

HJR

18

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(LIMITED RUN SHOWING ALL ADDITIONAL SPONSORSHIPS)

SENATE CS FOR CS FOR HOUSE JOINT RESOLUTION NO. 18(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

Offered: 4/11/15

Referred: Rules

Sponsor(s): REPRESENTATIVES MILLETT, Hughes, Herron, Gattis, Thompson, Neuman, Vazquez, Talerico, Saddler, LeDoux, Colver

SENATORS Giessel, Dunleavy, Costello, Coghill, Micciche, McGuire, Bishop, Kelly

A RESOLUTION

1 **Urging the United States Congress to pass the Improved National Monument**
2 **Designation Process Act.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** the President of the United States may "declare by public proclamation
5 historic landmarks, historic and prehistoric structures, and other objects of historic or
6 scientific interest" as national monuments under the Antiquities Act of 1906 (16 U.S.C. 431 -
7 433), and the United States Congress may establish national monuments through legislation;
8 and

9 **WHEREAS** the Antiquities Act requires the President of the United States to reserve
10 "the smallest area compatible with the proper care and management of the objects to be
11 protected" within the boundaries of the national monument; and

12 **WHEREAS** there are already 142 national monuments ranging in size from less than
13 an acre to nearly 140,000 square miles spread out across the land and water of the United
14 States; and

15 **WHEREAS** President Barack Obama has unilaterally expanded the scope and
16 boundaries of national monuments; and

1 **WHEREAS** President Obama has established 10 new national monuments since
2 beginning his second term of office; and

3 **WHEREAS** President Obama was responsible for the largest expansion of an existing
4 national monument when he added, by proclamation, approximately 400,000 square miles to
5 the Pacific Remote Islands Marine National Monument in 2014; and

6 **WHEREAS** the establishment or expansion of national monuments without
7 consideration of the possible detrimental effects on natural resource development, commercial
8 fishing, tourism, and other industries may create considerable hardship on regional, state, and
9 local economies; and

10 **WHEREAS** the President's exercise of power under the Antiquities Act is limited in
11 Alaska by the "no more" clauses of the Alaska National Interest Lands Conservation Act; and

12 **WHEREAS**, in the Alaska National Interest Lands Conservation Act, the federal
13 government promised the state and people of Alaska that it would maintain in the lands it
14 manages a balance between environmental protection and the economic and social needs of
15 Alaskans and that no more land in the state would be set aside; and

16 **WHEREAS**, in February 2015, United States Senators Lisa Murkowski and Dan
17 Sullivan jointly introduced S. 437, the Improved National Monument Designation Process
18 Act, establishing new requirements and limitations on the authority of the President of the
19 United States to establish or expand national monuments under the Antiquities Act; and

20 **WHEREAS**, under the Improved National Monument Designation Process Act, the
21 President of the United States may not establish a national monument unless it is approved by
22 the United States Congress and by each affected state or territory within 100 miles of the
23 proposed national monument; and

24 **WHEREAS** the purposes of the "no more" clauses of the Alaska National Interest
25 Lands Conservation Act would be strengthened by the limitations placed on the authority of
26 the President by the Improved National Monument Designation Process Act;

27 **BE IT RESOLVED** that the Alaska State Legislature supports the direct involvement
28 of the United States Congress and the states in the establishment and expansion of national
29 monuments; and be it

30 **FURTHER RESOLVED** the Alaska State Legislature urges the United States
31 Congress to pass S. 437, the Improved National Monument Designation Process Act, so that

1 the use of Alaska's renewable and nonrenewable resources is protected and environmentally
2 responsible resource extraction and development activities may take place.

3 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of
4 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and
5 President of the U.S. Senate; the Honorable John Boehner, Speaker of the U.S. House of
6 Representatives; the Honorable Kevin McCarthy, Majority Leader of the U.S. House of
7 Representatives; the Honorable Nancy Pelosi, Minority Leader of the U.S. House of
8 Representatives; the Honorable Mitch McConnell, Majority Leader of the U.S. Senate; the
9 Honorable Harry Reid, Minority Leader of the U.S. Senate; the Honorable Lisa Murkowski,
10 Chair of the U.S. Senate Committee on Energy and Natural Resources; the Honorable Dan
11 Sullivan, U.S. Senator, and the Honorable Don Young, U.S. Representative, members of the
12 Alaska delegation in Congress; and all other members of the 114th United States Congress.

Alaska Legislature

Representative Charisse Millett

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Version 29-LS0707\E

HJR 18 Sponsor Statement – Improved National Monuments Resolution

An unprecedented number of new national monuments have been created by the current administration in Washington D.C. While national monuments serve a worthy purpose to preserve and protect important historic landmarks and environmentally sensitive areas for future generations, the process originally created in 1906 needs to be revised.

The President of the United States has declared ten new monuments in the last 24 months without the participation and cooperation of congress and the states impacted by the designation. This unilateral process ignores the potential harm to local and regional economies and damages relationships between the three levels of government and state residents.

House Joint Resolution 18 urges the United States Congress to pass the Improved National Monument Designation Process Act (S. 437). Sponsored by Alaska Senator Lisa Murkowski and co-sponsored by Alaska Senator Dan Sullivan, the legislation requires any future monument designations on public land or within the exclusive economic zone to meet three basic requirements. Congressional authorization, approval by the state legislature, and for marine national monuments, approval by each state legislature from every state within 100 miles of the proposed monument. The proposed monument would also have to comply with the National Environmental Policy Act.

This resolution sends a message to our elected leaders in the White House and on Capitol Hill that Alaskans have the right to participate in the national monument process. I respectfully ask for your support.

Prepared on Tuesday, April 7, 2015



ALASKA STATE LEGISLATURE

SENATE RESOURCES COMMITTEE

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Sen. Bert Stedman

Sen. John Coghill
Sen. Bill Stoltze
Sen. Bill Wielechowski

House Joint Resolution 18

Explanation of Changes from Version E to Version N

1. A new WHEAREAS clause is inserted in Page 2, lines 10-11, saying the President is limited in his Antiquities' Act actions by the "no more" clause in the Alaska National Interest Lands Conservation Act.
2. A new WHEAREAS clause is inserted in Page 2, lines 12-15, stating the issue of more federal lands going into conservation management was ended with the passage of the Alaska National Interest Lands Conservation Act.
3. A new WHEAREAS clause is inserted in Page 2, lines 24-26, stating that the "no more" clauses of the Alaska National Interest Lands Conservation Act would be strengthened by passage of the Improved National Monument Designation Act.

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District 25

April 6, 2015

HJR 18 – Explanation of Changes

The following changes were made in the House Resources Committee on Monday, March 30, 2015.

Page 2, Line 10 – Removed “Senator” and inserted “Senators”

Page 2, Line 10 - Inserted “and Dan Sullivan jointly” after “Murkowski”

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MEMORANDUM

Charisse Millett

To: Senator Cathy Giessel, Senate Resources Committee
From: Rep. Charisse Millett
Subject: HJR 18
Date: Tuesday, April 7, 2015
CC:

I respectfully request a hearing on House Joint Resolution 18 at your earliest convenience.

All the necessary documents are included with this request.

Jeff Turner is my staffer assigned to this resolution and he can be reached at 465-6588 if you need any more information.

###



FACTSHEET

LIST OF PROCLAIMED NATIONAL MONUMENTS

The following list consists of all national monuments designated by Presidents using the Antiquities Act of 1906. Some of these monuments have changed names since their establishment or have been abolished as national monuments. ***Monuments managed by the National Park Service are in bold.***

*If you see the word "*enlarged*" next to monument name, you will find original designation earlier in list.

National Monuments Proclaimed (& Enlarged) During Republican Administrations

1. **Devils Tower, Wyoming (T. Roosevelt)**
2. **El Morro, New Mexico (T. Roosevelt)**
3. **Montezuma Castle, Arizona (T. Roosevelt)**
4. **Petrified Forest, Arizona (T. Roosevelt)**
5. **Chaco Canyon, New Mexico (T. Roosevelt)**
6. **Cinder Cone, California (T. Roosevelt)** *later incorporated into Lassen Volcanic*
7. **Lassen Volcanic, California (T. Roosevelt)**
8. **Gila Cliff Dwellings, New Mexico (T. Roosevelt)**
9. **Tonto, Arizona (T. Roosevelt)**
10. **Muir Woods, California (T. Roosevelt)**
11. **Grand Canyon I, Arizona (T. Roosevelt)**
12. **Pinnacles, California (T. Roosevelt)**
13. **Jewel Cave, South Dakota (T. Roosevelt)**
14. **Natural Bridges, Utah (T. Roosevelt)**
15. Lewis and Clark, Montana (T. Roosevelt) (abolished 1937)
16. **Tumacacori, Arizona (T. Roosevelt)**
17. Wheeler, Colorado (T. Roosevelt) (abolished 1950)
18. **Mount Olympus, Washington (T. Roosevelt)** *now Olympic National Park*
19. **Navajo, Arizona (Taft)**
20. **Oregon Caves, Oregon (Taft)**
21. **Mukuntu-weap, Utah (Taft)** *now Zion National Park*
22. Shoshone Caverns, Wyoming (Taft) (abolished 1954)
23. **Gran Quivira, New Mexico (Taft)**
24. **Sitka, Alaska (Taft)**
25. **Big Hole, Montana (Taft)**

26. Colorado, Colorado (Taft)
27. Rainbow Bridge, Utah (Taft)
28. Devils Postpile, California (Taft)
29. Natural Bridges, Utah (Taft) *enlarged*
30. Aztec Ruins, New Mexico (Harding)
31. Hovenweep, Utah/Colorado, (Harding)
32. Mound City Group, Ohio (Harding) *now Hopewell Culture National Historical Park*
33. Pipe Spring, Arizona (Harding)
34. Lehman Caves, Nevada (Harding) *now part of Great Basin National Park*
35. Timpanogos Cave, Utah (Harding)
36. Fossil Cycad, South Dakota (Harding) (abolished 1956)
37. Bryce Canyon, Utah (Harding)
38. Muir Woods, California (Harding) *enlarged*
39. Pinnacles, California (Harding) *enlarged*
40. Carlsbad Cave, New Mexico (Coolidge)
41. Chiricahua, Arizona (Coolidge)
42. Craters of the Moon, Idaho (Coolidge)
43. Statue of Liberty, New York (Coolidge) *originally known as Fort Wood*
44. Castle Pinckney, South Carolina (Coolidge) (abolished 1956)
45. Fort Pulaski, Georgia (Coolidge)
46. Castillo de San Marcos, Florida (Coolidge)
47. Fort Matanzas, Florida (Coolidge)
48. Wupatki, Arizona (Coolidge)
49. Meriwether Lewis, Tennessee (Coolidge) *now part of Natchez Trace Parkway*
50. Glacier Bay, Alaska (Coolidge)
51. Father Millet Cross, New York (Coolidge) (abolished 1949)
52. Lava Beds, California (Coolidge)
53. Chaco Canyon, New Mexico (Coolidge) *enlarged*
54. Pinnacles, California (Coolidge) *enlarged*
55. Aztec Ruins, New Mexico (Coolidge) *enlarged*
56. Arches, Utah (Hoover)
57. Holy Cross, Colorado (Hoover) (abolished 1950)
58. Sunset Crater, Arizona (Hoover)
59. Great Sand Dunes, Colorado (Hoover)
60. White Sands, New Mexico (Hoover)
61. Death Valley, California/Nevada (Hoover)
62. Saguaro, Arizona (Hoover)
63. Black Canyon of the Gunnison, Colorado (Hoover)
64. Grand Canyon II, Arizona (Hoover)
65. Petrified Forest, Arizona (Hoover) *enlarged*
66. Pinnacles, California (Hoover) *enlarged*
67. Aztec Ruins, New Mexico (Hoover) *enlarged*
68. Edison Lab, New Jersey (Eisenhower)
69. Chesapeake & Ohio (C&O) Canal, Maryland (Eisenhower)
70. Muir Woods, California (Eisenhower) *enlarged*
71. Tumacacori, Arizona (Eisenhower) *enlarged*
72. Cabrillo, California (Eisenhower) *enlarged*

73. Bandelier, New Mexico (Eisenhower) *enlarged*
74. Fort Pulaski, Georgia (Eisenhower) *enlarged*
75. White Sands, New Mexico (Eisenhower) *enlarged*
76. Capitol Reef, Utah (Eisenhower) *enlarged*
77. Cabrillo, California (Ford) *enlarged*
78. Buck Island Reef, Virgin Islands (Ford) *enlarged*
79. African Burial Ground, New York (G.W. Bush)
80. Papahānaumokuākea Marine, Hawaii (G.W. Bush)
81. World War II Valor in the Pacific, Hawaii (G.W. Bush)
82. Rose Atoll Marine, American Samoa (G.W. Bush)
83. Pacific Remote Islands National Marine, S-SW of Hawaii (G.W. Bush)
84. Marianas Trench Marine, Northern Mariana Islands (G.W. Bush)

National Monuments Proclaimed (& Enlarged) During Democratic Administrations

1. Walnut Canyon, Arizona (Wilson)
2. Bandelier, New Mexico (Wilson)
3. Papago Saguaro, Arizona (Wilson) (abolished 1930)
4. Old Kasaan, Alaska (Wilson) (abolished 1955)
5. Verendrye, North Dakota (Wilson) (abolished 1956)
6. Casa Grande, Arizona (Wilson)
7. Katmai, Alaska (Wilson)
8. Scotts Bluff, Nebraska (Wilson)
9. Yucca House, Colorado (Wilson)
10. Dinosaur, Utah/Colorado (Wilson)
11. Cabrillo, California (Wilson)
12. Sieur de Monts, Maine (Wilson) *now Acadia National Park*
13. Capulin Mt., New Mexico (Wilson) *now Capulin Volcano*
14. El Morro, New Mexico (Wilson) *enlarged*
15. Mukuntu-weap, Utah (Wilson) *enlarged; now Zion National Park*
16. Gran Quivira, New Mexico (Wilson) *enlarged*
17. Cedar Breaks, Utah (FDR)
18. Fort Jefferson, Florida (FDR) *now Dry Tortugas National Park*
19. Joshua Tree, California (FDR)
20. Organ Pipe Cactus, Arizona (FDR)
21. Capitol Reef, Utah (FDR)
22. Channel Islands, California (FDR)
23. Fort Laramie, Wyoming (FDR)
24. Santa Rosa Island, Florida (FDR) *incorporated into Gulf Islands National Seashore*
25. Tuzigoot, Arizona (FDR)
26. Jackson Hole, Wyoming (FDR) *now Grand Teton National Park*
27. Zion II (Kolob Section), Utah (FDR)
28. Montezuma Castle, Arizona (FDR) *enlarged*
29. Tonto, Arizona (FDR) *enlarged*
30. Muir Woods, California (FDR) *enlarged*
31. Pinnacles, California (FDR) *enlarged*
32. Big Hole, Montana (FDR) *enlarged*

33. Dinosaur, Utah/Colorado (FDR) *enlarged*
34. Walnut Canyon, Arizona (FDR) *enlarged*
35. Scotts Bluff, Nebraska (FDR) *enlarged*
36. Chiricahua, Arizona (FDR) *enlarged*
37. Statue of Liberty, New York (FDR) *enlarged*
38. Fort Matanzas, Florida (FDR) *enlarged*
39. Wupatki, Arizona (FDR) *enlarged*
40. Glacier Bay, Alaska (FDR) *enlarged*
41. Arches, Utah (FDR) *enlarged*
42. White Sands, New Mexico (FDR) *enlarged*
43. Death Valley, California/Nevada (FDR) *enlarged*
44. Black Canyon of the Gunnison, Colorado (FDR) *enlarged*
45. Effigy Mounds, Iowa (Truman)
46. Muir Woods, California (Truman) *enlarged*
47. Sitka, Alaska (Truman) *enlarged*
48. Aztec Ruins, New Mexico (Truman) *enlarged*
49. Hovenweep, Utah/Colorado, (Truman) *enlarged*
50. Fort Matanzas, Florida (Truman) *enlarged*
51. Lava Beds, California (Truman) *enlarged*
52. Death Valley, California/Nevada (Truman) *enlarged*
53. Channel Islands, California (Truman) *enlarged*
54. Russell Cave, Alabama (Kennedy)
55. Buck Island Reef, Virgin Islands (Kennedy)
56. Gila Cliff Dwellings, New Mexico (Kennedy) *enlarged*
57. Natural Bridges, Utah (Kennedy) *enlarged*
58. Craters of the Moon, Idaho (Kennedy) *enlarged*
59. Saguaro, Arizona (Kennedy) *enlarged*
60. Marble Canyon, Arizona (Johnson)
61. Katmai, Alaska (Johnson) *enlarged*
62. Statue of Liberty, New York (Johnson) *enlarged*
63. Arches, Utah (Johnson) *enlarged*
64. Capitol Reef, Utah (Johnson) *enlarged*
65. Admiralty Island, Alaska (Carter) *incorporated into Tongass National Forest*
66. Aniakchak, Alaska (Carter)
67. Becharof, Alaska (Carter)
68. Bering Land Bridge, Alaska (Carter)
69. Cape Krusenstern, Alaska (Carter)
70. Denali, Alaska (Carter)
71. Gates of the Arctic, Alaska (Carter)
72. Kenai Fjords, Alaska (Carter)
73. Kobuk Valley, Alaska (Carter)
74. Lake Clark, Alaska (Carter)
75. Misty Fjords, Alaska (Carter) *incorporated into Tongass National Forest*
76. Noatak, Alaska (Carter)
77. Wrangell-St. Elias, Alaska (Carter)
78. Yukon-Charley Rivers, Alaska (Carter)
79. Yukon Flats, Alaska (Carter)

80. **Katmai, Alaska (Carter) *enlarged***
81. **Glacier Bay, Alaska (Carter) *enlarged***
82. Grand Staircase-Escalante, Utah (Clinton)
83. Agua Fria, Arizona (Clinton)
84. California Coastal, (Clinton)
85. **Grand Canyon-Parashant, Arizona (Clinton)**
86. Giant Sequoia, California (Clinton) *incorporated into Sequoia National Forest*
87. Canyons of the Ancients, Colorado (Clinton)
88. Cascade-Siskiyou, Oregon (Clinton)
89. Hanford Reach, Washington (Clinton)
90. Ironwood Forest, Arizona (Clinton)
91. **President Lincoln and Soldiers Home, WDC (Clinton)**
92. Vermilion Cliffs, Arizona (Clinton)
93. Carrizo Plain, California (Clinton)
94. Kasha-Katuwe Tent Rocks, New Mexico (Clinton)
95. **Minidoka Internment, Idaho (Clinton)**
96. Pompeys Pillar, Montana (Clinton)
97. Sonoran Desert, Arizona (Clinton)
98. Upper Missouri River Breaks, Montana (Clinton)
99. **Virgin Islands Coral Reef, Virgin Islands (Clinton)**
100. **Governors Island, New York (Clinton)**
101. **Craters of the Moon, Idaho (Clinton) *enlarged***
102. **Pinnacles, California (Clinton) *enlarged***
103. **Buck Island Reef, Virgin Islands (Clinton) *enlarged***
104. **Fort Monroe, Virginia (Obama)**
105. Fort Ord, California (Obama)
106. Chimney Rock, Colorado (Obama)
107. **César E. Chávez, California (Obama)**
108. **Charles Young Buffalo Soldiers, Ohio (Obama)**
109. **First State, Delaware (Obama)**
110. **Harriet Tubman Underground Railroad, Maryland (Obama)**
111. Rio Grande del Norte, New Mexico (Obama)
112. San Juan Islands, Washington (Obama)
113. Point Arena-Stornetta, California (Obama) *enlargement of California Coastal*
114. Organ Mountains-Desert Peaks, New Mexico (Obama)
115. Pacific Remote Islands National Marine, S-SW of Hawaii (Obama) *enlarged*
116. San Gabriel Mountains, California (Obama)
117. **Pullman, Illinois (Obama)**
118. Browns Canyon, Colorado (Obama)
119. **Honouliuli, Hawaii (Obama)**

TOTAL # of monuments designated since 1906: 142

TOTAL NPS managed monuments: 104 (73% of total)

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SECTIONS

Environment

Obama asks Congress to designate ANWR coastal plain as wilderness

Alex DeMarban | April 3, 2015

Setting the stage for a showdown with Congress over the Arctic National Wildlife Refuge, the White House on Friday said it was transmitting to lawmakers President Barack Obama's recommendation to expand wilderness areas in the refuge, including the potentially oil-rich plain along the U.S. Arctic Ocean.

Though it's sure to inflame both sides of the long-running debate over oil development in the 1.5-million-acre coastal plain, the move is a formality that has been expected since January. That's when Obama announced his wilderness-expansion recommendation in a video -- and Interior Secretary Sally Jewell and others notified Alaska leaders -- enraging politicians who have long wanted oil to flow from ANWR.

The move followed Interior's issuing a record of decision on Friday related to a final management plan for the refuge. The plan is designed to preserve subsistence needs, protect fish and wildlife and ensure opportunities for fish- and wildlife-dependent recreation, said a statement from the White House sent to lawmakers and forwarded to the Alaska Dispatch News by the office of Sen. Dan Sullivan, R-Alaska.

"With these points in mind, and pursuant to the Wilderness Act of 1964, I am recommending that the Congress pass legislation making additions to the National Wilderness Preservation System and the National Wild and Scenic Rivers System," the statement said. "It is a national treasure and should be permanently protected through legislation for future generations."

Alaska's congressional delegation has long sought oil exploration and production in ANWR, but there has been a stalemate over that idea for decades, with environmental groups strongly opposed and clashing with pro-development forces.

Over 7 million acres of the refuge are currently managed as wilderness. Obama is asking Congress to approve another 12 million acres as wilderness, including the coastal plain. Four rivers -- the Atigun, Hulahula, Kongakut and Marsh Fork Canning -- would be included in the National Wild and Scenic Rivers System.

Both sides of the long-running debate have said a wilderness expansion would put oil development in the coastal plain further out of reach. If the Republican-led Congress supports the idea, it would be the largest ever wilderness designation since the Wilderness Act was passed half a century ago.

Only Congress can designate wilderness areas and wild and scenic rivers. Members of the Alaska delegation have said that won't happen with this Congress.

Sullivan blasted the move as an outrageous assault that threatens Alaska's future and America's energy security. He said he will work his colleagues in Congress to stop it.

"It will never see the light of day in Congress," he said. "President Obama's goal of starving the trans-Alaska pipeline of oil and turning our state into a giant national park will not stand."

Environmental groups applauded the recommendation as "visionary" and said they would work to see it approved.

"This wilderness recommendation is a huge step toward permanent protection for one of America's last great wild landscapes, and a victory for millions of Americans who want Alaska's Arctic Refuge left in its natural state," said Nicole

Whittington-Evans, Alaska regional director for The Wilderness Society.

If Congress rejects the proposal, Sen. Lisa Murkowski and other Alaska leaders have said they fear Obama will use the Antiquities Act to single-handedly declare the oil-rich coastal plain of the refuge a national monument before he leaves office.

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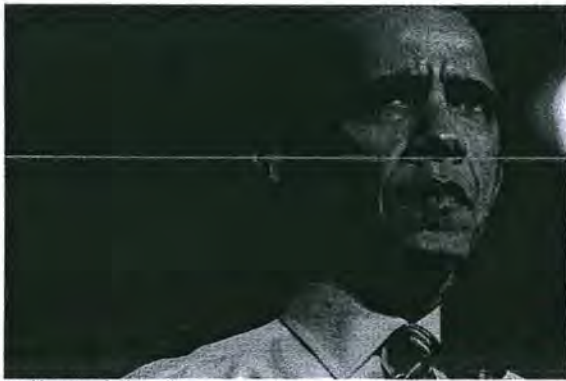


Overflow on Alaska's Dalton Highway

Deseret News

In our opinion: Will Obama use Antiquities Act in Alaska like Clinton did in Utah in '96 with Grand Staircase-Escalante?

Deseret News editorial
Published: Saturday, Feb. 7 2015 12:00 a.m. MST



President Barack Obama listens to a question during an event Friday, Feb. 6, 2015. Alaskans are concerned President Obama may use the Antiquities Act to give the Arctic National Wildlife Refuge a restrictive "wilderness" designation — much like President Clinton did with Utah's Grand Staircase-Escalante National Monument in 1996. (Evan Vucci, Associated Press)

Imagine public land rich with extraordinarily valuable natural resources. Add a president who publicly promises to "use (his) authority to protect more of our pristine federal lands for future generations." Then include swirling rumors about the Antiquities Act, which authorizes the president to designate large swaths of land as a national monument without any congressional approval.

Utahns will recognize all of the above as the key ingredients of the 1996 debacle that put billions of

dollars of school trust lands forever out of reach of Utah's educational system.

For Alaskans, however, this scenario is much more than a historical footnote. They fear that President Barack Obama is eager to lock up the Arctic National Wildlife Refuge (ANWR) using the same tactic that Bill Clinton used almost two decades ago to create the Grand Staircase-Escalante National Monument, which bypassed Congress altogether and blindsided Utah leaders without granting them any input into the process.

"I'm more than a little bit paranoid about the actions of this administration regarding Alaska," Sen. Lisa Murkowski told one of her local Alaska newspapers. "I fear ... he is going to utilize the authority of the Antiquities Act and put ANWR in permanent wilderness status and lock it up."

This isn't paranoia on her part. She has credible reasons for her concerns.

The president's Interior

Department recently issued a recommendation that ANWR be labeled as wilderness, the most restrictive designation of public lands available. Yet such a designation would have to be approved by Congress, which — given the House and Senate's sizable Republican majorities — seems unlikely. Unfortunately, this president has demonstrated an eagerness to act unilaterally even if his actions go against the will of Congress. After his immigration executive order and his climate-change agreement with China, it's easy to see an arbitrary national monument designation as an increasingly likely next step.

Public lands are a national treasure, and they demand responsible stewardship. The power to determine how they are managed should not be consolidated in a single person, even when that person is the president of the United States. The chaos surrounding the Grand Staircase designation ought to have inspired Congress to significantly scale back or even repeal the Antiquities Act, but that never happened. So now we find ourselves faced with the possibility of history repeating itself.

This is not how the system is supposed to work.

Unfortunately, significant changes to the Antiquities Act are not likely to happen in today's political environment. That means we have to rely on Obama's good faith in resisting the urge to sidestep the appropriate process and act on his own. Precedent suggests, however, that Murkowski is right to be worried.

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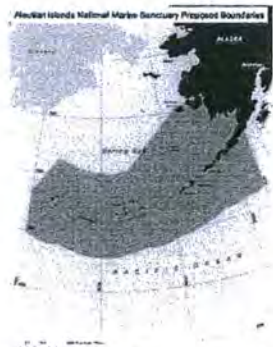
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Aleutian Sanctuary Proposal Stalls Out

By Lauren Rosenthal
Monday, January 26 2015



NOAA suggested that a "smaller area or a network of smaller areas" in southwest Alaska could be a better candidate for protection. (Courtesy of Rick Stetner/PEER)

The federal government has turned down a request to create a vast marine reserve around the Aleutian Islands.

On Friday, the National Oceanic and Atmospheric Administration announced that the Aleutians won't advance in the process to become a national marine sanctuary -- mostly due to a lack of local support.

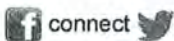
Adak, King Cove, Akutan, and the Aleutians East Borough all came out against the nomination.

Environmentalists and research groups had been seeking permanent limits on oil and gas leasing and commercial fishing in federal waters around the Chain.

At more than 730,000 square miles, it would have been the largest marine sanctuary in the country.

In a letter, a NOAA representative suggested that a smaller swath of the Bering Sea could be eligible -- areas that "encompass the specific resources you believe to be of the highest value." But the agency would still need to see proof that other interest groups are on board.

There are 13 national marine sanctuaries around the United States -- each with its own local management panel. Those groups can advise NOAA on new regulations for commercial inside the reserve.



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Site by Joseph Robinson

TAG / ANTIQUITIES ACT

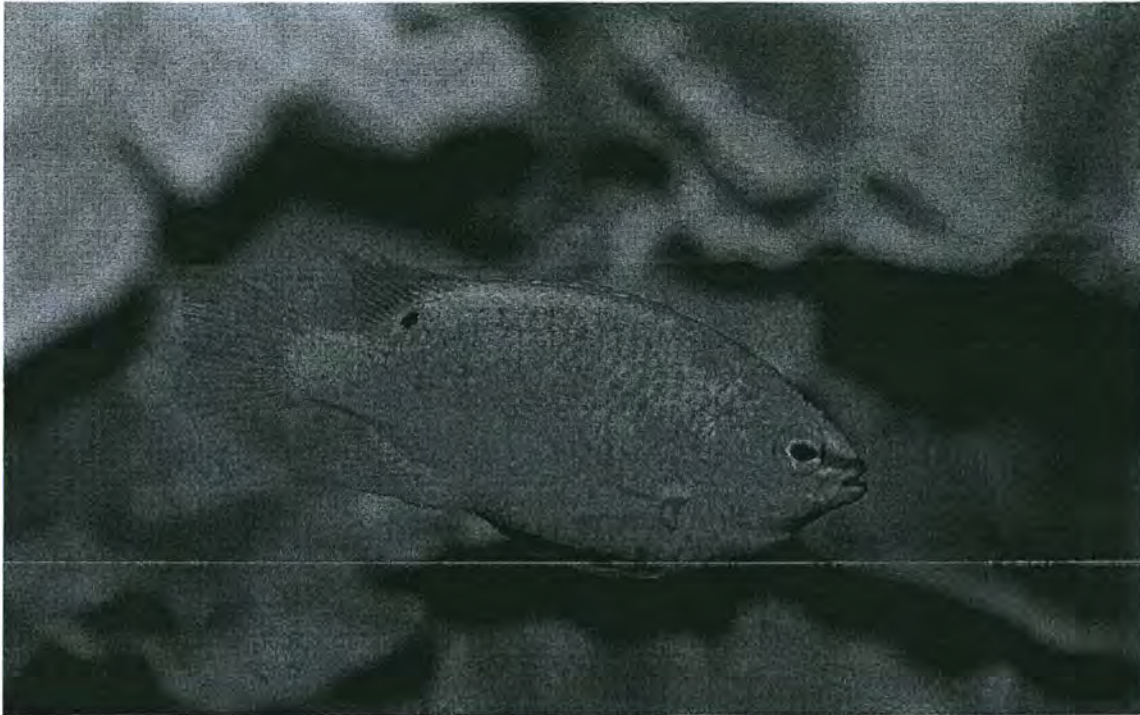
OCTOBER 13, 2014 *by* LPB.ARTICLES2

A Monumental Moment: President Obama's Expanded Protections in the Pacific Ocean

 CURRENT EVENTS, FEDERAL AGENCY, REGULATORY ACTION, STATE AND LOCAL ISSUES, THE PRESIDENT

 ANTIQUITIES ACT, MARINE, MARINE ACCESS, MAST, OBAMA, PACIFIC, RESERVE, THE PRESIDENT

 LEAVE A COMMENT



BLUE DAMSELFISH CHRYSIPTERA CYANEA BY: BRIAN GRATWICKE

By: Jeb Harmon

With the stroke of a pen, President Obama expanded United States presence and influence in the central Pacific Ocean by designating the world's largest marine reserve. Through a proclamation, President Obama expanded the existing Pacific Remote Islands Marine National Monument to now protect over 490,000 square miles of atolls and islands between Hawaii and American Samoa in the Pacific. Specifically, the proclamation extends the geographical area that President Bush first set aside as a maritime reserve in 2009 and bans deep-sea mining, resources extraction, and commercial fishing in order to protect the unique marine biology in an area that is roughly three times the size of California. Yet, the designation of the world's largest marine reserve has been accompanied by criticism and many have expressed concern over President Obama's unilateral action to set aside such a large area under the Antiquities Act. The Antiquities Act allows a president to designate national monuments without

congressional approval, and since the act's inception some members of Congress and state legislatures have questioned its powers.

In 1906, President Theodore Roosevelt signed into law the Antiquities Act (16 U.S.C.A. § 431), a law which allows the President to bypass congressional land policies and set aside public land as natural monuments and parks in order to preserve historic lands, protecting them from excavation. There are three elements necessary for preservation under the act: (1) the monument must be historic or of scientific interest, (2) the land must be owned or controlled by the U.S. Government, and (3) the designation must be limited to the smallest area necessary to manage the monument effectively. However, the first proclamation for a national monument under the act, Devil's Tower in Wyoming by President Theodore Roosevelt, proved that there was no limit to the geographic size or location of such monuments. In fact, it illustrated that the President's power was just as expansive as the amount of land one could designate under the act.

President Theodore Roosevelt created 1.2 million acres of designated land during his time in office, and 16 presidents have followed suit by acting to protect national treasures, including Western wonders like the Grand Canyon and Eastern marvels like Acadia National Park. President Obama's expansion of the existing Pacific Remote Islands Marine National Monument marks the largest marine monument ever created under the Antiquities Act. Since Congress first passed the Antiquities Act, some members of Congress and various groups have challenged presidents' use of the act to set aside vast swaths of land under federal protection.

Congress and state legislators have little power in limiting a president's use of the Antiquities Act. For example, when President Franklin D. Roosevelt used the act to proclaim the wildlife reserve at Jackson Hole, Wyoming as a national monument under the Antiquities Act, Congress passed a bill to abolish the monument. President Roosevelt then vetoed the bill. The State of Wyoming later challenged the proclamation in federal court by arguing that there was no evidence to support a claim that the monument contained historic landmarks or items of scientific interest; however, the federal district court found that it had no

authority to review the President's action, unless such an action was arbitrary and capricious.

Even 70 years after the fight over Jackson Hole, members of Congress and some industry stakeholders are still speaking out against the President's use of the Antiquities Act. President Obama's latest marine monument has generated some backlash from members on Capitol Hill. House Natural Resources Committee Chairman Doc Hastings called President Obama's action an example of an "Imperial Presidency," warning that such an act would harm the economic well being of both the U.S. seafood industry and the U.S. territories. On this harm, the Western Pacific Regional Fishery Management Council—one of eight councils established by the Magnuson Fishery Conservation and Management Act of 1976 to protect fish stocks—explained that the expansion bans fishing in 65 percent of the U.S. Exclusive Economic Zone in the U.S. Pacific Remote Islands. The council and other industry members expressed frustration that the White House did not consult locally with the very people who live and work in an area that makes up 76 percent of the marine-protected areas in the entire United States. The council claims that President Obama's expansion will further restrict fishermen's activities in an area that is already heavily restricted.

In response to the President Obama's proclamation, members of Congress have introduced legislation to preserve fisheries in marine sanctuaries and to push back against the President's use of the Antiquities Act. In June, Rep. Steve Southerland introduced H.R. 4988, *the Marine Access and State Transparency (MAST) Act*, which would amend the Antiquities Act to require Congressional approval for declarations of marine national monuments. In a press release, Rep. Southerland stated that, "[the] administration has blatantly disregarded the concerns of our coastal states and territories." In addition to this proposed legislation to limit unilateral maritime preservation, Chairman Hastings of the House Committee on Natural Resources introduced H.R. 4742, *the Magnuson-Stevens Fishery Conservation and Management Act*. This bill would renew the expired Magnuson-Stevens Act to improve fishery management and would allow for this type of management within a maritime monumental sanctuary to fall under the Magnuson-Stevens Act as well. After the mid-term election, perhaps

other members of Congress will react to the President's plan by co-sponsoring or introducing new legislation.

While some members of Congress have denounced President Obama's action in the Pacific, green groups and scientific institutes across the country have celebrated the President's expansion as a monumental moment. For instance, Elliott Norse, the chief scientist at the Marine Conservation Institute who worked on the original maritime monument designation under President Bush, saluted President Obama as a conservationist and "Rooseveltian." The Pew Charitable Trust's Global Ocean Legacy Project leader Matt Rand praised President Obama's action in more than doubling the protected amount of U.S. marine reserves by calling it "an important day for ocean conservation." A White House fact sheet points out that the expansion will now protect over 130 sea mounts, which are underwater mountains that are home to unique aquatic life. Above the sea as well, President Obama's action will protect the millions of seabirds that play a key role as transporters bringing nutrients from the sea to the island atolls. Even though commercial fishing is banned in the area, traditional and recreational fishing is still permitted within the monument.

The world's largest marine sanctuary may provide a wealth of new scientific information and may improve the local ecosystem and the Pacific Ocean's ecological well being at large. Yet it remains to be seen whether Congress will vote on any of the proposed pieces of legislation to oppose the President Obama's expansion in the central Pacific as permitted under the Antiquities Act.



American Antiquities Act of 1906

16 USC 431-433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

Sec. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with proper care and management of the objects to be protected: Provided, That when such objects are situated upon a tract covered by a bona fied unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

Sec. 3. That permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulation as they may prescribe: Provided, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

Sec. 4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this Act.

Approved, June 8, 1906

114TH CONGRESS
1ST SESSION

S. 437

To provide for congressional approval of national monuments and restrictions on the use of national monuments, to establish requirements for the declaration of marine national monuments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2015

Ms. MURKOWSKI (for herself and Mr. SULLIVAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for congressional approval of national monuments and restrictions on the use of national monuments, to establish requirements for the declaration of marine national monuments, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improved National
5 Monument Designation Process Act”.

6 **SEC. 2. DESIGNATION OF NATIONAL MONUMENTS.**

7 (a) IN GENERAL.—Section 320301 of title 54, United
8 States Code, is amended—

1 (1) in subsection (a), by striking “The Presi-
2 dent may, in the President’s discretion” and insert-
3 ing the following: “After obtaining congressional ap-
4 proval of the proposed national monument, certi-
5 fying compliance with the National Environmental
6 Policy Act of 1969 (42 U.S.C. 4321 et seq.) with re-
7 spect to the proposed national monument, and re-
8 ceiving from the Governor of each State in which the
9 proposed national monument is to be located notice
10 that the State legislature has enacted legislation ap-
11 proving the designation of the proposed national
12 monument, and subject to subsection (e), the Presi-
13 dent may”; and

14 (2) by adding at the end the following:

15 “(e) REQUIREMENTS FOR DECLARATION OF MARINE
16 NATIONAL MONUMENTS.—

17 “(1) DEFINITION OF EXCLUSIVE ECONOMIC
18 ZONE.—In this subsection, the term ‘exclusive eco-
19 nomic zone’ means the zone established by Procla-
20 mation Number 5030, dated March 10, 1983 (16
21 U.S.C. 1453 note).

22 “(2) REQUIREMENTS.—The President may not
23 declare any area of the exclusive economic zone to
24 be a national monument unless—

1 “(A) the declaration is specifically author-
2 ized by an Act of Congress;

3 “(B) the President has certified compli-
4 ance with the National Environmental Policy
5 Act of 1969 (42 U.S.C. 4321 et seq.) with re-
6 spect to the proposed national monument;

7 “(C) the President has submitted to the
8 Governor of each State and each territory, any
9 part of which is located within 100 nautical
10 miles of the proposed national monument, a
11 proposal to make the declaration;

12 “(D) the Governor of each State and terri-
13 tory described in subparagraph (C) submits to
14 the President notice that the legislature of the
15 State or territory has approved the proposal
16 submitted under that paragraph; and

17 “(E) the declaration is substantially the
18 same as the proposal submitted under subpara-
19 graph (C).”.

20 (b) RESTRICTIONS ON PUBLIC USE.—Section
21 320303 of title 54, United States Code, is amended—

22 (1) by striking “The Secretary,” and inserting
23 the following:

24 “(a) IN GENERAL.—The Secretary,”; and

25 (2) by adding at the end the following:

1 “(b) RESTRICTIONS ON PUBLIC USE.—The Secretary
2 of the Interior, or the Secretary of Commerce, with respect
3 to any area of the exclusive economic zone (as defined in
4 section 320301(e)(1)) designated as a national monument,
5 shall not implement any restrictions on the public use of
6 a national monument until the expiration of an appro-
7 priate review period (as determined by the Secretary of
8 the Interior or the Secretary of Commerce, as applicable)
9 providing for public input and congressional approval.”.

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Feb 10 2015

Murkowski and Sullivan Fight Unilateral Land and Water Blocks by Executive Branch

Senators Introduce Critical Legislation to End Fiats, Welcome Rejection of Aleutian Sanctuary from NOAA

Senators Lisa Murkowski and Dan Sullivan introduced the [Improved National Monument Designation Process Act](#) today, legislation that would prohibit any White House from unilaterally designating national monuments on federal lands and waters under a century-old measure called the Antiquities Act without Congressional approval and the approval of affected state's legislatures.

"It is clear that this White House is more concerned with securing its environmental legacy than protecting the economic well-being of Alaskans," said Murkowski, Chairman of the Energy and Natural Resources Committee and Co-Chair of the Senate Oceans Caucus. "My legislation is designed to make sure economic activity like fishing and responsible resource development is not put at risk – and family incomes damaged – by a stroke of the President's pen."

"How we develop and harvest America's land and water is an area where Congress and the people, not the executive branch – has preeminent authority," said Sullivan. "This legislation will put a check on the Obama administration's war on Alaska families and the middle class. Though it may be an inconvenient truth to this President, the citizens on the ground who live day in and day out with his fiats deserve to be heard."

The bill would require for any national monument proposed on public land or within the exclusive economic zone that the following requirements be met:

- Specific authorization by an Act of Congress;
- Approval by the state legislature, and for marine monuments, approval by each state legislature within 100 miles of the proposed monument; and
- Application of the National Environmental Policy Act.

NOAA Rejects Aleutian Islands Sanctuary Marine Proposal



Rejected Sanctuary Boundaries

Coastal Alaskans and Alaskan fishermen received some good news recently when an attempt by the D.C. environmental lobby to block over 550,000 square nautical miles of federal waters north and south of the Aleutian

Islands from commercial activity was rejected as being insufficient for not reflecting "community interests" by several
from the federal and state agencies listed as potential management partners." [KEYWORD SEARCH](#) [GO](#)

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[MURKOWSKI MORNING MEETING](#)

The sanctuary petition, which was submitted in the days before Christmas, put Alaska's coastal communities and fishing industry on high alert – with concerns about the impact such a designation would have on their way of life and opportunities for economic development. Last month, the National Atmospheric and Oceanic Administration's Office of National Marine Sanctuaries notified the D.C.-based Public Employees for Environmental Responsibility and Senator Murkowski that the application fell short in a number of areas.

While this threat of a sanctuary designation was averted, Senator Murkowski remains concerned by the possibility that President Obama could still move unilaterally to create a national monument in the same area – and for good reason. According to a Deseret News editorial this past weekend:

After his immigration executive order and his climate-change agreement with China, it's easy to see an arbitrary national monument designation as an increasingly likely next step.

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