

Gary R. Herbert
Governor of the State of Utah

Testimony before the

U.S. Senate Committee on Energy and Natural Resources

Oversight hearing on

“Potential Impacts of Large-Scale Monument Designations”

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Good morning. I am Gary R. Herbert, Governor of the great state of Utah.

Please allow me to thank you, Senator Lee, and my esteemed colleagues in Utah’s congressional delegation, for holding this important hearing.

I appreciate you inviting me to share with you and the good people of San Juan County some thoughts on national monuments, and for the chance to discuss what I think is the best way to protect and preserve one of the most beautiful areas of Utah and the world.

Having served in public office for a number of years, I’ve noticed that politics is often portrayed as a never-ending conflict. Media coverage of politics – of debates on legitimate differences of opinion the appropriate ends and means to achieve policy goals – tends to emphasize the areas where we differ rather than where we agree. This can lead us to lose sight of the big picture.

For example, while there is meaningful disagreement about *how* to protect the Bears Ears region, there is virtually zero opposition to the idea that this precious area *should* be protected. Everyone in this room believes that the Bears Ears region has natural wonders and scenic vistas that need to be protected. Everyone in this room acknowledges that this region contains resources, remains, and artifacts with immeasurable historic, cultural, and religious significance that must be preserved for future generations. Let’s not lose sight of this consensus.

Let’s not lose sight of the fact that we share a common goal. The only difference you’ll find here today is how best to achieve the shared goal of conservation and preservation. Let’s hope that our mutual commitment to the protection of this area is the media headline tomorrow, and not an undue or exaggerated focus on a disagreement over tactics.

Before I get into detail about my vision of how this area should be protected, let me take a brief moment to explain the key principle that forms the foundation for my thoughts on this matter. I firmly believe that states can and should find their own solutions – tailored to their unique circumstances. This principle applies to nearly all policy issues, including those of national importance like healthcare, education, environmental protection, and, yes, public lands.

No one understands the challenges that confront a state, and the opportunities available to a state, better than the people who reside there. No one is more committed to the most effective use of limited resources for the best possible outcomes, for both our lands and our citizens, than those who will directly live with the consequences of those decisions.

This principle of federalism, or of self-determination, is at the core of my policies. Indeed, the idea of “States Finding Solutions” was the theme I chose to highlight as my Chair’s Initiative this past year while I served as the Chairman of the National Governor’s Association.

I believe that decisions are best when they are made at the lowest level possible. I believe that local, ground-up solutions are nearly always superior to decisions made from the top-down or by people far from the problem at hand.

I also believe that accountability is critical for good public policy. The elected officials in this room – county commissioners, legislators, congressmen, senators, governors – were all elected by the citizens of Utah and are accountable to them in a much more real and tangible way than an unelected bureaucrat in Washington.

One of the biggest lessons learned in land management policy over the past several decades has to do with the importance of local input. There is an enormous difference between something being done *to* you, and something being done *with* you. The Grand Staircase Escalante National Monument designation in 1996 is an example of something that was done *to* the people of Utah. They were not involved in the decision-making process. They were excluded from any meetings and discussions. They were even lied to about its pending designation.

The results of this exclusionary, top-down process? 20 years later there is still a deep-seated, heartfelt, even visceral anger, about the Grand Staircase Monument. To this day, it divides local communities and has helped breed animosity and a sense of disenfranchisement amongst local residents. The Grand Staircase is a perfect example of how **not** to make a land management decision. Doing things *to* people rarely results in a positive outcome.

To that point, while we all agree the Bears Ears region should be protected, there is disagreement about how to do so. There are some you will hear from today who believe that a national monument designation is the best way to protect this area. You will hear from others who attest that a legislative solution is a superior mechanism to protect the Bears Ears. Let me be clear: I am strongly in the latter camp.

I’ve always been a strong believe that process matters. Some people, my staff included, have joked about how I seem to be one of those rare individuals who actually enjoys meetings. It is not that I love meetings per se, but it is because I recognize that meeting together – bringing people around the table to work toward a consensus – is typically the process by which good decisions are made.

It would certainly be easier to make decisions on my own without consulting anyone else. Monarchies are efficient. But decisions made alone or in small groups often miss out on important perspectives and information that is available to larger groups. An open, public process is more difficult. It takes more time. It is messier than a unitary decision making process. An open and inclusive decision-making process is more difficult. A deliberative, public process takes more time and effort, but it leads to better, more accepted, and more durable outcomes.

This principle applies to the Bears Ears and the discussion we're having today about the best mechanism to protect this area. It certainly would be easier for an unknown federal official to draft a monument declaration behind closed doors and for the President to sign it. No one doubts that would be the quickest way to move forward. But I believe that a quick and exclusionary process to declare a monument would lead to a host of negative consequences that will be borne by the people of Utah for decades.

On the other hand, a legislative solution, one that has support both locally and nationally, is a clearly superior model to reach consensus. Congressman Bishop has been undertaking such an approach with the Public Lands Initiative for the past three years. This process to find common ground has included over 1,200 meetings. It has taken input from a wide array of stakeholders. It has been an open, inclusive, collaborative, and public process.

It has also been a little messy, and not without controversy and accusations of bad faith. But I think the bill that was unveiled July 14, 2016, represents a closer articulation of what the public actually wants than a unilateral monument designation ever could.

Congressman Bishop's bill is the culmination of an open and deliberative effort to gather the best ideas from all sides. It is the result of a transparent and public process to get input from local citizens and stakeholders, and not from media, editorial, and lobbying campaigns by out-of-state interest groups.

The PLI incorporates meaningful and appropriate environmental protections, including conservation and wilderness designations that protect fragile and pristine areas for future generations. It also promotes local economic benefits, including increased opportunities for heritage, cultural, and eco-tourism, outdoor recreation, SITLA land exchanges, land conveyances, responsible energy development, and local infrastructure needs. The PLI also allows for continued access for traditional tribal cultural and religious activities, and sets up a mechanism for ongoing local and tribal input in management decisions. To be clear, and despite much of the rhetoric we have heard, these issues of access and management can only be truly guaranteed through legislative action.

The current version of the bill is likely not a final product. There is still work to be done. But I, along with Congressman Bishop and many others, believe the timing is right for a deal to be brokered. Events have converged to provide Utah a unique opportunity to accomplish something truly remarkable – protect Utah's wild places and cultural resources, while at the same time, strengthening Utah's economy, enhancing outdoor recreation opportunities, and increasing much needed school funding. The PLI represents our best chance to find the messy middle ground and will result in a protection of this area that is defensible, inclusive, and durable.

Problems of Monuments

I have already mentioned a few of the numerous negative consequences that would accompany a unilateral monument designation. Let me take a moment to focus on another.

In all this, one important thing to keep in mind is that a monument designation does not, in and of itself, equate to greater protections of environmental and cultural resources, as previous monument declarations have shown.

Historical and cultural resources – including archeological and historical sites, pictographs and petroglyphs, human remains and funerary objects – are already protected under various federal laws. However, enforcement of these existing laws on federal lands is inconsistent, at best.

The Grand Staircase-Escalante, for example, only has one law enforcement ranger to patrol its 1.9 million acres. Nationwide the BLM only has a total of 200 rangers to patrol 245 million acres. That is one ranger per 1.2 million acres, on average.

While increased protections and law enforcement do not flow from monument designations, the record shows that monument designations do bring an increase in visitation, which can then further endanger the resources.

In the Grand Staircase-Escalante National Monument Manager Report for 2014, we read, “Grand Staircase-Escalante National Monument is experiencing constantly increasing recreational use as a result of national and international advertising promoting it as iconic canyon country destination. This presents management challenges balancing use with adequate protections of [the monument’s] objects and values. Increased backcountry visitor impacts include increased graffiti, human waste issues, water quality concerns, and parking congestions. Dispersed campsites are proliferating. Planning efforts are needed to insure adequate use management and resource protection.”

In 2015, the Grand Staircase-Escalante had 1,400 reported cases of vandalism. According to the BLM, there have only been 25 cases of vandalism reported in the Bears Ears region since 2011. That means the Grand Staircase, with its monument designation, currently experiences 140 times the rate of vandalism as does Bears Ears region.

Please do not misunderstand me: a single case of vandalism in this area is too much. But the point remains, if we wish to protect and preserve this area, drawing lines on a map that will encourage increased visitation without a corresponding increase in law enforcement and land management resources is not a solution to vandalism and desecration problems. Indeed, it will like worsen them.

Let me use a comparison to further illustrate this point:

- The Bears Ears region being considered today is approximately 1.9 million acres. This is the equivalent of just under 3000 square miles.
- For comparison, the entire state of Rhode Island is just over 1200 square miles.
- Rhode Island currently has 93 state troopers to patrol an area that is, again, about 40% of the Bears Ears region being considered, and that number does not include administrators, or special agents or units.
- The BLM currently has **two** full-time officers assigned to patrol and protect the entire Bears Ears region.
- The police department of the capital of Rhode Island, Providence, is responsible for an area that comprises 20.5 square miles. The Providence Police Department had a budget of **\$69 million** in 2015.
- Meanwhile, the entire budget for BLM National Conservation Lands system nationwide, which is responsible for 50,000 square miles protected lands, was only **\$64 million**.

Proper protection of historical and cultural resources on federal lands requires adequate federal resources, yes, but it also requires the cooperation of local citizens, local law enforcement, local conservation and research groups, and more. A unilateral monument designation – doing something *to* the people of the Bears Ears region instead of *with* them – will provide a disincentive for local cooperation.

Conclusion

To summarize - it is my belief that a unilateral monument designation will divide the people. It will create anger and division. It will provoke protest and may inhibit our ability to resolve tough public land management decisions for decades to come. Even worse, a unilateral monument designation of the Bears Ears will not protect irreplaceable resources, and will, in fact, likely result in the same kinds of increases in vandalism, looting, and environmental degradation that has been documented in the Grand Staircase.

On the other hand, a legislated, consensus solution like the PLI has the potential to bring people together, ensure local cooperation, and put in place a durable solution. Furthermore, congressional action is the only way to guarantee traditional tribal uses of the land, guarantee local input into land management decisions, and to provide the funding resources and tools needed to properly protect this precious region of our state.

It is my strong belief that a legislative solution – one built from the ground up with real involvement from local residents, tribal representatives, county officials, the state legislature, recreation and environmental advocates, energy and access interests – will inevitably create a

better outcome, one with more buy-in and with more lasting power, than a decision made behind closed-doors in Washington D.C.

There is a right way and a wrong way to preserve the Bears Ears for future generations. It is my sincere hope that the President and his administration will learn from history and take the time needed to work with the people of Utah, our state legislature, and the congressional delegation to do it the right way. Please, do this with us, not to us.

Thank you for the chance to share my thoughts with you today.