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July 9, 1999

The Honorable Frank H. Murkowski
Chairman, Committee on Energy
and Natural Resources
United States Senate

The Honorable Larry E. Craig
Chairman, Subcommittee on Forests
and Public Land Management
United States Senate

Subject: Federal Land Management: Information on Usage of the Antiquities Act

The Antiquities Act of 1906 authorizes the President of the United States to establish, by public proclamation, national monuments on federal land. Under the act, the President can protect objects of historic or scientific interest, such as archaeological sites. You asked us to review how the act has been used since its passage. On June 16, 1999, we provided your staff with (1) information on the monuments that have been established under the act and (2) a comparison of the requirements, if any, for environmental documentation and public participation, and of the processes, if any, for facilitating congressional oversight found in the act and in three other pieces of legislation—the National Environmental Policy Act of 1969 (NEPA), the Federal Land Policy and Management Act of 1976 (FLPMA), and the National Forest Management Act of 1976 (NFMA). These three laws concern executive agency actions; each provides a framework for executive agencies to plan for and examine their actions affecting federal lands.

To gather this information, we reviewed relevant laws and appropriate regulations. For our analysis, we defined the terms “environmental documentation” and “public participation” to include the following specific requirements: “Environmental documentation” requires that agencies analyze and report to the public on the anticipated environmental effects of proposed changes in their management of federal lands. “Public participation” requires that agencies provide opportunities for the general public to know about and express opinions on proposed actions, whether through public hearings or through comments on draft environmental analyses or other documents. In addition, “facilitating congressional oversight,” as we interpreted the phrase, means presenting and making enough public information available for the Congress to provide effective oversight of proposed or planned actions affecting the management of federal lands.

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National Monuments Established by Presidential Proclamation Under the Antiquities Act

Since 1906, 105 national monuments have been established by presidential proclamation. When established, these monuments comprised almost 63 million acres.¹ Of the 105 monuments, 89 were established before NEPA was passed in 1969 and covered almost 7 million acres. In December 1978, 15 additional national monuments, covering over 54 million acres, were established in Alaska. The next, and most recent, use of the Antiquities Act occurred in September 1996, when almost 2 million acres in southern Utah were designated as the Grand Staircase-Escalante National Monument. Figures summarizing the number and acreage of the monuments established (1) before and after NEPA was passed and (2) by decade appear in enclosure I. All of the monuments and their acreage when established are listed in enclosure II.

Comparison of Requirements Under the Antiquities Act and Three Other Laws

The Antiquities Act² confers presidential authority; it contains no requirements for environmental documentation or public participation and includes no processes for facilitating congressional oversight. However, the act does not preclude the President from requiring that environmental effects be documented or from soliciting public participation or congressional involvement.

NEPA,³ whose purpose is, in part, to prevent or eliminate damage to the environment, requires federal agencies to prepare statements for "major federal actions significantly affecting the quality of the human environment." Under the act, these environmental impact statements must include detailed information on the environmental effects of the proposed action, alternatives to the proposed action, the relationship between long-term and short-term uses, and any irreversible commitments of resources the proposed action would involve. By regulation, agencies are required to solicit the opinions of the general public through hearings or public comment on draft environmental impact statements. Although the act does not require agencies to report directly to the Congress on proposed or actual major federal actions, it does facilitate congressional oversight by requiring public disclosure of agencies' analyses of proposed major federal actions. It also requires the President to report annually to the Congress on the condition of the environment and on trends in the quality, management, and use of the nation's natural resources.

FLPMA,⁴ which established planning guidelines for public lands managed by the Department of the Interior's Bureau of Land Management, requires that the Secretary of the Interior develop plans for the lands' use and management. FLPMA further requires

¹After many of these monuments were established, their boundaries were changed by legislation or presidential proclamation. In many cases, monuments were incorporated into other national park units or redesignated (for example, as national parks, historic sites, or preserves).

²16 U.S.C. 431.

³42 U.S.C. 4321 *et seq.*

⁴43 U.S.C. 1701 *et seq.*

that the Secretary, in preparing these plans, give priority to protecting areas of critical environmental concern, taking into account present and potential uses of the land and weighing long-term and short-term benefits. Under the Bureau's regulations, a plan is to be a written document, and its approval is considered a major federal action requiring environmental impact statements for the proposed plan and for alternatives to it. Like NEPA, FLPMA prescribes a public forum for decision-making that facilitates congressional oversight. FLPMA requires that the Secretary give the public the opportunity to participate in planning and decision-making through such vehicles as public meetings or hearings or advisory groups. In addition, the Secretary is required to report to the Congress on certain decisions to restrict uses (such as the development of mineral resources) on public lands. Furthermore, FLPMA restricts the Secretary's authority to make certain land management decisions without public hearings and congressional involvement.

NFMA,⁵ which established a land-use planning process for the Department of Agriculture's Forest Service, specifically requires that the Secretary of Agriculture prepare plans for managing the national forests in accordance with the requirements of NEPA. NFMA directed the Secretary to issue regulations specifying when and for what plans an environmental impact statement shall be prepared. It also requires that the Secretary hold public meetings and invite public comment on proposed forest plans, a public process that facilitates congressional oversight.⁶

A table showing the presence or absence of these requirements and processes in each of the acts is provided in enclosure III.

Scope and Methodology

To document the number of national monuments and their acreage when established, we obtained and analyzed information listed in the United States Code Annotated, information from the Department of the Interior and from the National Park Service's historian, and information from other published sources, including the presidential proclamations establishing the monuments. In addition, we reviewed the Antiquities Act, NEPA, FLPMA, and NFMA and their applicable regulations to identify any requirements for environmental documentation and public participation and any processes for facilitating congressional oversight. Finally, we discussed the information contained in our report with the National Park Service's historian. We conducted our review from May 1998 through June 1998 in accordance with generally accepted government auditing standards.

⁵NFMA (P.L. 94-588) amended the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601 *et seq.*).

⁶In addition, the Forest and Rangeland Renewable Resources Planning Act of 1974 requires the Forest Service to prepare and submit to the Congress public documents that assess the status of the nation's resources and the agency's policies.

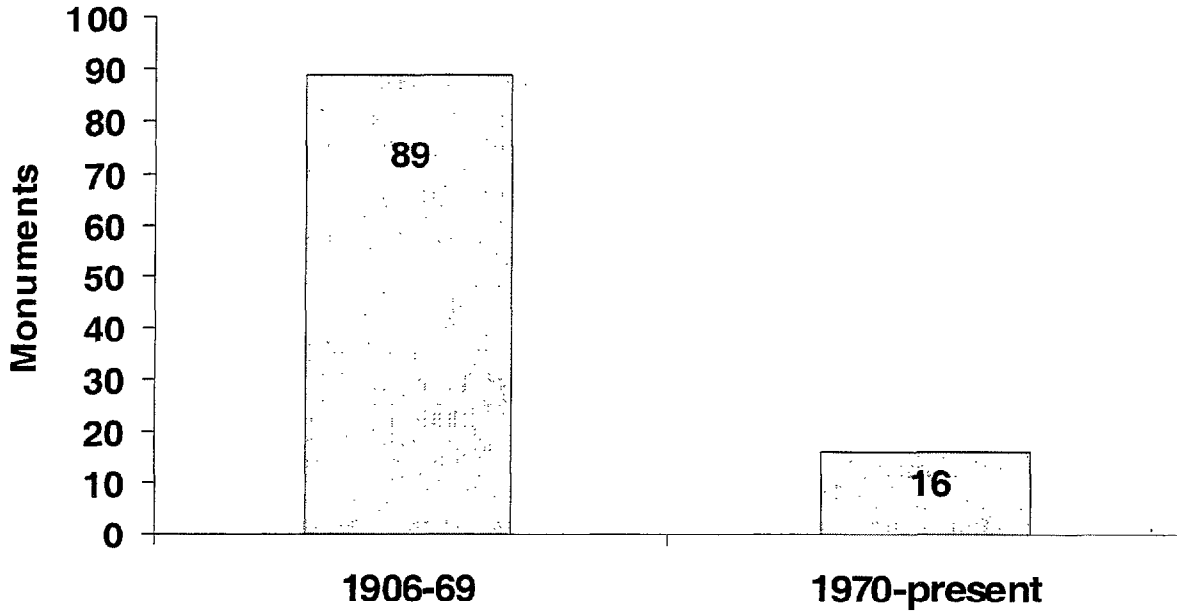
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If you or your staff have any questions, please call me at (202) 512-3841. Key contributors to this report were Jennifer L. Duncan, Alan R. Kasdan, and Sue Ellen Naiberk.

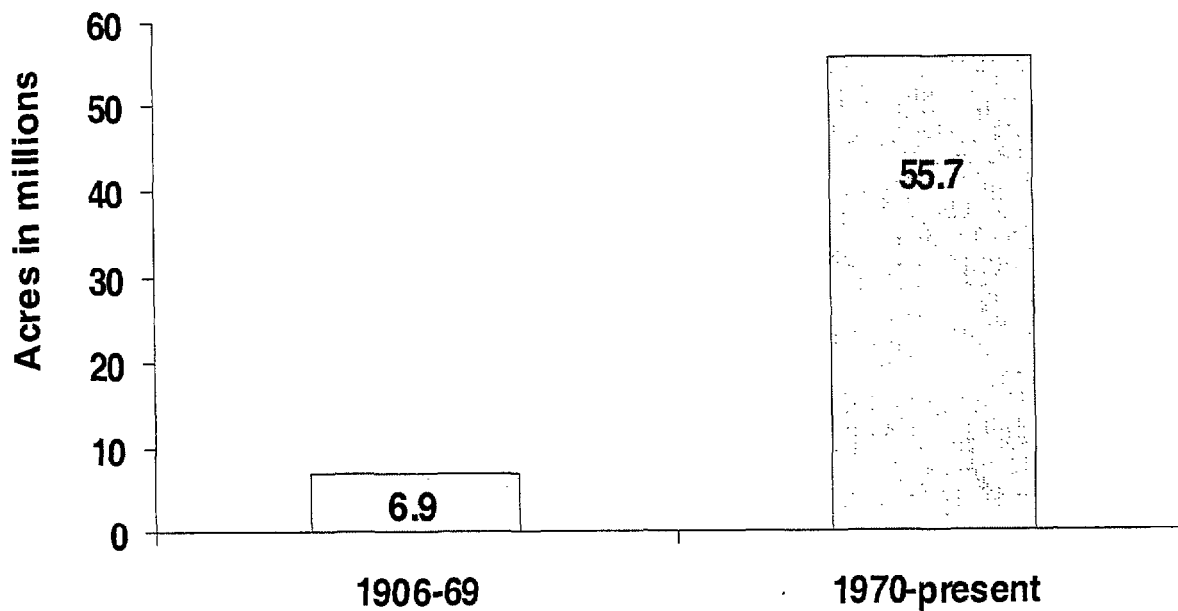
A handwritten signature in black ink, appearing to read "Barry T. Hill". The signature is written in a cursive style with a large initial "B".

Barry T. Hill
Associate Director, Energy,
Resources, and Science Issues

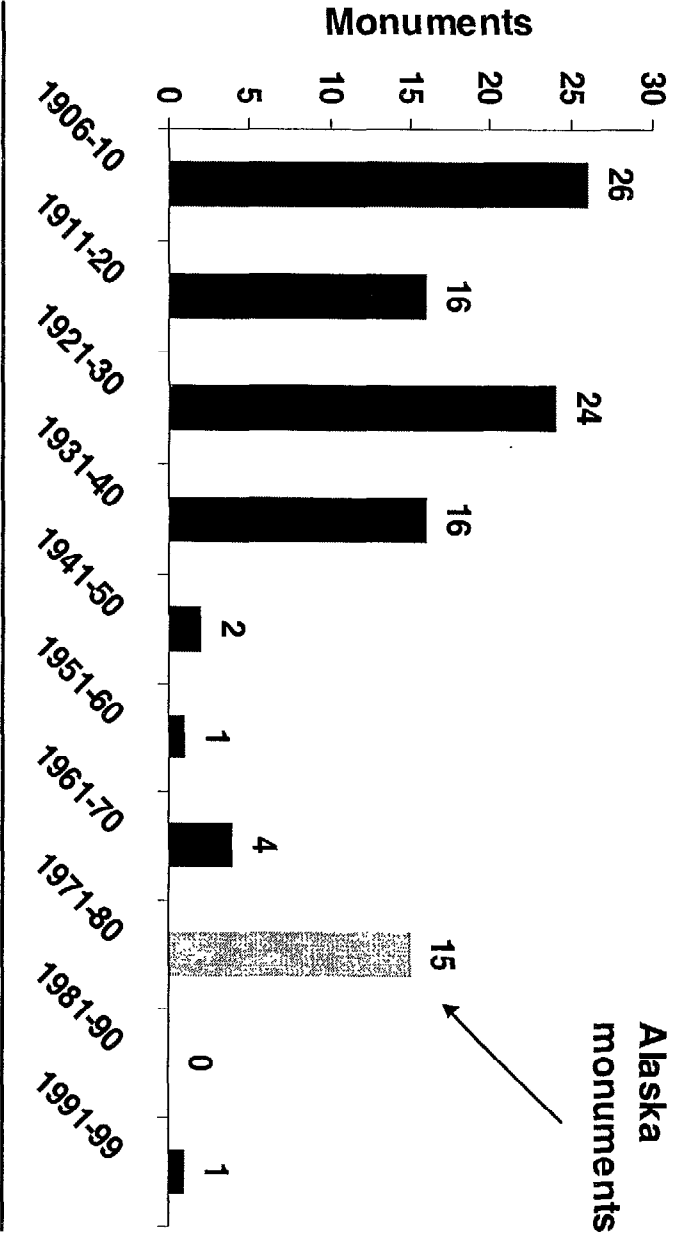
GAO National Monuments Established by Presidential Proclamation, Before and After NEPA



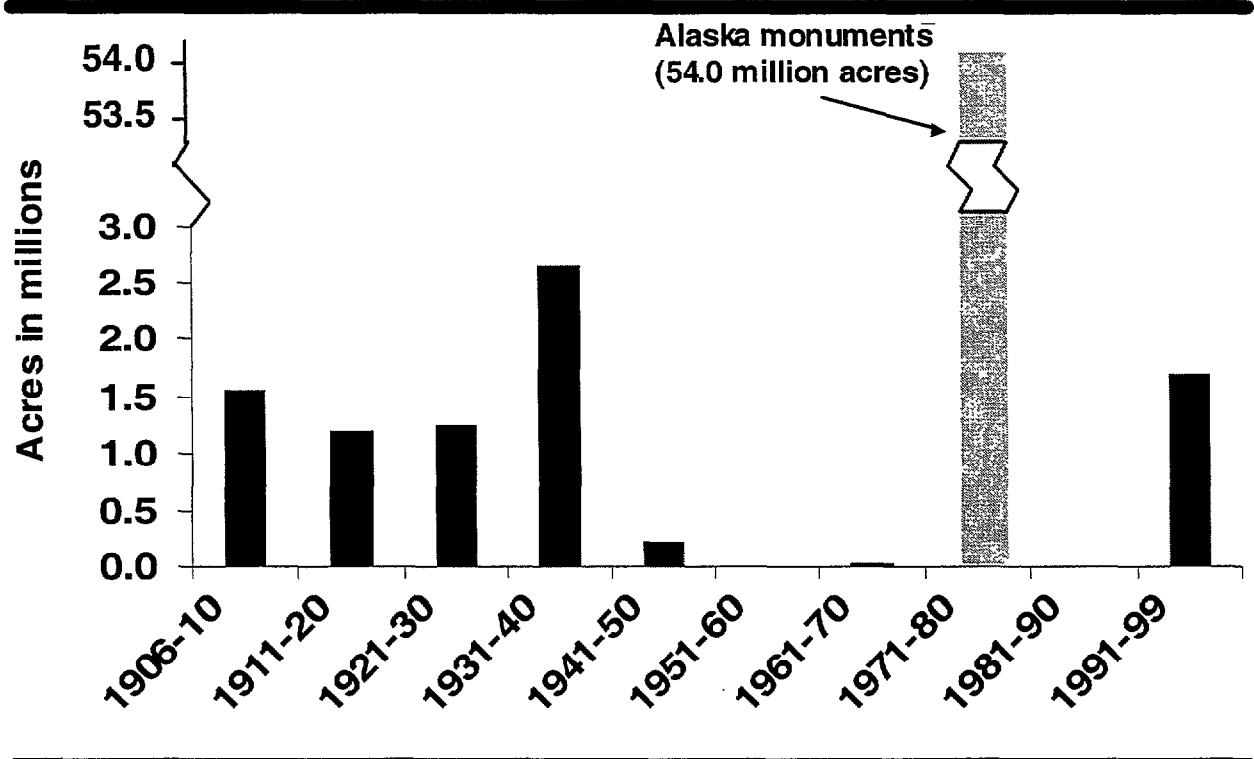
GAO Acreage of National Monuments Established by Presidential Proclamation, Before and After NEPA



GAO National Monuments Established by Presidential Proclamation, by Decade



GAO Acreage of National Monuments Established by Presidential Proclamation, by Decade



National Monuments Established by Presidential Proclamation

Period	Monument name	State	Acreage when established
1906-10	Devil's Tower	Wyoming	1,152.91
	El Morro	New Mexico	160.00
	Montezuma Castle	Arizona	160.00
	Petrified Forest	Arizona	60,776.02
	Chaco Canyon	New Mexico	20,629.40
	Cinder Cone	California	5,120.00
	Lassen Peak	California	1,280.00
	Gila Cliff-Dwellings	New Mexico	160.00
	Tonto	Arizona	640.00
	Muir Woods	California	295.00
	Grand Canyon I	Arizona	808,120.00 ^b
	Pinnacles	California	2,080.00
	Jewel Cave	South Dakota	1,274.56 ^b
	Natural Bridges	Utah	120.00 ^b
	Lewis and Clark Cavern	Montana	160.00
	Tumacacori	Arizona	10.00
	Wheeler	Colorado	300.00
	Mount Olympus	Washington	639,200.00 ^b
	Navajo	Arizona	360.00 ^b
	Oregon Caves	Oregon	480.00
	Mukuntuweap	Utah	16,000.00 ^b
	Shoshone Cavern	Wyoming	210.00
	Gran Quivira (now Salinas Pueblo Missions)	New Mexico	160.00
	Sitka	Alaska	57.00
	Rainbow Bridge	Utah	160.00
	Big Hole Battlefield	Montana	5.00
	1911-20	Colorado	Colorado
Devil Postpile		California	798.46 ^b
Cabrillo		California	0.50 ^b
Papago Saguaro		Arizona	2,050.43
Dinosaur		Colorado and Utah	80.00
Walnut Canyon		Arizona	960.00
Bandelier		New Mexico	23,352.00 ^b
Sieur de Monts		Maine	5,000.00
Capulin Mountain (now Capulin Volcano)		New Mexico	680.37
Old Kasaan		Alaska	43.00 ^b
Verendrye		North Dakota	253.04
Zion I		Utah	60,800.00 ^c
Casa Grande (now Casa Grande Ruins)		Arizona	480.00
Katmai		Alaska	1,088,000.00
Scotts Bluff		Nebraska	2,053.83
Yucca House	Colorado	9.60 ^b	

Enclosure II

Period	Monument name	State	Acreage when established	
1921-30	Lehman Caves	Nevada	593.03	
	Timpanogos Cave	Utah	250.00	
	Fossil Cycad	South Dakota	320.00	
	Aztec Ruin (now Aztec Ruins)	New Mexico	4.60	
	Hovenweep	Colorado and Utah	285.80	
	Mound City Group	Ohio	57.00	
	Pipe Spring	Arizona	40.00	
	Bryce Canyon	Utah	7,440.00	
	Carlsbad Cave	New Mexico	719.22	
	Chiricahua	Arizona	3,655.12 ^b	
	Craters of the Moon	Idaho	22,651.80 ^b	
	Castle Pinckney	South Carolina	3.50	
	Fort Marion (now Castillo de San Marcos)	Florida	18.51 ^b	
	Fort Matanzas	Florida	1.00	
	Fort Pulaski	Georgia	20.00	
	Statue of Liberty (Fort Wood)	New York	2.50	
	Wupatki	Arizona	2,234.10	
	Meriwether Lewis	Tennessee	50.00	
	Glacier Bay	Alaska	1,164,800.00	
	Father Millet Cross (Fort Niagara)	New York	0.01 ^d	
	Lava Beds	California	45,589.92 ^b	
	Arches	Utah	4,520.00	
	Holy Cross	Colorado	1,392.00	
	Sunset Crater (now Sunset Crater Volcano)	Arizona	3,040.00 ^b	
	1931-40	Great Sand Dunes	Colorado	35,528.36 ^b
		Grand Canyon II	Arizona	273,145.00
		White Sands	New Mexico	131,486.84 ^b
		Death Valley	California and Nevada	848,581.36 ^b
		Saguaro	Arizona	53,510.08 ^b
		Black Canyon of the Gunnison	Colorado	10,287.95 ^b
Cedar Breaks		Utah	5,701.39 ^b	
Fort Jefferson		Florida	47,125.00 ^b	
Joshua Tree		California	825,340.00	
Zion II		Utah	49,150.00	
Organ Pipe Cactus		Arizona	330,690.00	
Capitol Reef		Utah	37,060.00	
Channel Islands		California	1,119.98 ^b	
Fort Laramie		Wyoming	214.41	
Santa Rosa Island		Florida	9,500.00	
Tuzigoot	Arizona	42.67		

Enclosure II

Period	Monument name	State	Acreage when established
1941-50	Jackson Hole	Wyoming	210,950.00 ^b
	Effigy Mounds	Iowa	1,000.00 ^b
1951-60	Edison Laboratory	New Jersey	1.51 ^b
1961-70	Chesapeake and Ohio Canal	Maryland	4,800.00
	Russell Cave	Alabama	310.45 ^b
	Buck Island Reef	Virgin Islands	850.00
	Marble Canyon	Arizona	26,080.00
1971-80	Admiralty Island	Alaska	1,100,000.00
	Aniakchak	Alaska	350,000.00
	Becharof	Alaska	1,200,000.00
	Bering Land Bridge	Alaska	2,590,000.00
	Cape Krusenstern	Alaska	560,000.00
	Denali	Alaska	3,890,000.00
	Gates of the Arctic	Alaska	8,220,000.00
	Kenai Fjords	Alaska	570,000.00
	Kobuk Valley	Alaska	1,710,000.00
	Lake Clark	Alaska	2,500,000.00
	Misty Fjords	Alaska	2,285,000.00
	Noatak	Alaska	5,800,000.00
	Wrangell-St. Elias	Alaska	10,950,000.00
Yukon Flats	Alaska	10,600,000.00	
Yukon-Charley	Alaska	1,720,000.00	
1981-present	Grand Staircase-Escalante	Utah	1,700,000.00 ^e

*Unless otherwise noted, the acreage is the amount specified or described in the presidential proclamation establishing each monument.

^bAcreage information obtained from the Department of the Interior.

^cThis national monument (Zion I) totaled 76,800 acres when proclaimed. However, because it incorporated the Mukuntuweap National Monument, which totaled 16,000 acres, we show the net increase in acreage resulting from the proclamation, which is 60,800 acres.

^dThe proclaimed acreage for this monument was 0.0074.

^eThe size of the Grand Staircase-Escalante monument was later adjusted to 1.9 million acres.

GAO Requirements in the Antiquities Act, NEPA, FLPMA, and NFMA

	Requires environmental documentation	Requires public participation	Facilitates congressional oversight
Antiquities Act ^a	✗	✗	✗
NEPA ^b	✓	✓	✓
FLPMA ^b	✓	✓	✓
NFMA ^b	✓	✓	✓

^aConfers presidential authority.

^bPertains to a federal agency or agencies.

✓ = yes ✗ = no

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