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TESTIMONY BEFORE THE HOUSE NATURAL RESOURCES COMMITTEE
LOCAL IMPACTS OF “LANDSCAPE” NATIONAL MONUMENTS

Chairman Bishop; Ranking Member Gualva; Members of the Committee

Thank you for this opportunity to speak with you about National Monuments, a subject that is of intense and emotional discussion. More specifically, I want to focus on two recently created “landscape” national monuments in the State of Utah: Grand Staircase Escalante (1996) and Bear Ears (2016). I do not wish to go into the legality of the presidential proclamations that established these monuments under to the Antiquities Act. Nor do I intend to address the politics that fostered them, although I am convinced that, in both cases, politics was a greater factor than was the protection of antiquities. What I want to discuss with you this morning are the actual effects these monuments have had and will have upon the individuals and communities that are directly impacted, and upon the very objects that they are ostensibly intended to protect. I believe my service as BLM Director under President Bush, as well as my present position of Director of Governor Herbert’s Public Lands Policy Coordinating Office, give me unique insight into these impacts.

I enthusiastically join in the chorus in recognizing that Utah’s five National Parks have been great assets to the State, as are the other national monuments and recreation areas within the State. However, Utah has been both a beneficiary and a victim of designations under the Antiquities Act. With respect to the Grand Staircase and the Bears Ears, the burdens outweigh the benefits, largely due to the enormous size of these monuments.

To put the enormity of these two monuments into perspective, the area of all five Utah’s National Parks (Zion, Bryce, Canyonlands, Arches and Capital Reef) combined totals some 835,000 acres, far less acreage than in either Grand Staircase (1.9 million acres) or Bears Ears (1.3 million acres). Another way to look at it is that five Rhode Islands, or two and one-half Delawares, would fit within the combined areas of these two monuments.

The lands within the Grand Staircase and the Bears Ears are not only vast and breathtaking beautiful, but are also harsh, arid and unforgiving. The bravely

determined individuals that settled these “waste lands,” at the behest and with the encouragement of the federal government, somehow overcame these obstacles to establish families, livelihoods and the communities that sparsely populate the areas today. The individuals who now live on or near these monuments are largely direct descendants of the early homesteaders, farmers, ranchers, miners and timbermen that had only these federal lands to sustain them. Many local residents today still live, work and draw their incomes from the very lands stewarded by their ancestors.

So what does the creation of a national monument on these same lands do to these people’s lives and their culture? First of all, overnight their relationship with their beloved environment and land-based cultures are changed. Both proclamations creating the Grand Staircase and Bears Ears withdraw these millions of acres from all “entry, location, selection, sale [or] leasing.” Extractive industries which have for over a hundred years provided jobs for residents and revenues for businesses and local governments are now prohibited. Government reports indicate that there are an estimated 11.375 billion tons of recoverable coal on the Kaiparowits Plateau that are now inaccessible. One large coal project in Kane County that was fully permitted to tap this resource was abandoned upon the creation of the Grand Staircase.

Families that have lived for generations in affected communities find their families torn apart due to lack of employment opportunities for the next generation. Populations are declining. In the twenty years since the creation of the Grand Staircase, school enrollment in Escalante has gone from 150 to 57 students. Neither seasonal employment associated with tourism and recreation, nor the rotating positions of BLM employees, contribute to the overall stability of these small communities.

Even industries that remain authorized, such a grazing, find themselves under mounting pressures and restrictions. A survey conducted by Utah State University into economic impact on local communities of livestock grazing in the Grand Staircase concluded that (1) livestock grazing is essential to the economies of the Kane/Garfield Counties economies and (2) that tourism and recreation cannot replace livestock grazing in the Grand Staircase without substantial additional investment. Yet, under pressure from NGO’s that are committed to the removal of all grazing on the public lands, AUM’s (animal unit months) have been decreased on the monument by 25%. One permittee has had 917 of his permitted 1,302 AUM’s suspended.

The creation of these huge monuments has unnecessarily had significant and negative impacts upon the traditional uses of these lands and upon the lives and livelihoods of the local populations that have stewarded the lands for generations.

The stated objective of both the Grand Staircase and the Bears Ears is to protect Native American ancient cultural sites from looting and desecration. However, due to the sheer size of these monuments, and the enormous number of antiquity sites within them, the inevitable result will actually be more looting and desecration.

Keep in mind that Grand Staircase is 1.9 million acres and Bears Ears is 1.3 million acres. Each of these monuments is estimated to house upwards of 20,000 sites. Bears Ears could contain as many as 100,000 sites depending upon site definitions. We don't really know for certain because only 10% to 20% of the monuments have been inventoried. These sites date back some 700 to 900 years, and are still there for two primary reasons. First, the areas are remote, somewhat inaccessible and have been lightly populated. Second, to the Native American, these sites have spiritual significance and are to be left alone.

Archeological studies worldwide reflect the fact that greater access to antiquity sites leads to greater, not less, desecration. This phenomenon has been found to occur on existing national monuments in the Southwest. A 2009 study of factors contributing to antiquity site desecration and defacement at Canyon de Chelly National Monument in Arizona (Laris, J., *A Perfect Pothunting Day* (2009)) found that the greatest contributors were increased access together with its corollary, increased visitation. A 1997 paper that considered the impacts of the creation of the Grand Staircase on archeological sites within the monument (Tipps, B., *Archeology in the Grand Staircase Escalante National Monument: Research Prospects and Management Issues* (1997)) confirmed the effects of increased visitation, concluding that: "Increased visitation significantly accelerates impacts to archeological sites."

This problem is greatly exacerbated by the sheer size of the monuments and the number of antiquity sites. A 1987 GAO Report (*Problems of Protecting and Preserving Federal Archeological Resources* (1987)) looked at the problems associated with protecting archeological sites in the Four Corners Area. It recognized that, given the vast area and the number of sites, it is virtually impossible to provide any type of physical protection. It also identified the several laws already in place that make looting and desecration a crime. The problem with the enforcement of these laws is with staffing and funding levels, not with whether it is a monument. While larger staffs may improve enforcement, it will remain impossible to truly protect the thousands of sites if access or visitation is

dramatically increased. More people will always mean more looting and desecration.

What this tells us is that the creation of million-acre plus acre national monuments to protect thousands of archeological sites is counter-productive. It is doing the wrong thing for the right reason. The Antiquities Act requires the monuments be “confined to the smallest area compatible with the proper care and management of the objects to be protected.” Neither the Grand Staircase nor the Bears Ears meets this test.

The intent behind the Antiquities Act is laudable and a great deal of good has been accomplished nationwide through its exercise over the last 110 years. But there should be limits upon the nature of the objects that may be protected, and the size of monuments should be limited to that which allows optimal protections for those objects. Any perceived benefits from the designation huge “landscape” monuments need to be weighed against the impacts suffered by those who have traditionally used the lands. Landscapes don’t disappear, but jobs and artifacts do. Creating national monuments that will bring visitors from around the world won’t protect antiquities, it will hasten their defacement and destruction. Southern Utah is not just a playground; nor is it just a science lab. Its lands have provided sustenance to those who have had the courage to make it their homes for hundreds of years. National Monuments should be employed judiciously so as not to do unwarranted damage to the lives and cultures, either present or past. The landscape monuments at the Grand Staircase and the Bears Ears as presently configured violate this mandate.