



**southern
utah
wilderness
alliance**

The Honorable Rob Bishop
Chairman
Committee on Natural Resources
Washington, DC 20515

The Honorable Raul Grijalva
Ranking Member
Committee on Natural Resources
Washington, D.C. 20515

The Honorable Tom McClintock
Chairman
Committee on Natural Resources
Subcommittee on Federal Lands
Washington, DC 20515

The Honorable Colleen Hanabusa
Ranking Member
Committee on Natural Resources
Subcommittee on Federal Lands
Washington, D.C 20515

December 13, 2017

Chairmen Bishop and McClintock, and Ranking Members Grijalva and Hanabusa:

We write in opposition to H.R. 4558, Grand-Staircase-Escalante Enhancement Act, which is receiving a hearing on December 14, 2017 before the Subcommittee on Federal Lands, and strenuously urge your committee to oppose this bill.

H.R. 4558 purports to provide greater conservation for federal public lands in Utah. In reality, the bill is a direct attack on Grand Staircase-Escalante National Monument. It seeks to replace the internationally-renowned Grand Staircase-Escalante with three smaller monuments and a management scheme heavily skewed toward grazing and mineral development as dictated by parochial local interests. It would give away federal public lands to the State of Utah and open up over 900,000 acres of previously-protected lands to mineral development, including oil, gas, tar sands, and coal leasing, as well as the location of hard rock mining.

President Clinton established the Grand Staircase-Escalante National Monument in 1996 to protect the significant cultural, geologic, and biological resources found on those federal public lands. At roughly 1.9 million acres, the Monument contains some of the world's most remarkable fossils, cultural sites and wild, untrammled red rock wilderness. Since it was created, millions of visitors from around the globe have visited this uniquely Utah place and as a result, gateway communities have seen significant economic gains and new business and residents have been attracted to the region.

In the twenty-one years since Grand Staircase-Escalante National Monument was designated, it has become known as the nation's preeminent "science monument." Thousands of fossils have

been recovered in the Kaiparowits Plateau within the Monument, significantly advancing scientists' understanding of the ecosystems that existed before the Cretaceous Paleogene extinction. Since its designation, twenty-one species of dinosaurs previously unknown to science have been discovered within the Monument boundaries.

Grand Staircase-Escalante also contains outstanding biological resources. Remote locations within the Monument harbor relict plant communities, with pinon-juniper trees up to 1,400 years old. There are over 650 species of bees in the Monument, including approximately four dozen species that were unknown to scientists before 2003. Over 200 species of birds are also found in the Monument, including bald eagles, peregrine falcons, and neotropical migrant songbirds that concentrate around rivers and streams within the Monument.

The Monument is rich in cultural sites significant to Native American tribes. It also contains important historic resources from the Mormon pioneers and early settlers.

On December 4, 2017 President Trump issued an unlawful order purporting to repeal the Grand Staircase-Escalante National Monument and replace it with three smaller monuments. The next day, Representative Chris Stewart introduced H.R. 4558 in the U.S. House of Representatives seeking to double down on President Trump's illegal actions and further assault this national treasure. H.R. 4558 replaces Grand Staircase-Escalante with three smaller national monuments – Grand Staircase, Kaiparowits, and Escalante Canyons – stripping protection from nearly 900,000 acres of federal public lands. It also creates the Escalante Canyons National Park and Preserve, in an undetermined location within the newly-created Escalante Canyons National Monument. Rather than enhance conservation, H.R. 4558 weakens protection for even those lands within the three small national monuments it seeks to establish.

H.R. 4558 would create a land management mess. It would take the first, unprecedented, step in turning over control of federal public lands – lands that belong to all Americans – to local governments. This bill charges a “Management Council” with developing and implementing new land management plans to guide the future management of the three national monuments and national park. Local county officials – two commissioners each from Kane and Garfield Counties and one Utah state legislator representing either or both of those counties – make up five of the seven members of the management council. Only one individual – appointed by the President – would represent the Department of the Interior.

H.R. 4558 authorizes these local officials to set the priorities and management future for federal lands that belong to all Americans. Pursuant to the Federal Land Policy and Management Act, new management plans are usually developed by the Bureau of Land Management through an extensive process that requires public involvement at various stages and consultation with state and local governments, as well as Native American tribes. 43 U.S.C. § 1712. H.R. 4558 does not contain any provision requiring meaningful public engagement. The public would be locked out of any and all future planning for these lands. Furthermore, the legislation provides no management direction for the new monuments. Accordingly, planning decisions and priorities would be dictated entirely by the management council, essentially creating a congressionally-authorized, federally-funded “County Monument” and “County Park.”

Officials from these very same counties have been vocal opponents to the conservation of federal public lands, going so far as to argue that in fact these lands rightfully belong to the state of Utah. The counties have consistently lobbied for expanded coal mining and oil and gas development in lands encompassed by Grand Staircase-Escalante National Monument. In 1996, county officials illegally bulldozed and graded roads within the Grand Staircase-Escalante National Monument. They have also blanketed the Monument with spurious right-of-way claims under Revised Statute 2477, seeking authority to widen and improve over 2000 miles of dirt roads, trails, and stream bottoms. The bill would turn future of these lands over to these same local interests.

After the management plans are completed, it is not clear which agency will have management responsibility for the new monuments and national park – whether it will be the National Park Service, Bureau of Land Management, or the newly-created Management Council. Typically, federal legislation enacting national parks, or adding other units of the National Park System expressly places responsibility for management on the National Park Service or expressly states that the management shall be pursuant to the National Park Service Organic Act. *See, e.g.*, 16 U.S.C. § 410aaa-2 (transferring management of Bureau of Land Management lands to the National Park Service to be administered “in accordance with the provisions of law generally applicable to units of the National Park System”). H.R. 4558 contains no such provision. Instead, it includes only vague references to the agency that will hold the maps (Bureau of Land Management for the national monuments and National Park Service for the national park) and establishes that grazing permits within the new national park will be administered by the National Park Service. The lack of clarity in H.R. 4558 would have real implications for on-the-ground management of these federal public lands.

Compounding the problems with land management, H.R. 4558 would open over 900,000 acres of previously-protected lands to mineral leasing (oil, gas, tar sands and coal) and the location and development of hard rock mining claims. According to Section 5 of the bill, the lands within the Escalante Canyons National Park and Preserve are withdrawn from mineral entry. Sections 7-9, creating the Grand Staircase, Kaiparowits and Escalante Canyons National Monuments, do not expressly withdraw the lands within the monuments from mineral entry. Sections 13 and 15 reinforce the fact that all lands – both inside and outside the new national monuments – that are not currently Wilderness Study Areas or within the Escalante Canyons National Park and Preserve would be open to mineral entry. This is even worse than President Trump’s proclamation, which at the very least preserved the mineral withdrawal for those lands within the smaller national monuments.

The bill would also give outright the United States’ right, title and interest of the Hole in the Rock Road to the State of Utah.

H.R. 4558 attempts to distract from these problems by creating a new national park. However, that national park would be one in name only. The purpose of National Park Service units is to “conserve the scenery, natural and historic objects, and wild life in the [National Park] System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” 54 U.S.C. § 100101(a). In stark contrast, the Escalante Canyons National Park

and Preserve would turn that purpose on its head, breaking with decades of National Park Service precedent. Instead of preserving natural and cultural resources, this park would be statutorily directed to prioritize grazing over conservation.

One of the purposes of this new national park would be to preserve and enhance grazing. While there are a small number of National Park Service units that *allow* grazing, Congress has never created a National Park with the *purpose* of preserving grazing regardless of the impact that grazing may have on the resources for which the Park is being created. For those National Park Service units where grazing is allowed, there are generally limitations. For instance, the National Park Service may allow grazing only at the level in place at the time it was designated. *See, e.g.*, Great Sand Dunes National Park and Preserve Act of 2000, Pub. L. No. 106-530, 114 Stat. 2527, 2531. Also, the National Park Service typically retains the authority to limit grazing in instances where grazing is harming the resources or values of the Park. *Id.*; *see also* California Desert Protection Act of 1994, Pub. L. No. 103-433, 108 Stat. 4471, 4492. Several Park enabling acts also include mechanisms for the retirement of grazing permits for willing permittees. Pub. L. No. 106-530, 114 Stat. at 2531; Pub. L. No. 103-433, 108 Stat. at 4492. H.R. 4558 contains none of these safeguards. Instead, it requires grazing to continue within the Escalante Canyons National Park and Preserve in perpetuity (and perhaps be increased), regardless of the impact on other resources.

Management flexibility with regard to hunting is also noticeably absent in H.R. 4558. As with grazing, there are a small number of National Park Service units that allow hunting. The legislation establishing those units usually includes a provision allowing the Secretary of Interior to place reasonable restrictions on hunting. Generally, the Secretary can designate certain areas of a Park or certain time periods when hunting is not allowed for reasons of public safety or administration. *See, e.g.*, Little River Canyon National Preserve Act of 1992, Pub. L. No. 102-427, 106 Stat. 2179, 2180; Big Thicket National Preserve, Pub. L. No. 93-439, 88 Stat. 1254, 1257. H.R. 4558 contains no such limitations. Instead, it requires that hunting, fishing, and trapping be allowed throughout the park.

Ultimately, the true purpose of this bill is clear. It is not to enhance conservation for the area's unique and nationally important historic, scenic, and natural federal public resources. Rather, the bill seeks to prioritize grazing, hunting and recreation. It would turn control of the future management of federal lands over to local interests who have steadfastly opposed the protection of this remarkable place. It hands Hole in the Rock Road to the State of Utah. It opens up over 900,000 acres of protected land to mineral development. H.R. 4558 sets a dangerous precedent for the future management of federal public lands throughout the west.

For the foregoing reasons, we strongly urge you to oppose H.R. 4558 when it comes before your committee.

Thank you,

Scott Groene
Executive Director