



**Testimony On The Shash Jáa National Monument and Indian Creek National Monument Act**

**(H.R. 4532)**

**January 12, 2018**

**For consideration by the Subcommittee on Federal Lands  
United States House of Representatives**

**Submitted by**

**Erik Murdock, Policy Director**

**Access Fund**

**[www.accessfund.org](http://www.accessfund.org)**

Dear Chairman McClintock and Members of the Subcommittee on Federal Lands:

On behalf of The Access Fund, we welcome the opportunity to submit this testimony for inclusion into the public record regarding the proposed “Shash Jáa National Monument and Indian Creek National Monument Act,” also known as H.R. 4532.

The Access Fund is a national advocacy organization and accredited land trust whose mission is to keep climbing areas open and to conserve the climbing environment. A 501(c)(3) non-profit organization and accredited land trust representing millions of climbers nationwide in all forms of climbing—rock climbing, ice climbing, mountaineering, and bouldering—the Access Fund is the largest US climbing advocacy organization with over 15,000 members and 100 local affiliates. The Access Fund provides climbing management expertise, stewardship, project-specific funding, and educational outreach.

For nearly twenty years, Access Fund’s policy program has included land management issues within the State of Utah. Access Fund’s efforts in Utah include participating as a leading stakeholder in the BLM Monticello Field Office’s Indian Creek Corridor planning process, as well as advocacy for climbing interests for three years during attempts to pass Utah Congressman Bishop’s Public Lands Initiative. Access Fund’s three Conservation Teams (trail building specialists) have spearheaded and worked on numerous stewardship projects within the Bears Ears National Monument, resulting in camping and parking improvements, the installation of toilets, and the construction and maintenance of climbing access trails.

Access Fund staff dedicated hundreds of hours to engaging a wide range of stakeholders, including tribal interests, local government, the conservation community, and recreation groups to seek permanent protection for the Bears Ears region through national monument designation. Ultimately, for the first time in history, President Obama expressly mentioned rock climbing as one of the recreational opportunities to be protected through the establishment of the Bears Ears National Monument.

Bears Ears National Monument, as defined by Presidential Proclamation 9558, dated December 28, 2016, protects thousands of archeological, paleontological and cultural sites. It also provides for much needed landscape-scale management and unique opportunities for world-class recreation. The Bears Ears region offers a climbing experience unlike any other, especially at locations such as Indian Creek, Harts Draw, Valley of the Gods, Arch Canyon, and Lockhart Basin. Access Fund members regularly visit the Bears Ears region to climb, hike, camp, canyoneer, and explore in Bears Ears National Monument. In addition to their appreciation of the beauty and solitude afforded by the Bears Ears region, Access Fund members enjoy visiting and viewing the vast cultural resources contained in the Bears Ears region, which contribute significantly to their spiritual and aesthetic enjoyment of the area.

Access Fund fundamentally opposes the illegal reductions to Bears Ears National Monument that are asserted in Presidential Proclamation 9681. We believe that once a President has used the Antiquities Act to create a national monument that protects objects of historic or scientific

interest, a subsequent President does not have the authority to undo those protections. This regime prevents the management of federally protected national monument lands from fluctuating over the years, subject to the political motivations of the current president. Nonetheless, we cannot support legislation that unjustifiably removes protections for large swathes of the Bears Ears National Monument and that sets a dangerous precedent for all national monuments, many of which have been extremely beneficial to rock climbers, other recreationists, local communities, and the American public as a whole.

Please find below Access Fund's comments and suggested improvements to H.R. 4532 that would ensure an appropriately well-managed Bears Ears National Monument.

### **Problems with H.R. 4532**

A fundamental problem with H.R. 4532 is that it would codify President Trump's misuse of the Antiquities Act. Climbers and many other stakeholders have significantly benefitted from protections for places like Devils Tower, Wyoming; Joshua Tree, California; Arches, Utah; Black Canyon of the Gunnison, Colorado; and other iconic climbing locations that might look very different today but for the Antiquities Act.

Additionally, H.R. 4532 would eliminate President Obama's recognition in Proclamation 9558 that "rock climbing" is a valuable use of the Bears Ears landscape, something the Bears Ears Commission has supported. The bill also foregoes the benefits of a landscape-level plan afforded to the initial 1.35 million-acre Bears Ears National Monument – under this proposed law, management would be fragmented and less effective. Moreover, H.R. 4532 would redesign advisory committees (*i.e.*, the "Indian Creek Management Council") by removing a role for recreation interests and by providing the committees with the power to override the Bears Ears Commission's recommendations.

Finally, H.R. 4532 would significantly shift power to local and state governments, which greatly favor resource extraction and other short-term economic gains, by giving them primary advisory roles on the management councils.

### **Positive elements of H.R. 4532**

The Access Fund appreciates the following provisions outlined in H.R. 4532:

- Full mining withdrawal (oil, gas, potash, uranium, coal) for the entire 1.35 million-acre Bears Ears National Monument area originally designated by President Obama.
- Funding for 20 law enforcement personnel (although this should perhaps be earmarked to also fund resource interpretation staff).
- Maintaining "historic uses" such as recreation.

While the Access Fund appreciates some of the positive elements of H.R. 4532, the significant problems posed by the marginalization of the Antiquities Act, the removal of "rock climbing" as

a recognized valuable use of the protected region, and the restructuring of advisory committees to remove the voice of recreation make this legislative proposal untenable.

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Thank you for the opportunity to provide testimony on the Shash Jáa National Monument and Indian Creek National Monument Act.

Respectfully Submitted,

A handwritten signature in black ink that reads "Erik Murdock". The signature is written in a cursive, slightly slanted style.

Erik Murdock  
Policy Director  
Access Fund

Cc: Brady Robinson, Access Fund Executive Director  
Adam Cramer, Outdoor Alliance Executive Director