



A Billion Acres

Pushback against the Antiquities Act's excessive takings.

By Teresa Platt

Since the Antiquities Act was established in 1906, presidents have used the power of the pen to nationalize swaths of land and water, fully one billion acres. President Trump has ordered a Department of the Interior review of the Act which has been heavily criticized for restricting access and use of communal lands.

While some welcome Antiquities Act-designated national monuments, many question the elimination of custom and culture, opportunity exported along with the next generation, creating “conservation refugees,” those removed from the land by hard or soft evictions.

A Wilderness Society-circulating a 450-group letter opposed change, declaring the Act “a boon to local economies.” Others support inventorying Antiquities Act acreage while assessing positive and negative impacts on county and state coffers. Kerry White of balanceduse.org and Bob Vanasse of savingseafood.org, are leaders in

the pro-multiple-use coalition.

The DOI review is limited to monuments over 100,000 acres established since 1996 “without adequate public outreach and coordination with relevant stakeholders.” Do these conform to “the Act’s ‘requirements and original objectives’ and ‘appropriately balance[s]...protection of landmarks, structures, and objects against the appropriate use of federal lands and the effects on surrounding lands and communities’?”

When Dr. Peter Kareiva, director of UCLA’s Institute of the Environment and Sustainability, served as chief scientist and vice president of The Nature Conservancy, he published “Conservation in the Anthropocene: Beyond Solitude and Fragility.” Kareiva wrote: “Ironically, conservation is losing the war to protect nature despite winning one of its hardest fought battles—the fight to create parks, game preserves, and wilderness areas. Even as we are losing species and wild places at an accelerating

rate, the worldwide number of protected areas has risen dramatically, from under 10,000 in 1950 to over 100,000 by 2009. Around the world, nations have set aside beautiful, biodiverse areas where human development is restricted. By some estimates, 13 percent of the world’s landmass is protected, an area larger than all of South America.”

Mark Dowie, author of “Conservation Refugees,” says: “About half the land selected for protection by the global conservation establishment over the past century was either occupied or regularly used by indigenous peoples. In the Americas that number is over 80 percent.”

Antiquities Act monuments can reduce biodiversity while displacing people, creating conservation refugees. Kareiva states, “Estimates vary from five million people displaced over the last century by conservation to tens of millions, with one Cornell University professor estimating that 14 million individuals have been displaced by conservation in Africa alone.”

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OPPOSITE: President Theodore Roosevelt designated 1,153 acres surrounding Devils Tower in Wyoming in 1906. After that, presidents “went big.” Too big.

ington’s Mount Olympus. Roosevelt’s tally: 1.5 million acres. Calvin Coolidge’s proclamations were equally grandiose with 1.4 million acres in Glacier Bay (1925), enlarged by 900,000 acres by Franklin Roosevelt (1939). At the close of FDR’s presidency, 8.6 million acres were under Antiquities Act control.

Jimmy Carter designated 56 million acres and Bill Clinton added 5.7 million. George W. Bush designated almost 220 million acres in the Pacific, from which fishing is severely restricted. Barack Obama expanded acreage on three (including Bush’s massive marine monument by 465 million acres), added 23 more for a record-breaking half a billion acres.

Congress was not inert during this process. It has introduced dozens of bills to address conflicts, redesignating over 50 percent of the Act’s acreage as national parks and sanctuaries, and occasionally transferring monuments from federal to state control. You can see this give and take at a National Parks Service inventory at www.nps.gov/archeology/sites/antiquities/MonumentsList.htm. There are no totals in this inventory but National Parks Conservation Association kindly shared its spreadsheet, so we did the math.

Congressional Research Service states, “Monument designation can limit or prohibit land uses, such as development or recreational uses.” The process, some argue, extinguishes states’ rights and negatively impacts various forms of access, enterprise and private property rights (residences and commercial enterprises; water, grazing, hunting, trapping and fishing rights; conflicts with the Magnuson-Stevens Fishery Conservation and Management Act; mineral, oil and gas leases; timber harvesting; off-road access, and more). The process can reduce county revenue, create “inholders” within the federal estate, and force access into a D.C. permitting process.

As a result, permits to access for multiple-use purposes often become problematic. There are complaints over loss of grazing rights and permits for simple berry picking, complaints about regulations restricting campers to small groups forced to pitch camp a mile from water sources, making it impossible for humans to enjoy rivers and

lakes or water their horses. If hikers can’t water packhorses, they are denied access via regulation, a soft eviction. There are complaints about the lack of access for commercial opportunities, to restrictions on road maintenance for fire prevention and forest health. Conflicts exist from sea to shining sea.

“Conservation is widely viewed as the innocent and uncontroversial practice of purchasing special places threatened by development,” says Dr. Kareiva. “In truth, for 30 years the global conservation movement has been racked with controversy arising from its role in expelling indigenous people from their lands in order to create parks and reserves. The modern protection of supposed wilderness often involves resettling large numbers of people, too often without

no longer be business as usual.

“The view from the Potomac is a lot different than the view from the Yellowstone or the Colorado,” says Zinke. “Too many times, you have people in D.C. who have never been to an area, never grazed the land, fished the river, driven the trails, or looked locals in the eye, who are making the decisions and they have zero accountability to the impacted communities. Historically, the act calls for the president to designate the ‘smallest area compatible with proper care and management of the objects to be protected.’ Despite this clear directive ‘smallest area’ has become the exception and not the rule.”

Dr. Kareiva asks for “[C]onservation to embrace marginalized and demonized groups and to embrace a priority that has

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fair compensation for their lost homes, hunting grounds, and agricultural lands.”

“The trend has been to go big,” says Chuck Cushman of American Land Rights. “Presidents have abused that authority and protected vast areas far beyond what was necessary to protect areas. It’s been politically motivated rather than resource protection. Seems like it would be an easy thing for President Trump to reduce the size so the monument is still there, but it’s much more palatable to the local people.”

Beyond reducing the size of monuments, transferring land from federal to state control repositions power closer to the people, often in the form of a state park. Congress has several times transferred national monuments back to the states, so precedent exists. [Check author’s award-winning story, “A Small Law With a Mighty Big Take,” *RANGE*, Fall 2013 at rangemagazine.com.] Whether controlled by the state or the feds (as Mark Dowie explains in “What’s a Park For?” *RANGE*, Summer 2017), food production and other uses are often allowed in parks.

Secretary Zinke, wearing his cowboy hat and riding a horse to the office on his first day of work at the DOI, signaled support of working landscapes, a message that it would

been anathema to us for more than a hundred years: economic development for all.”

In the Internet age, we can actually meet the people impacted by Antiquities Act designations. There is no excuse for ignoring them. This string of personal stories compiled by Carbon County Commissioner Casey Hopes is a good place to start: www.americanlandscouncil.org/personal_stories_casey_hopes.

Perhaps the League of Conservation Voters, The Nature Conservancy, and the Center for Biological Diversity will distribute Kareiva’s essay along with the American Land Council link so that people in New York City, Los Angeles and San Francisco can hear from rural America? Maybe the Wilderness Society will share with the 450 groups opposing Antiquities Act changes so it can meet America’s very own conservation refugees?

Maybe? One can only hope. ■

Teresa Platt writes on resource policy and lives in Gird Valley in San Diego County where she spent 2016 building a coalition that saved 116 acres from development. Private ownership, combined with conservation easements, is restoring the property into a working landscape—a vineyard and winery.