Chairman McClintock and members of the Subcommittee, I appreciate the opportunity to present the National Trust for Historic Preservation’s perspectives on the recently introduced Utah Public Lands Initiative Act (“PLI”) and the importance of protecting the Bears Ears cultural landscape. My name is Stephanie K. Meeks, and I am the President and CEO of the National Trust.

The National Trust for Historic Preservation is a privately-funded charitable, educational and nonprofit organization chartered by Congress in 1949 in order to “facilitate public participation in historic preservation” and to further the purposes of federal historic preservation laws. The intent of Congress was for the National Trust “to mobilize and coordinate public interest, participation and resources in the preservation and interpretation of sites and buildings.” With headquarters in Washington, D.C., nine field offices, 27 historic sites, more than 800,000 members and supporters and partner organizations in 50 states, territories, and the District of Columbia, the National Trust works to save America’s historic places and advocates for historic preservation as a fundamental value in programs and policies at all levels of government.

We appreciate the sustained efforts of House Natural Resources Committee Chairman Rob Bishop, Congressman Jason Chaffetz, and members of the Committee to develop a legislative solution to address the long-term conservation of nationally significant lands in Utah. This is a difficult and challenging problem of public policy – ongoing for generations – that deserves an expedient and successful resolution.

We recognize that the existing legislation includes certain improvements over the previous discussion draft, but we are disappointed that H.R. 5780 does not meet our hope for legislation that would generate the broad-based bipartisan support necessary to be signed into law by the President.

Accordingly, we join the broad-based request that the President utilize his authority under the Antiquities Act to protect the nationally significant cultural and archaeological resources of the Bears Ears area this year. In addition, the National Trust opposes H.R. 5781, the “PLI Partner Act,” which would limit the President’s authority to proclaim national monuments in certain areas of Utah.
National Trust Participation

Bears Ears is one of the most significant cultural landscapes in the United States and a landscape that is home to more than 100,000 cultural and archaeological sites, many of which are sacred to tribal communities across the region. The 1.9 million acres of public lands south and east of Canyonlands National Park include Ice Age hunting camps, cliff dwellings, prehistoric villages, and petroglyph and pictograph panels that tell the diverse stories of 12,000 years of human habitation.

Since 2007, the National Trust has been working on legislative proposals with the Utah delegation and other stakeholders to protect this important place. We have also been actively engaged in cultural resource protection issues in Southeast Utah – working to ensure compliance with federal laws designed to avoid impacts to historic and cultural properties and supporting thoughtful planning for and interpretation of cultural resources.

In 2013, we developed and presented maps and narratives describing the National Trust’s priorities for resource designations in Southeast Utah to local, state, and national partners, including the offices of Congressmen Bishop and Chaffetz. Since we named this area one of our National Treasures in 2013, we have committed our expertise and resources to seeking a preservation-friendly solution to land use conflicts in this area. Earlier this year, reflecting our long-standing commitment to the legislative process, we submitted extensive comments on the “Discussion Draft” of the PLI.

Like many Americans, I have had the pleasure of visiting and marveling at the extraordinary cultural resources of the Bears Ears region. This landscape and its resources certainly rival nearby nationally protected areas like Canyon of the Ancients National Monument (established by President Clinton in 2000), Mesa Verde National Park (established by Congress in 1906), Chimney Rock National Monument (established by President Obama in 2012) and Chaco Culture National Historical Park.

It is worth noting that the remarkable resources of Chaco Canyon were first protected by President Theodore Roosevelt as a national monument in 1907. Nearby Hovenweep National Monument was established by President Harding in 1923.

Viability of the Legislative Process

Due to our commitment to securing permanent protection for these nationally significant cultural resources, the National Trust has been hopeful that the long-awaited PLI legislation would be crafted in such a way as to gather the broad bipartisan support necessary to be adopted by Congress and signed into law by the President this year. Unfortunately, the legislation as introduced on July 14 is unlikely to generate such support and in fact has generated significant opposition by many of our conservation colleagues.

We appreciate the proposed establishment of a Bears Ears National Conservation Area, however we are concerned that neither the proposed size (857,000 acres) nor
management provisions are sufficient to protect the nationally significant resources of this area, including such archaeologically valuable lands within the White Canyon drainages and the Allen, Chippean, and Dry Wash Canyons.

We appreciate that there have been multiple improvements from the discussion draft, including, as in section 108, permitting the acquisition of lands within wilderness areas from willing sellers, the removal of language designating certain areas for recreational shooting and removing designation of specific areas for recreational shooting and certain changes restricting the ability of managers to determine grazing levels.

However, we are disappointed that many of the concerns outlined in our February 12 letter on the discussion draft were not addressed, including but not limited to the following:

- We are very concerned with the details of proposed land trades which direct the Department of the Interior to accept, without full environmental analysis, trades proposed by the state of Utah, even when they are problematic for cultural resources. In particular, the National Trust for Historic Preservation joined a protest in 2014 of oil and gas lease sales in the Bluff and Montezuma Creek areas of San Juan County – leases that were deferred to protect cultural resources. The maps submitted with the PLI suggest the Utah State Institutional Trust Lands Administration (SITLA) will request retention of ownership of surface and mineral rights within the Bears Ears NCA near Bluff – contrary to the concept of a National Conservation Area – along with significant acreage adjoining the NCA to the east. Both the retained and acquired lands contain important cultural resources deserving of protection.
- We are particularly concerned with section 1103, which would create a new program whereby the State of Utah would be granted energy permitting powers now exercised by the federal government. Our reading of this precedent setting proposal is that it would remove the federal protections currently afforded cultural resources, including the National Historic Preservation Act, Native American Graves Protection and Repatriation Act (NAGPRA) and other federal laws.
- We are also concerned that the existing and potential use of Master Leasing Plans, which have proven to be helpful collaborative tools to resolve long-standing conflicts over land use would be precluded by the legislation.
- We are concerned that the bill would permit grazing in certain areas where current restrictions protect archaeological and cultural resources and that other areas could be made available to grazing, including in Grand Gulch, Slickhorn, and other canyons on Cedar Mesa.

Additionally, the National Trust agrees with a number of our conservation colleagues who have expressed serious concerns with the sweeping and controversial changes to other long-standing federal laws protecting the nation’s natural and cultural resources.
Given the numerous and significant changes necessary to redraft the bill and achieve a bi-partisan compromise, as well as the limited number of legislative days remaining prior to Congress adjourning this fall, we are skeptical that comprehensive legislation can be achieved this year.

**Addressing the Urgent Need for Protection**

Continued reports of looting, vandalism, and other damaging disturbances of archaeological sites lends particular urgency to the permanent protection of the Bears Ears landscape as soon as possible. In just one of over 50 recent incidents of looting, a 2009 Bureau of Land Management and FBI sting operation resulted in indictments of over 24 people for multiple violations of trafficking an estimated 40,000 stolen artifacts, government property, and Native American cultural items from the Southeast Utah area.¹

Given the time sensitive and significant threat to priceless cultural resources and the absence of a realistic opportunity to enact bipartisan legislation during this Congress, the National Trust supports the protection of the Bears Ears landscape by the President as a National Monument before the end of this year.

We appreciate the substantial time and resources dedicated to the pursuit of a legislative solution to this critical preservation issue by local and national stakeholders, including local governments, our partners in the conservation and preservation community and the staffs of the House and Senate committees and offices of Congressmen Bishop and Chaffetz. We look forward to continuing our collaborative work to advance preservation solutions with members of the Committee, Congressmen Bishop and Chaffetz, and other stakeholders.

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