



OP-ED RELEASE

Arizona State Legislature
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Thursday, August 22, 2024
FOR IMMEDIATE RELEASE

The following joint OP-ED appeared in the August 14 issue of the [Kingman Daily Miner](#):

Congress Must Amend Pending Water Settlement to Repeal Illegal National Monument Designation & Amend 1906 Antiquities Act

President Biden’s recent designation of the “Baaj Nwaavjo I’tah Kukveni Ancestral Footprints of the Grand Canyon National Monument” in Northern Arizona is the latest example of executive overreach and misuse of the Antiquities Act of 1906. While protecting true historic landmarks is vital, this proclamation was neither lawful nor legitimate and must be overturned.

The Antiquities Act allows for the protection of historic landmarks, structures, and objects of scientific interest for small tracts of federal land in certain situations. In all states except Wyoming, the President may designate such monuments without congressional consent. However, designations must specify the objects to be protected and must be confined to the “smallest area” necessary for their protection.

President Biden designated over 900,000 acres without identifying specific items for protection, leading Arizona lawmakers to challenge the decision and indicating that the action was more about economic control than protecting historic landmarks.

One outcome of designation is the ability to prevent economic use of federal lands for certain purposes, such as mining. According to experts, the area where the alleged monument was designated contains some of the highest-grade, lowest-cost uranium deposits in the nation, essential for zero-emission nuclear power. Currently, the U.S. remains heavily reliant on foreign countries like Russia for uranium, undermining national security and helping to fuel Russia’s war machine. Additionally, experts argue extracting this resource could improve groundwater quality by removing potential contaminants, which may be affecting local water supplies.

Despite the potential benefits that harnessing this domestic natural resource could bring, local tribes have fought for years to keep this valuable resource in the ground, lobbying Congress unsuccessfully since 2008 to designate a monument specifically to ban the environmentally friendly extraction of this resource. However, this was not until after tribes learned of renewed interest to resurrect dormant mining claims in the area.

In 2009—in response to tribes’ demands—President Obama circumvented Congress and established a temporary moratorium, which was set to expire in 2032. This prompted a push for a permanent ban, culminating in the

current designation, which specifically targeted new uranium mining, reducing American energy and mineral independence.

Despite tribes' success in securing the permanent ban, the designation could not prevent the advancement of certain existing mining claims, leading tribes like the Navajo Nation to urge Arizona's governor to revoke existing regulatory permits and take matters into their own hands, plotting to use tribal police to stop trucks carrying uranium from crossing the reservation on federal highways.

The tribe's continued push to prevent the lawful extraction of this resource—even after the designation of the requested monument—demonstrates that protecting actual historic landmarks was never the true intent. It also raises questions regarding the tribe's integrity and partnership with Arizona on key energy and natural resources issues, including water.

Recently, the Navajo Nation entered a historic water settlement to resolve outstanding water rights and obtain congressional approval for over \$5 billion in federal funds for the construction of water infrastructure projects, including \$1.75 billion for a pipeline on the Navajo Nation, which will undoubtedly bring economic prosperity to the tribe.

While many Arizonans supported the Navajo Nation and worked in good faith to reach an agreement, the tribe's role in pushing for an illegitimate national monument and continued efforts to frustrate the advancement of lawful mining activities, which impact our economic prosperity, rightly justify questions regarding the appropriateness of the funds for the tribe. Naturally, \$1.75 billion, supported by the American taxpayer, would be aided by economic activities like uranium mining.

Given the need for congressional approval, Congress has an opportunity to rectify the President's decision and serve as a backstop for future illegitimate national monuments. Legislation titled the Northeastern Arizona Indian Water Rights Settlement Act (S.4633 and H.R.8940) has been introduced to approve the settlement, but Congress should not advance the pending legislation until it repeals the unlawful designation and modifies 54 U.S. § 320301(d) to expand the Wyoming exemption to Arizona, requiring congressional approval for any new monuments in our state. Arizona's lawmakers have already called for these changes, and Congress must act now.

While settling unresolved water rights and building a \$1.75 billion taxpayer-funded pipeline is important to the Navajo Nation, ensuring the lawful use of domestic natural resources and preventing the abuse of presidential power is important to the State of Arizona.

With 19 national monuments, Arizona has more than any other state. Biden's recent proclamation deviates from the law's legitimate intent, aiming not to protect identifiable objects but to control critical economic resources essential to American prosperity.

The Antiquities Act was not adopted to block economic development. Congress must act to ensure the water rights settlement does not pass until the unlawful monument designation is overturned and the Antiquities Act is amended to prevent future abuses of presidential power in our state.

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