

**U.S. House of Representatives**  
**Committee on Natural Resources**  
**Washington, DC 20515**

March 12, 2019

President Barack H. Obama  
P.O. Box 91000  
Washington, DC 20066

Dear President Obama:

I write to request your presence before the Committee on Natural Resources on the topic of presidential monument designations and the Antiquities Act. Your perspective would be uniquely informative for our members and the public.

As you know, the Antiquities Act allows Presidents to unilaterally create national monuments on federal lands where objects of antiquity are at risk – without public participation, congressional review, or any procedural requirements. The statute does not lay out any public process requirements, nor are designations subject to the National Environmental Policy Act of 1969, which normally governs major federal actions. There are, however, several limitations on this power. One relates to the size of a monument, which “shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.” Presidents increasingly ignore Congress’s clear intent in this regard.

You used the Antiquities Act an unprecedented 34 times to proclaim approximately 553,599,880 acres of land and water as national monuments. In my State of Utah, despite overwhelming opposition at almost every level of government, you designated the Bears Ears National Monument in San Juan County. This monument, totaling 1,351,849 acres, covered an area larger than the State of Rhode Island. No member of the Utah Congressional delegation, or the Utah Governor, supported the unilateral action. Local municipal governments, including the Monticello City Council and the City of Blanding, passed resolutions opposing the designation. San Juan County elected leaders, community groups and residents overwhelmingly opposed the designation. Rebecca Benally, then-San Juan County Commissioner and a member of the Navajo tribe, testified before our Committee in opposition to the national monument. The Stewards of San Juan County, a local community organization, stated, “The majority of Navajo and Ute residents in San Juan County overwhelmingly oppose the monument designation, in contrast to out-of-county/state tribes who know very little of this area and will simply not be affected by this monument. It is appalling that non-local voices have drowned out those who treasure this land the most.” One hundred San Juan County residents signed a petition endorsing a national conservation area rather than a national monument, in part because it offered “the greatest recognition/protection of our sacred sites and cultural resources that are existing in the proposed designated area.”

Local tribes also voiced opposition because of concerns related to increased vandalism, foot traffic, lack of access, and potential loss of revenue streams that could result from your designation. The Aneth Chapter of the Navajo Nation, the only chapter exclusively within Utah and the largest in population, passed a resolution opposing a unilateral designation. The Blue Mountain Dine’ Community, an off-reservation extension of the Aneth Chapter of the Navajo Nation, unanimously passed a resolution against a unilateral designation. Suzette Morris, a Ute Mountain Ute member who will be testifying at this week’s hearing, stated, “We have cemeteries up there and I don’t want our ancestors to be put in museums” and “We all have a fight and we all are going to continue to fight for this to be rescinded.”

As you may know, President Trump signed an Executive Order on April 26, 2017, which required the Secretary of the Interior to review and report on recently designated or expanded national monuments to determine, among other things, whether they are consistent with the “original objectives” of the Antiquities Act. The Secretary's report, delivered to the President on August 24, 2017, analyzed, among other variables, the size of the designations, types of objects protected, effect on land uses, extent of public access, sufficiency of public consultation, and "overlap" with other federal land designations. The report made individual recommendations for 10 of the 27 monuments encompassed in the review.

In the case of Bears Ears, the report concluded the Monument's size was not the "smallest area compatible" with care of the objects requiring protection. Among other conclusions, the report determined that areas within the Monument were subject to duplicative protections, that lands within the Monument would be better managed under other types of designations such as national recreation areas, and that tribes did not have an "adequate role" in managing the monument. The Secretary recommended that the boundaries of Bears Ears National Monument be revised "to protect objects and ensure the size is conducive to [their] effective protection." On December 4, 2017, President Trump signed a proclamation creating two new separate monuments – Shash Jáa (Navajo for “Bears Ears”) at 129,980 acres and Indian Creek at 71,896 acres – reducing the original Bears Ears National Monument from 1.35 million to 201,876 acres.

Since you created Bears Ears National Monument and its subsequent reduction by President Trump, uncertainty and lawsuits have continued to negatively impact communities across Utah. You are not totally to blame. The fact that the Antiquities Act even exists is an indictment against Congress for vesting vast, unilateral authority in a single person while foregoing a transparent and public-driven process.

As we seek to improve these processes, your perspective would be of tremendous value to the Committee. I appreciate your consideration of this request.

Sincerely,



Rob Bishop  
Ranking Republican  
Committee on Natural Resources