

**Statement of Tom Fulton
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U.S. Department of the Interior
House Resources Committee
Subcommittee on National Parks and Public Lands
H.R. 2114, National Monument Fairness Act
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Our duty is to use the land well and, sometimes, not to use it at all. This is our responsibility as citizens, but more than that, it is our calling as stewards of the Earth. Good stewardship of the environment is not just a personal responsibility; it is a public value. Americans are united in the belief that we must preserve our natural heritage and safeguard the land around us. This belief is affirmed in our laws.

*- President George W. Bush
May 30, 2001*

Thank you for the opportunity to appear before you today to provide testimony regarding H.R. 2114, the National Monument Fairness Act of 2001. H.R. 2114 is consistent with and would reinforce actions already taken by this Administration. As the Federal agency tasked by law with developing sound management plans for new national monuments, the Department is committed to bringing common sense and balance to the decision process by listening to the people most affected by these decisions. We have already undertaken that effort and we believe that the result will be land use plans that reflect the special status of the lands that we have set aside while ensuring that those most directly affected are not disenfranchised by the process.

Background

Since enactment of the Antiquities Act (16 USC 431-433), in 1906, 121 national monuments have been created by Presidential proclamation, many of which, such as the Grand Canyon, Carsbad Caverns, and the Statue of Liberty, have attained national recognition over the years. Others, such as Walnut Canyon in Arizona or Capulin Volcano in New Mexico, are less well known. Twenty-seven states currently have national monuments. The land area of these 121 monuments represents a special use of approximately 100,000 square miles of land, equal to the land area of Arkansas, Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont.

Congress has in the past acted to convert a number of national monuments into national parks. For example, Grand Teton National Park began life as Jackson Hole National Monument. Congress has also created national monuments independently of the President. In 2000, Congress designated the Santa Rosa and San Jacinto Mountains National Monument. In addition, Congress has acted to abolish some national monuments such as Wheeler, Colorado, which was abolished in 1950.

In the early years of the Antiquities Act, the War Department was given management authority over several monuments. However, in 1933, President Franklin Roosevelt consolidated management of all monuments created to that date within the National Park Service. Currently, the only monument not managed by one of the land managing agencies, such as the National Park Service, Bureau of Land Management, United States Forest Service or the U.S. Fish and Wildlife Service, is the President Lincoln and Soldier's Home National Monument created on July 7, 2000. This 2.3 acre monument is managed by the Armed Forces Retirement Home through the U.S. Soldiers' and Airmens' Home with guidance provided by the National Park Service.

The following is a brief summary of some of the monuments administered by the agencies within the Department of the Interior and the authorities used to manage them.

National Park Service

The overwhelming majority of national monuments created by Presidential proclamation are managed by the National Park Service. Beginning with President Theodore Roosevelt's proclamation of Devil's Tower National Monument in 1906, most of the presidents throughout the 20th Century used the Antiquities Act authority to establish what are now many of the National Park System's most famous sites.

Not all of the proclaimed national monuments have retained their "national monument" designation. Some have been incorporated into larger national park units, and others have been redesignated as national parks or other types of units within the National Park System. Petrified Forest National Monument in Arizona, for example, was redesignated by an Act of Congress as Petrified Forest National Park. Chaco Culture National Monument in New Mexico is now Chaco Canyon National Historical Park. Santa Rosa Island National Monument in Florida is now part of Gulf Islands National Seashore.

Additionally, not all National Park System units that carry the name "national monument" were established by presidential proclamation. Congress has enacted legislation to establish national monuments 38 times. Like the national monuments designated by presidents, some of these monuments have been redesignated through acts of Congress as other types of units. For example, Harpers Ferry National Monument in West Virginia is now Harpers Ferry National Historical Park. Biscayne National Monument in Florida is now Biscayne National Park.

The National Park Service administers national monuments in the same manner as other units of the National Park System. They are subject to the provisions of the proclamations that established the individual monuments, along with any subsequent legislation addressing them, and to the laws and regulations that govern national park units generally. The primary law on which National Park Service management policies are based is the Act of August 25, 1916, known as the "Organic Act," as amended. This law, which continues to serve as the basic mission statement of the National Park Service, requires the agency "to conserve the scenery, and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same...as will leave them unimpaired for future generations."

Consistent with that principle, management plans for national monuments established by Presidential proclamation that are under the National Park Service's jurisdiction are developed in the same manner as other units of the National Park System. General management plans for park units are guided by the National Parks and Recreation Act of 1978. This Act directs the National Park Service to prepare and revise in a timely manner general management plans for the preservation and use of each unit of the National Park System and to include (1) measures for preservation of the area's resources, (2) indications of the type and general intensity of development, including visitor circulation and transportation patterns along with locations, timing, and anticipated costs, (3) identification of visitor carrying capacities, and (4) indications of potential modifications to the external boundaries of the unit. The general management planning process includes substantial public involvement.

Fish and Wildlife Service

In 1978, President Carter designated the 8.6 million acre Yukon Flats and the 1.2 million acre Becharof National Monuments. These two areas remained national monuments until the passage of the Alaska National Interest Lands Conservation Act of 1980 which, among other things, repealed these monument designations and established them as National Wildlife Refuges. Currently, the U.S. Fish and Wildlife Service manages the majority of the Hanford Reach National Monument in Washington state, created in June of last year, in accordance with Presidential Proclamation 7319, the National Wildlife Refuge System Administration Act and through permits and memoranda of understanding between it and the Department of Energy.

Bureau of Land Management

The Bureau of Land Management (BLM) manages 14 Presidentially-proclaimed monuments and 1 Congressionally-designated national monument, the Santa Rosa and San Jacinto Mountains National

Monument. These monuments range in size from the 4,148 acre Kasha-Katuwe Tent Rocks National Monument in New Mexico to the 1.8 million acre Grand Staircase-Escalante National Monument in Utah.

Relatively new to the administration of monuments, the BLM manages the monuments subject to the provisions of each individual proclamation and the guiding principles of the Federal Land Policy and Management Act (FLPMA). Management of each monument is unique. However, they all share some common characteristics. First, each of the proclamations withdraws the land within the monuments, subject to valid existing rights, from mining, mineral leasing and entry under the land laws. Second, each limits vehicular travel to roads and trails designated for such use. Third, each places a priority on managing objects of historic or scientific interest within the monument for future generations. In addition, individual proclamations address issues specific to each monument.

The BLM has completed a management plan for only one of its 14 monuments, the Grand-Staircase Escalante National Monument created in 1996. That management plan was completed in February 2000. A comprehensive public planning process is required for each of BLM's 13 other Presidentially designated monuments. These plans will include in depth NEPA analysis, including extensive collaborative public participation. Open houses and other opportunities for public input and involvement are already underway. Among the issues on which BLM will seek guidance and advice from the public are: public access and transportation, recreational opportunities, protection of cultural and natural resources, environmental education, noxious weed eradication, grazing, commercial uses and fire management.

Recent Monument Designations

On March 28, 2001, Interior Secretary Gale Norton sent some 200 letters to local elected officials of all political affiliations seeking their ideas on proper and appropriate land use plans for the national monuments that had been created in 2000 and 2001. The letter was sent to affected states' Governors, Members of Congress, State House and Senate leaders, County Commissioners, and Tribal Chairs, in an effort to foster a cooperative partnership to ensure that these monuments are administered in a manner that considers local needs and concerns as well as national interests. The Department is currently receiving replies not only from those who received the letter, but also from others who have chosen to offer their views as well. Gaining public input, especially from those most directly affected by the creation of these new monuments, is a high priority of this Administration.

We believe that there are strong public policy reasons to support this bill. Population, particularly in the American West, has changed significantly in the last several years. Areas that for many decades had not seen rapid population growth have experienced extraordinary growth. In the early years following enactment of the Antiquities Act, the impacts resulting from large national monument designations on private landowners and local communities were not always as direct or significant as they are today. It is a high priority for the Administration to gather input from States and local communities as part of a collaborative decision-making process on issues that affect Federal lands. To that end, the objectives and requirements of H.R. 2114 are both timely and appropriate.

In conclusion, the goal of enabling local communities and citizens to have an opportunity to be heard prior to the creation of a monument larger than 50,000 acres is valid and one that the Administration supports. As such, the requirements of H.R. 2114 help to ensure that better, more informed decisions are reached where these monuments are concerned. As President Bush stated during a recent speech given at Sequoia National Park, "...a healthy environment is a national concern and requires an active National Government. At the same time, States and localities have their own responsibilities for the environment. They have their own authority, too." He went on to state, "Washington has sometimes relied too much on threat and mandate from afar, when it should be encouraging innovation and high standards from the people closest to the land."

Thank you again for the opportunity to express the Administration's views on this legislation. I will be happy to answer any questions of the Committee.