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Statement for the Record

State of Arizona

Governor Douglas A. Ducey

**U.S. Senate Committee on Energy & Natural Resources,
Full Committee Hearing to Consider Pending Legislation**

September 22, 2016

On behalf of the State of Arizona, I appreciate the opportunity to provide written comment for the Congressional Record regarding pending legislation related to the designation of national monuments through unilateral authorities prescribed under the Antiquities Act of 1906. These designations ultimately result in restrictive use of natural resources and water rights belonging to private and state land owners and prohibitions for the public's full enjoyment and use of their public federal land.

Arizona proudly boasts some of the country's most unique and majestic landscapes that entice visitors and businesses to this epicenter of western progress. My administration is focused on building upon opportunity: laying foundations for improving government efficiencies that truly reduce the bottom line, and modernize what are outdated rules and regulations that thwart sound principles of governance.

Proposals that encourage protection, preservation or limitations on use of certain lands in the west have been advanced through various legal and administrative processes. Congressional actions and administrative withdrawals of certain lands including areas around the Grand Canyon have signified historic successes of multiple stakeholders to advance objectives that have been publicly vetted.

The 1.7 million proposed GCWNM designation is different. By Presidential Proclamation authorized by Antiquities Act of 1906 (Act), the land becomes set aside in perpetuity without input from the State or its citizens and without any feasibility or economic impact analyses. The Act's passage in 1906 was to provide the President with the ability to protect certain artifacts that otherwise had no lawful protections at that time.

It may have made sense at the time, too. Between 1906 and 1909, President Theodore Roosevelt issued executive proclamation creating 18 scientific areas or natural monuments under the authority granted to him by the Act - all of them in far western states, thousands of miles from Washington, D.C., in remote areas where thieves, bandits, and the dregs of society were destroying Native American sites. That is NOT how the Antiquities Act is being applied today. Today, the Antiquities Act is being used to lock- up private and public landscapes from common, legal, and necessary economic activities that are vital and necessary to the economic prosperity of our great nation.

This administration represents progressive 21st century management that provides opportunities for ALL, and seeks to reduce and eliminate unreasonable and outdated regulations that are exclusionary and harmful to developing industries of all kinds. In 21st Century land management practices, the Act represents as antiquated a system as the antiquities it was created to protect. Its process is flawed and has evolved into a practice that resembles feudalism, serving only very small and limited interests. The Act does not require substantive input or analysis, and has never been challenged judicially.

Aside from the immense failure of governing and process that the Antiquities Act represents and that GCWNM proponents promote, the creation of federal land use designations also has far-reaching detrimental effects. By their very nature, federal land use designations such as this impede economic opportunity and the private property rights of landowners throughout the region. Let's be clear - these designations are purely about preservation, not multiple-use management that, as the first Chief of the Forest Service Gifford Pinchot would say, achieves "the greatest good for the greatest number in the long run." Multiple-use land management is an essential component of Arizona's economy: recreation, mining, agriculture, and grazing. Put another way, four of the "Five C's" represented in the great Seal of Arizona (copper, cattle, cotton, and citrus) would not exist if we did not allow for multiple uses of public lands, and of course the ability to recreate in Arizona 365 days per year relies on the fifth C (climate). Imposition of a preservation management objective overlay on 1.7 million acres of land in Arizona thwarts Arizona's land management objectives and values, and it does so by bypassing a public process that would most certainly result in a much more thoughtful result.

The GCWNM is not narrow, targeted, warranted, or being considered through an open, cooperative public process. The State opposes outdated laws and rules that violate a good faith contract between state and federal entities to work cooperatively to identify natural resources that require active or immediate action; and to undertake such efforts in a manner that is consistent with a balanced public process applicable to all other land management decisions. The State supports conservation and considerate management of its culture, history, and landscapes. There may be areas in the United States where creation of narrow, targeted preservation areas is warranted; however, the process should include considerable efforts to identify, balance, and mitigate impacts to economies, other potential resources, and to personal property rights.

We, the State of Arizona, encourage a fair alternative to the proposed use of the Antiquities Act to create the GCWNM, which will unfairly limit access and prohibit the ability of private entities to conduct business on 1.7 million acres of lands in Arizona. Resource and land management decisions best serve all constituents when state and federal interests are intermingled; which results in true partnerships and democratically balanced outcomes. We ask that the United States Congress review and amend the Antiquities Act of 1906 as it is unrepresentative of the principles on which this great nation was founded: a robust system of checks and balances to ensure that government is honest, and making decisions that best serve all citizens.