



**Testimony by Glenn Hamer
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On behalf of the Arizona Chamber of Commerce and Industry, we welcome this opportunity to submit for the record the following testimony, as well as a policy paper by the Arizona Chamber Foundation and Prosper Foundation, regarding the implications of the designation of the Grand Canyon Watershed National Monument.

President Obama is considering using his power pursuant to the 100-year old Antiquities Act to designate 1.7 million acres in northern Arizona—an area larger than the state of Delaware—the Grand Canyon Watershed National Monument. Monument designation will limit lands available for multiple use in Arizona, impede efficient land and resource management, and represent unwarranted and unwanted federal overreach.

The Antiquities Act was originally intended to enable presidents to quickly protect federal lands and resources that contain historic landmarks and objects of scientific or historical interest, especially to prevent looting of archaeological and Native American sites. Unfortunately, the Antiquities Act contains few if any checks to ensure monument designations adhere to the limitations set forth in the Act itself.

A monument designation in northern Arizona would be particularly damaging for a variety of reasons. First, almost 70 percent of Arizona is already controlled by the federal government; Arizona has more national parks and monuments than any other state. The National Park Service, which is the branch of the Department of Interior that typically manages national parks and monuments, is already struggling to maintain the land under its control, with an estimated shortfall in deferred maintenance of \$11.5 billion. National parks and monuments in Arizona represent nearly \$500 million of that shortfall, with Grand Canyon National Park alone suffering a shortfall of \$329.5 million. Adding another 1.7 million acres will only hinder—not help—land management, conservation and access.

Furthermore, Arizona and the federal government have historically enjoyed a multiple-use partnership on the large percentage of Arizona's land under federal control. This partnership was born out of a bipartisan stakeholder consensus formed in the 1980s, including Arizona's congressional delegation, the federal government and environmental groups, and has been a critical component of the state's economic vitality. President Obama's proposed monument designation completely upends that partnership, undermining the state-federal partnership that has previously characterized land management in Arizona.

Second, the monument designation has implications for private property and water rights in Arizona. Because a monument designation “federalizes” the land, it could impact the surface and groundwater rights in the monument area. Unless the monument designation is written to specifically respect existing water rights—and there is no indication it will—the monument designation will automatically carry an implied water right to serve the purposes of the designation. This opens the door to more conflicts in Arizona’s general stream adjudications, including claims involving the complex interactions between surface and groundwater and putting state and private rights to the watershed in and around the monument area at risk.

Monument designation also has negative implications for the future of education funding in the state by locking up 64,000 acres of State Trust land. Protecting State Trust land is more important now than ever in light of Proposition 123, a ballot initiative passed by Arizona voters in May 2016 that increases the financial distributions from the trust to beneficiaries, the most prominent of which is the state’s K-12 system.

Arizona’s State Enabling Act makes clear that State Trust land may only be used in a way that serves the best interest of the trust. By locking up 64,000 acres of State Trust land without any discussion of compensation, the amount of money available to fund education in Arizona will be reduced.

Finally, we know from past experience that a monument designation doesn’t necessarily protect the plants and animals that live there. For example, in 1999, there were more than 100 big horn sheep in the area that was later designated the Sonoran Desert National Monument. But monument designation made it more difficult for the Arizona Department of Game and Fish to access the area and provide new water sources. Since the monument designation the sheep population has plummeted to fewer than 35.

Proponents of monument designation like to say that designation is necessary to protect the Grand Canyon. That simply is not true. The Grand Canyon is already protected as a national park. This monument designation has nothing to do with the Grand Canyon—it’s about imposing more federal control and further restricting Arizona’s land without any input or oversight from local stakeholders.

A new national monument designation will restrict access to wilderness areas, impede active forest, wildlife and resource management, and risk jeopardizing Arizona’s natural resources by placing them under the custody of an agency already experiencing a multi-billion dollar shortfall. The best way to protect Arizona’s land and natural resources is to enact good public policies that entrust the care of those resources to the people who know the land best—those here in Arizona.

We appreciate the opportunity to share our concerns over the abuse of the Antiquities Act. The Arizona Chamber of Commerce and Industry stands ready to offer its insight on this and other land and resource management issues as the Committee considers them in the future.