

United States Senator

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**Statement for the Record  
submitted by Senator Robert F. Bennett  
before the Subcommittee on National Parks, Historic Preservation and Recreation**

**Hearing on proposed Amendments to the 1906 Antiquities Act**

**February 12, 1998**

Mr. Chairman, I thank you for the opportunity to address the Subcommittee today on an issue that has unfortunately commanded a great deal of my attention over the past 18 months. I am sure that the complexities of the five bills will be discussed, so I will not spend time to go over them. I would however like to take a few minutes and provide my perspective as a member of the Interior Appropriations Subcommittee as well as a Utahn.

I know that it is not the Committee's intent to have today's hearing focus solely on the creation of the Grand Staircase-Escalante National Monument. However, since this is the most recent use of the 1906 Antiquities Act and the catalyst for the bills discussed in this hearing, I would like to make a few points based on my experience.

The Committee is well aware of the political machinations that went on prior to the creation of the Monument. The House Resources Committee recently published a thorough report based in part on documents obtained from the Administration through a very long discovery process. I first raised the issue with CEQ Director Katie McGinty just 10 days after the president's visit to the Grand Canyon in a NEPA oversight hearing before this Committee. Senator Thomas was gracious enough to permit me to visit his hearing and have a very frank discussion with Ms. McGinty about the Administration's deliberate attempt to circumvent the public planning process.

**"Act Now - Apologize Later" Good Politics -- Reckless Policy**

The president's action came in the aftermath of a bitter debate over Utah wilderness. It was a brilliant strategic maneuver and I will be the first to admit that we were completely caught off guard at the time. It was a textbook example of the environmental philosophy of "Act Now- Apologize Later". While it is good politics, it is reckless land management policy.

The creation of the Grand Staircase-Escalante National Monument opened a Pandora's Box of land management problems. The Administration benefitted politically, shoring up its constituent base. It also offered an olive branch or two to Utah, including vague promises that the schoolchildren of Utah would be made whole and a "unique three year planning process" would address all of the outstanding issues. And like an excited toddler on Christmas morning, its attention was quickly diverted to other more enticing issues as the next box of political goodies was presented.

### **"Congress and the taxpayers -- Stuck with the Bill"**

Some have likened the designation as the political equivalent of a drive-by shooting. I prefer a different analogy. President Clinton invited Utah, Congress and the taxpayers to an expensive dinner and left his wallet at home.

Last year, Congress appropriated \$6.4 million for operations in the Grand Staircase-Escalante National Monument. Most of these funds were designated for use by the Monument Planning Team. The Team held dozens of public meetings and traveled around the country to receive public input. To date it has received over 2000 comments. If all goes according to plan, it is expected that by the end of this year a draft management plan will be available.

By the end of 1999, I estimate that Congress will have appropriated **\$15 million** just to **prepare** a management plan for the Grand Staircase-Escalante National Monument. Three years, \$15 million, thousands of man-hours spent to prepare a document that has no guarantee of ever being accepted by the Clinton Administration. Mr. Chairman, \$15 million is a lot of money and I am sure that any member of this Committee would be delighted to put it to use in his state.

I raise this issue because I believe we could have saved well over half that amount had the Administration simply adhered to the NEPA process and opened up a dialogue prior to taking action. Many of the difficult issues that the planners are trying to grapple with right now, could have been addressed in an open forum, with the cooperation and participation of Congress and the state of Utah.

Given my understanding of politics, should the Planning Document be objectionable in anyway to certain groups, it will not be acceptable. With this in mind, there is a chance that in five years time managers at the Monument will be saying to visitors: "I am sorry that you have no place to use the restroom, but gosh, we sure have a neat planning document. Would you like to see it?"

Mr. Chairman, I would love to elaborate on the estimated future budget obligations for the Grand Staircase -Escalante National Monument. I would love to get into a discussion about a nice, new visitor center in Escalante, the construction of a new administrative building in Kanab, improvements in the four main roads, new campgrounds and interpretive sites, staffing requirements, grants to Kane and Garfield

County for new sheriffs deputies, or a garbage truck and municipal water system improvements. I would also enjoy a conversation about settling the various lawsuits, trading out school trust lands to make our children whole, settling the potential \$60 million claim made by Andalex Resources over lost mining revenues. President Clinton's dinner invitation will cost the taxpayers tens of millions -- and possibly up to \$100 million -- of dollars when they pick up the tab.

Whether my colleagues on this panel believe that the bills before you are necessary, I challenge you to make the argument that the Authorizing and Appropriations Committees should not have a say in the decision making process prior to the President taking action. It is a very difficult argument to make.

### **“An Ounce of Prevention”**

Mr. Chairman, we could have prevented so many of these problems had the president simply adhered to the public process, sought input from the Utah Congressional delegation, the state of Utah and this Committee. An ounce of prevention -- in this case the willingness to follow the law -- would have prevented dozens of complicated problems in Utah. We should learn from experience and take steps to improve the 1906 Antiquities Act.

What we need is a mechanism that allows the brakes to be put on the designation process, to shift it into a lower gear until the president's actions are fully vetted. I believe the bills you are addressing today provide the necessary safeguards. Ensuring that the public and Congress have the opportunity to participate in those decisions that affect the use and management of the public lands, is simply good policy from both an Authorizing and Appropriations perspective. From the position as a member of the Appropriations Committee, I think I speak for my colleagues that in the future, we wish to be involved whenever the president decides to commit the Congress to significant expenditures.

There have been significant improvements to this legislation as it has moved through the process. I congratulate Congressman Hansen for his efforts, as well as Senators Murkowski and Craig for their approaches. I believe these bills provide an opportunity to deliberate over substantive policy differences. Mr. Chairman, this is a luxury that was never afforded to the Utah Congressional delegation or the people of Utah. Let's ensure that we can make the necessary corrections to protect the public's right to engage in the public discourse. Thank you.

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