BYPASSING THE CONGRESSIONAL GRIDLOCK

An early champion of conservation, President Theodore Roosevelt, signed into law the Antiquities Act of 1906. Briefly, this law gives the President of the United States the power, without action by Congress, to create national monuments for the protection of objects of “historic or scientific interest.” Happily, the courts have given the act a broad interpretation which authorizes its use to protect natural wonders and wilderness values. As noted previously in this column, the Antiquities Act of 1906 was invoked by President Clinton in 2000 to create the 328,000 acre Giant Sequoia National Monument, and by President Obama in 2012 to create the Fort Ord National Monument.

Many national monuments have been created by acts of Congress, but, in this time of paralyzing partisanship in Congress, it is fortunate that the President can act on his own in creating national monuments. Among other potential uses, the Antiquities Act could be employed to create a national monument of 1600 acres on the western boundary of Yosemite National Park. Those acres, which were originally intended to be in the park, would have been added by H.R. 5907 (2012), but that bill died in committee.

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