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# THE GRAND STAIRCASE

*Mining jobs are good jobs, and mining is important to our national economy and to our national security. But we can't have mines everywhere, and we shouldn't have mines that threaten our national treasures.*

So declared President Clinton on September 18, 1996, when he announced the establishment of the Grand Staircase–Escalante National Monument (GSE) in southern Utah. President Clinton bypassed Congress by invoking the 1906 Antiquities Act, a pre–World War I law allowing the president to unilaterally declare any federal land of historic or scientific interest to be a national monument—to be regulated so as to protect these interests. In effect, with a stroke of his pen, the president had banned mining in GSE.

The designation provoked an outraged response from residents of Utah and high praise from many environmentalists. In Utah, both the president and Secretary of the Interior Bruce Babbitt were burned in effigy. Utah's congressional delegation vowed to repeal the Antiquities Act. Utah newspapers denounced the decision. The criticism centered on two themes: that the president had peremptorily denied Utah's local control and that environmental protection in GSE would restrict employment in an already economically depressed area.

The GSE includes 1.7 million acres of some of the wildest land remaining in the lower forty-eight United States and was the last area to be mapped in the continental United States. The large elevation and terrain changes in

the area—from desert to coniferous forest—provide a large variety of habitats and consequently rich biodiversity. The GSE is also rich in archaeological sites, providing information on ancient Native American cultures and early Mormon settlers and containing significant paleontological finds as well.

But the area, though wild, is certainly not untouched by human activity. Small coal mines operated in the area from the late 1800s into the 1960s. Over sixty oil wells have been drilled within what is now the GSE since 1921. Nevertheless, the area's remoteness and the then-low estimates of its resource deposits effectively discouraged more aggressive exploration and exploitation.

That changed in 1996, when a Dutch-owned company announced plans to open a large-scale coal mining operation in the area. Although there were varying accounts of the quantity and quality of coal in the area, most were very optimistic, and local residents looked forward to the jobs the mine would bring.

## DISCUSSION

The proclamation establishing the GSE stated, "Remoteness, limited travel corridors and low visitation have all helped to preserve the monument's important ecological values."[1] Ironically, declaring the GSE a national monument has attracted attention to the area, and visitation has since increased dramatically, virtually ensuring that the three previously cited factors will soon be threatened. Even before any new roads or camping areas were constructed, visitation to the area more than doubled.

Utah's congressional delegation is now pushing for the commercialization of the area in order to bring in tourist dollars in lieu of mining jobs. Representative Jim Hansen of Utah seems to enjoy the irony: "What environmentalists don't understand is that this is going to come back and haunt them. So instead of locking this up so only the birds and bees can see it, they're going to encourage a lot of visitors."[2]

The Bureau of Land Management is currently creating a long-term management plan for the GSE. The plan will need to address motorized vehicle access, including all-terrain vehicles (ATVs), new road construction, and permanent campsite development. Most important, the plan must address how to limit the impact of visitors if the government wishes to preserve the ecological values of the monument.

Twenty-eight percent of all the land in the United States is owned by the federal government, and most of it is west of the Mississippi. In the state of Utah, 64 percent of the land is federal. Although these lands are often utilized by local ranchers, the regulations that control the use of the land are written in Washington, D.C. Recent regulatory changes intended to reduce the utilization and degradation of these public lands have led to increasingly strident calls for local control.

President Clinton's designation of GSE particularly angered the people of Utah because they were not consulted about the plan. The Antiquities Act gives the president unilateral authority to proclaim any federal land as a national monument and to devise regulations to protect the historic or scientific character of the monument. One writer expressed the feelings of Utah citizens this way: "We have had it up to here with the Federal Government. The people born and raised down here feel they know how to handle this land better than people in Washington, or in the Wasatch Front [referring to Salt Lake City]."[3]

Defenders of the president's action point out that federal lands are owned by all Americans, not just those who live near them. It is only right, they argue, that the lands should be used in ways that serve the needs of the larger population (and of future generations) rather than the relatively few people who live near them.

## QUESTIONS

1. Some would say that the history of the United States is in large part the history of a people moving into a wilderness. Does the fact that a particular area is still wild make it, ipso facto, historically significant to the American people? In other words, in the sense intended by the 1906 law, is the preservation of relatively pristine wild areas always also the preservation of historically significant areas?
2. Like Case 5: Yellowstone Wolves, Case 8: Matinicus Island, Case 10: The Delhi Sands Fly, Case 13: The John Day Dam, and Case 15: Oil and ANWR, this case raises a perennial question in American politics: To what degree should local communities be able to control the use of nationally owned resources? How does one balance the social value of local autonomy against the ecological values of wilderness preservation or resource conservation?

3. As Case 43: Trading Pollutants illustrates, whether a utility burns high- or low-sulfur coal has important economic and environmental consequences, because sulfur dioxide is the major cause of acid rain and is stringently regulated. There have been conflicting estimates regarding the quality of the coal deposits beneath the GSE. Some reports claim that the coal there has extremely low sulfur content, making it environmentally cleaner than coal from other sites. Other reports are skeptical about the size of the low-sulfur deposits. If you had been an adviser to President Clinton, how would knowing the quality and size of the deposits have affected your advice about mining in the GSE?
4. How do the issues raised by this case differ from the issues raised by Case 15: Oil and ANWR? Does the fact that the "locals" in the ANWR case are indigenous Inupiats give them a stronger claim to a voice in ANWR decisions than can be made by the citizens of Utah for a voice in GSE decisions?

## NOTES

1. President, Proclamation, "Establishment of the Grand Staircase–Escalante National Monument, Proclamation 6920," *Federal Register* 61, no. 186 (September 24, 1996): 50221, available at www.ut.blm.gov/monument/Monument_Management/Initial%20Planning/Background/proclamation.html.
2. "Clinton Enters Utah Battle over Fate of Wilderness Area," *New York Times*, September 17, 1996.
3. James Brooke, "New Reserve Sits Animosities in Utah," *New York Times*, October 13, 1996.

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