

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

R. BRUCE JOSTEN
EXECUTIVE VICE PRESIDENT
GOVERNMENT AFFAIRS

1615 H STREET, N.W.
WASHINGTON, D.C. 20062-2000
202/463-5310

February 22, 2010

The Honorable Rahm Emanuel
Chief of Staff
The White House
Washington, DC 20500

Dear Mr. Emanuel:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, understands that the Administration is considering designating as many as 13 million acres of federal land in 11 western states as national monument area. If so, the Chamber urges you to allow public comment on the proposed designations, so that the concerns of state and local officials, nearby land owners, and the public can be properly considered.

The American Antiquities Act of 1906 (Act)¹ authorizes the President to create national monuments on federal lands that contain "historic landmarks, historic and prehistoric structures, or other objects of historic or scientific interest." The Act was designed to protect small areas of land and specific items of archeological, scientific, or historic importance. In fact, it instructs the President to confine any designations "to the smallest area compatible with the proper care and management of the objects to be protected."²

Unfortunately, the Act has routinely been used to lock up large tracts of land without any public comment, input from state and local elected officials, or Congressional review. Former President Clinton used the Act 22 times to designate nearly 5.9 million acres of federal land as national monuments. Many of these designations far exceeded the "smallest area compatible" to preserve the resource and nearly all were designated without any public input or consultation with state and local officials. In 1996, an election year, President Clinton established the 1.7 million acre Grand Staircase Escalante National Monument in Utah, which was not threatened. The Utah delegation was not informed of the designation until just days before the announcement, giving them no substantive opportunity to voice their concerns. This designation ultimately cost Utah billions in potential revenue because rich coal deposits, coal-bed methane resources, oil, gas, and nonfuel minerals within the designated area could no longer be developed.

¹ 16 USC §431-433.

² *Id.*, Section 2.

The Chamber recognizes the need to preserve America's unique heritage through the designation of historical national monuments. The federal government can still protect national resources, however, while ensuring that issues like domestic energy production, pipelines and transmission corridors, job creation, and public access to federal lands are fully considered, prior to making any proclamations pursuant to the Act, by opening up the designation process to robust public input.

The Chamber is also urging Congress to amend the Act to require Congressional approval of any proclamations made pursuant to the Act. The Act has already been amended twice to this effect, so that any national historic monument proclamations in either Wyoming or certain sized parcels in Alaska must first be approved by Congress. By extending this requirement to all 50 states, we can readily ensure that the concerns of interested stakeholders will be heard.

Thank you for your attention to this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Bruce Josten". The signature is fluid and cursive, with the first name "R." and last name "Josten" being the most prominent parts.

R. Bruce Josten

Cc: Secretary Ken Salazar
Chairman Jeff Bingaman
Chairman Nick Rahall