

MONUMENTAL GROWTH:

Expansive National Monuments and the Policy Solution

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EXECUTIVE SUMMARY:

Since the Antiquities Act was passed in 1906, 16 presidents have used executive authority to create or enlarge national monuments. These presidential actions have placed parcels of less than an acre to over 280 million acres under national monument status. Although there have been fluctuations in the size of these creations and expansions over the past 111 years, the last 40 years have seen a significant hike in the amounts of land and water being designated by presidents of both parties. The modern practice of designating expansive national monuments does not align with the original intent of the Antiquities Act; it actually puts antiquities at increased risk of destruction and desecration. National monument designations also come with high opportunity costs to local economies through the restrictions they place on multiple-use management policies. The solution to these executive abuses is to reform the Antiquities Act to align with the American principles of separation of powers, checks and balances, and open public debate.

Each action by Obama placed an average of 16,281,738 acres under national monument status – more than 191 times larger than the average of those designated under the Roosevelt administration. This trend is not exclusive to the Roosevelt-Obama comparison. Comparing the first eight administrations that utilized the Antiquities Act with the most recent eight, average acquisitions have been 89 times bigger since President Dwight D. Eisenhower took office (see Figure 2).

WHAT ARE THE CONSEQUENCES OF EXPANSIVE NATIONAL MONUMENTS?

1. Expansive monuments violate the original intent of the Antiquities Act

The Antiquities Act states that presidential designations must be restricted to “the smallest area compatible with the proper care and management of the objects to be protected.”² This language reflects the legislative history of the Act wherein Congress proposed to limit presidential designations to no more than 640 acres.³ While ultimately the 640-acre restriction was not included, it is apparent that the original intent of the act was to confine national monuments to specific historic, cultural and scientific objects. Today’s typical monument designation, on the other hand, combines these objects with hundreds of thousands – or even millions – of additional acres. These additions are often justified for reasons of climate change, environmental protection and outdoor recreation, none of which are included in the language of the Antiquities Act.

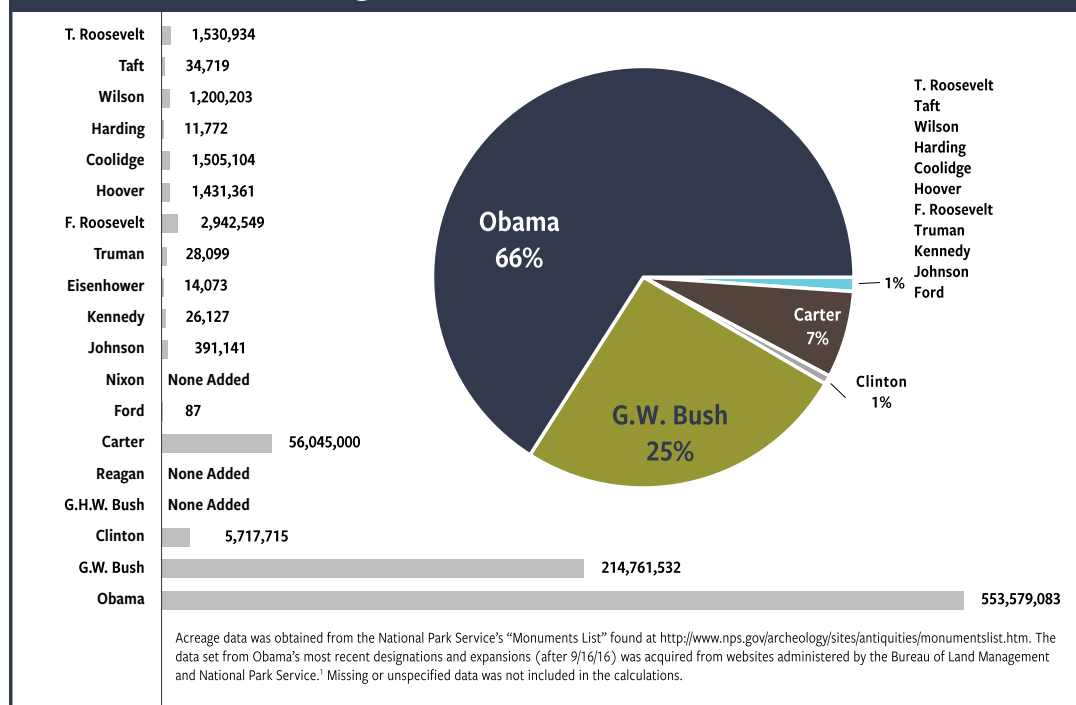
2. Expansive monuments put antiquities at increased risk

Large monuments can put our national treasures at an increased risk of desecration and destruction. The publicity of a national monument designation brings with it increased visitation to the area. This imposes

more demand on federal managers to protect the environment, maintain infrastructure and safeguard historic and cultural sites. With a combined deferred maintenance backlog exceeding \$17 billion, the Bureau of Land Management, the National Park Service and the U.S. Forest Service are strapped for cash – lacking sufficient resources to adequately protect national monuments under their supervision.⁴ Large national monuments exacerbate this issue as they have higher personnel and infrastructure needs than smaller designations do.

Figure 1

Acres Designated and Expanded by Presidents



WHAT DO THE DATA SAY?

According to data from the National Park Service and Bureau of Land Management, the amount of acreage placed under national monument status has dramatically increased over time (see Figure 1). Theodore Roosevelt, the first president to utilize the Antiquities Act, designated 18 national monuments for a total of 1,530,934 acres – an average of 85,052 acres per designation. President Barack Obama designated or expanded national monuments 34 times, for a total of 553,579,083 acres.

3. Expansive monuments have unnecessarily high opportunity costs

National monuments can provide some economic benefit to communities through increased tourism. However, these benefits can come with trade-offs when monuments are expansive: restricting multiple-use management policies that promise stronger, more diversified economies. These economic opportunity costs can be especially crippling when expansive designations block hundreds of thousands of acres from economic activities like grazing,⁵ timber harvesting, commercial fishing, mineral extraction⁶ and alternative forms of outdoor recreation. Small national monuments often avoid such opportunity costs because their harm to other economic activities is limited by their size. Tourism can generate net economic benefits over the long term as part of a multiple-use management strategy, but it can weaken economic resilience when it is the sole economic driver.

Figure 2

President	Average Designation/Expansion (in acres)
T. Roosevelt	85,052
Taft	3,156
Wilson	75,013
Harding	1,177
Coolidge	83,617
Hoover	102,240
F. Roosevelt	101,467
Truman	2,810
Eisenhower	1,083
Kennedy	4,389
Johnson	78,228
Ford	43
Carter	3,296,765
Clinton	259,896
G.W. Bush	30,680,219
Obama	16,281,738

Acree data was obtained from the National Park Service's "Monuments List" found at <http://www.nps.gov/archeology/sites/antiquities/monumentslist.htm>. The data set from Obama's most recent designations and expansions (after 9/16/16) was acquired from websites administered by the Bureau of Land Management and National Park Service. Missing or unspecified data was not included in the calculations.

WHAT IS THE POLICY SOLUTION?

Presidents should retain the power to designate national monuments with few barriers when the area in question is a small site in immediate danger of desecration or destruction. However, national monument

designations and expansions larger than a few hundred acres should require approval by Congress and by the legislature and governor of the impacted state. Additionally, a board of local stakeholders and residents should approve management plans for large national monuments. This solution ensures an open dialogue and meaningful public input on national monuments – this is important because monuments are likely to create unintended consequences for antiquities and local economies. It also establishes reasonable checks on unilateral executive power under the Antiquities Act while still allowing presidents the ability to protect national treasures that are genuinely threatened. This reform will protect the people against abuses from political and ideological extremes, preserve the original intent of the law, safeguard antiquities, and secure the American Dream for communities impacted by national monument designations and expansions.

SOURCES

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2 The Antiquities Act, 16 U.S.C. 431-433

3 Carol Hardy Vincent, "National Monument and the Antiquities Act," Congressional Research Service, September 7, 2016. <https://fas.org/sgp/crs/misc/R41330.pdf>

4 Carol Vincent, "Deferred Maintenance of Federal Land Management Agencies: FY2007-FY2016 Estimates and Issues," Congressional Research Service, April 25, 2017. <https://fas.org/sgp/crs/misc/R43997.pdf>

5 Gil Miller and Kevin Heaton, "Livestock Grazing on the Grand Staircase Escalante National Monument: Its Importance to the Local Economy," Utah State University Extension, September 2015. http://digitalcommons.usu.edu/extension_curall/765

6 Randy Simmons, Ryan Yonk, Kayla Dawn Harris and Megan Hansen, "Energy in National Monuments," Strata Policy (August 2013).



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