ken Calvert
Chairman
Committee on Appropriations
Subcommittee on Interior,
Environment, and Related Agencies
U.S. House of Representatives
B-308 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

Dear Chairman Calvert and Ranking Member McCollum:

As you begin work on the fiscal year (FY) 2017 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.

By definition, the sites were to be very small—"the smallest area compatible"—with preserving the antiquity, not millions of acres. 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 shouldn't 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 don't have to follow the environmental process required under NEPA and also aren't required to 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,

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fishing, OHV, and other recreational activities. Grazing rights, water rights, wildfire prevention, and other land management activities can also be negatively impacted.

In the fiscal year 2016 appropriations process, 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 113th Congress, the House passed legislation with bipartisan support to reform the Antiquities Act and ensure public involvement in the creation of national monuments.

President Obama has exceeded the intent of this law and abused the Antiquities Act more than any other American president. To date, he has designated or expanded 22 national monuments, and these designations have locked up more than 3 million acres of land. In February 2016, the president unilaterally designated three new national monuments in the California desert encompassing nearly 1.8 million acres. To make matters worse, President Obama states on the White House website promoting his latest declarations that he has protected (locked up) "more than 265 million acres of land and water – more than any other president in American history." Unfortunately, he isn't done yet, and we can expect several more overreaching designations within the next several months.

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

*NATIONAL MONUMENTS*

*`(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 the 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 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;*

*`(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; or*

*`(6) be used to create or expand a national monument located, in part or in whole, in the following:*

*`(A) The counties of Coconino, Maricopa, Mohave, and Yavapai in the State of Arizona.*

*`(B) The counties of Modoc and Siskiyou in the State of California.*

*`(C) The counties of Chaffee, Conejos, Dolores, Moffat, Montezuma, Montrose and Park in the State of Colorado.*

*`(D) The counties of Clark, Lincoln, and Nye in the State of Nevada.*

*`(E) The county of Otero in the State of New Mexico.*

*`(F) The counties of Jackson, Josephine, and Malheur in the State of Oregon.*

*`(G) The counties of Carbon, Duchesne, Emery, Garfield, Kane, San Juan, Uintah, and Wayne in the State of Utah.*

*`(H) The county of Penobscot in the State of Maine.*

*`(c) Additional Requirements for Declarations- A declaration 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*

*`(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*

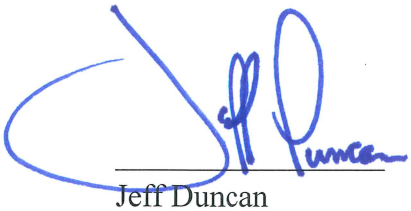
*`(2) may be acquired for a national monument created or expanded by declaration under this subsection only in accordance with the laws of the States in which the water rights are based .'.*

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

Ken Buck
Member of Congress



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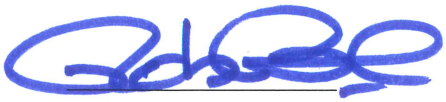

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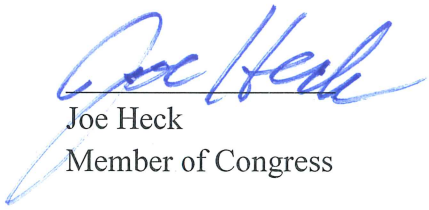

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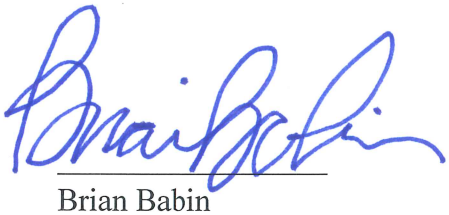

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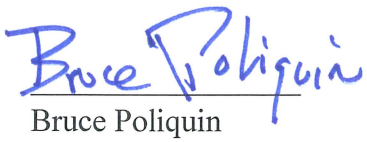

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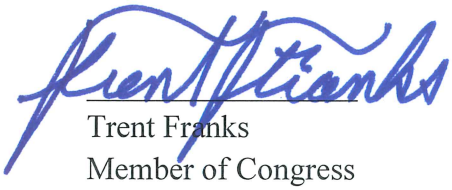

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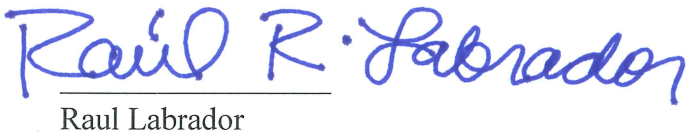

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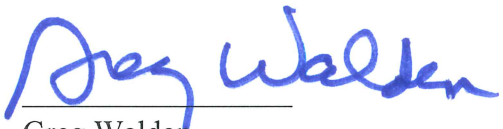

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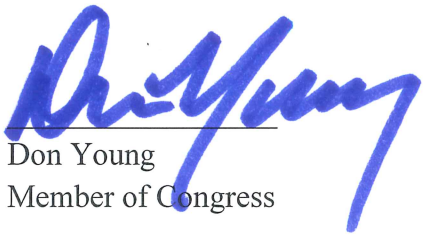

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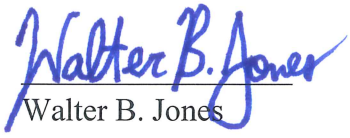

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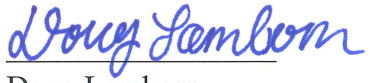

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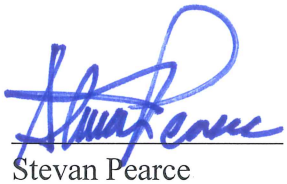

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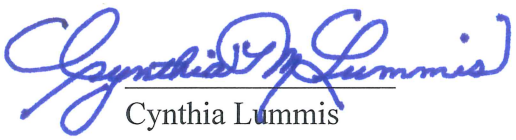

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