



SOCIETY FOR AMERICAN ARCHAEOLOGY

**Testimony of the Society for American Archaeology
On the Shash Jáa National Monument and Indian Creek National Monument Act (H.R. 4532)
House Natural Resources Federal Lands Subcommittee
January 30, 2018**

The Society for American Archaeology (SAA) appreciates this opportunity to provide its views on H.R. 4532, the Shash Jáa National Monument and Indian Creek National Monument Act. While there are several provisions of the bill that merit further consideration, we cannot support the legislation in its current form.

SAA is an international organization that, since its founding in 1934, has been dedicated to the research about and interpretation and protection of the archaeological heritage of the Americas. With more than 7,000 members, SAA represents professional archaeologists in colleges and universities, museums, government agencies, and the private sector. SAA has members in all 50 states as well as many other nations around the world.

The former Bears Ears National Monument, whose creation SAA strongly supported, encompassed a landscape of great importance to both the scientific knowledge and cultural heritage of the United States and the many peoples who have lived here over the millennia. As we and hundreds of our members noted in comments provided to the Department of Interior during its 2017 review of large-scale Monuments created after 1996, the best estimate of the minimum number of both known and as-yet undiscovered archaeological sites present on the Bears Ears landscape is 100,000. With the President's administrative action last December, most of those irreplaceable sites now enjoy less protection than those that remain within the new boundaries of the two much-reduced replacement monuments.

Overall, SAA views H.R. 4532 as an effort to provide congressional approval of the President's move to shrink the Bears Ears Monument. It would codify an executive action of questionable legality that reversed the optimal and appropriate protection of heritage resources that the original Bears Ears Monument represented. More specifically, the bill seeks to create a new type of administrative structure (Management Councils) for the two Monuments that we believe will prove ill-advised and unworkable. While local input into Monument designation and oversight must be solicited and taken into consideration, the day-to-day control of federal lands that belong to all Americans must remain firmly in federal jurisdiction. Further, numerous tribal groups, including the Bears Ears Inter-Tribal Council, have spoken in strong opposition to H.R. 4532's proposed method of designating the Management Councils and to some of the requirements that members of the panel would have to meet. The effect of these would be to replace the legally required government-to-government consultation relationship that existed with the Bears Ears Monument with a mechanism that diminishes tribal voices when it comes to the protection of important cultural resources and subordinates them to non-tribal local input.

Having said all this, we acknowledge and greatly appreciate the inclusion of provisions to better protect and interpret the archaeological sites present in the successor Monuments to Bears Ears. The Archaeological Resource Protection Units outlined in Sections 107 and 207 acknowledge the significant value of these sites to the nation and would enable better planning and technical assistance for the preservation, research, and interpretation of these irreplaceable assets. We also strongly support Sections 108 and 208, which would provide greater funding and staff resources to protect sites from looting and vandalism.

Even though we cannot support the legislation as currently written, SAA stands ready to assist the subcommittee in advancing a measure that contains the archaeological protections as a stand-alone bill. Alternatively, SAA could consider supporting an amended bill that revamps the management provisions and limits the scope of the president's administrative action.