



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
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December 16, 2021

MEMORANDUM

TO: Utah State Director, Bureau of Land Management

FROM: Director, Bureau of Land Management

SUBJECT: Interim Management of the Grand Staircase-Escalante National Monument

On October 8, 2021, the President issued Proclamation 10286 (“the Proclamation”), which restored the boundaries of the Grand Staircase-Escalante National Monument (“Grand Staircase”) that were in place in January 2017. Proclamation 10286 restored more than 800,000 acres of land in Kane and Garfield County to the national monument and identified a number of monument objects for protection. This memorandum: (a) provides interim guidance for managing the monument while the agency develops a monument management plan; and (b) directs you to begin preparing a monument management plan, with a goal of finalizing that plan no later than March 1, 2024. As implementation of the Proclamation proceeds, additional, resource specific guidance will be provided as necessary.

Proclamation 10286 discusses the original designation of the monument and incorporates by reference the monument objects identified in Proclamation 6920. The Proclamation describes the monument as a set of nested and interconnected objects of historic and scientific interest, where the entirety of the landscape is an object, which is comprised of distinct and unique regions—which are themselves objects—that contain individual fossils, archaeological sites, rare species, and other objects that are independently of historic or scientific interest and require protection under the Antiquities Act. Proclamation 10286 further describes the rich history of world-class discoveries made in this “living laboratory,” such as numerous previously unknown species of dinosaur and more than 600 species of bees. The Proclamation also highlights the importance of the Monument’s natural darkness and soundscape, in particular that the majority of the Monument does not experience artificial skyglow or many human-caused sounds. The Monument’s human history, including its cultural and historical importance, as well as its current value to Tribal Nations and for recreation, is emphasized throughout the Proclamation.

Proclamation 10286 also specifically directs the Secretary of the Interior to prepare a new management plan for the entire monument for purposes of protecting and restoring the objects identified in the Proclamation, including the objects and values in Proclamation 6920, which are incorporated by reference. This interim management provides specific direction to ensure that,

until the new plan is prepared, the BLM will manage the Grand Staircase-Escalante National Monument in a manner consistent with Proclamation 10286.

I. Interim Management Direction

Proclamation 10286 not only restored the previously excluded Grand Staircase lands to monument status, but it also identified a number of objects of historic and scientific interest within the monument boundaries. In particular, the proclamation identified landscapes within the monument as objects and specifically identified a number of new objects within the monument boundary. The proclamation also provided specific direction for management of the monument, including the direction to prepare a monument management plan. While BLM-UT is in the process of preparing that plan, State and Monument Office staff will ensure that management of the monument conserves, protects, and restores the objects and values of historic and scientific interest within the monument boundary for the benefit of current and future generations, consistent with the proclamation and the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202). Additionally, the BLM's policies for interim management of lands reserved as part of a national monument are generally outlined in Section 1.6 of BLM Manual 6220.

Prior to initiating the planning process, BLM-UT should finalize and make available to the public an updated map and current spatial data for the monument.

A. Mining and Mineral Leasing Activity

Proclamation 10286 provides that, subject to valid existing rights,

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

Therefore, no new mining claims may be located, and no new mineral leases may be issued, on lands within the monument. Before approving a plan of operations¹ within the monument on claims located before the lands were withdrawn, BLM-UT must, in accordance with 43 CFR 3809.100(a), prepare a mineral examination report to determine whether the mining claim was valid *before* the withdrawal, and to determine whether the mining claim remains valid. The operator will be responsible for the costs of the mineral examination, as required by 43 CFR 3800.5(b). During the period that BLM-UT is completing the examination, the activity that may be allowed on the claim is limited to taking samples to confirm or corroborate mineral exposures that are physically disclosed and existing on the mining claim prior to the withdrawal,² or to

¹ There are no "notice-level" operations in national monuments, meaning that operators must submit a plan of operations for any surface disturbance greater than casual use. *See* 43 CFR 3809.11(c)(7).

² For lands restored to the monument in Proclamation 10286, the effective date of the withdrawal is October 8, 2021. For lands that were not excluded from the monument, the effective date of the withdrawal is date that they were reserved, either through Proclamation 6920 (September 18, 1996), or through act of Congress – Utah School and Land Exchange Act, Pub. L. No. 105-355, 112 Stat. 3139 (October 31, 1998), Automobile National Heritage Area

complete minimum necessary annual assessment work. If BLM-UT concludes that a mining claim is invalid, BLM-UT should not approve operations on the claim, but instead promptly initiate contest proceedings.

If mining or mineral leasing activities that BLM-UT determines are valid existing rights are allowed to proceed, the agency must—to the greatest extent possible, and in accordance with applicable law—manage the activity in a manner that protects and mitigates impacts to the monument objects and values.

B. Discretionary Activities

1. In General

Section 302 of the Federal Land Policy and Management Act (FLPMA) states that public lands should be managed under the principles of multiple use and sustained yield “except that where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law.”³ Proclamation 10286 dedicates the lands within the Grand Staircase to a specific use, therefore the lands reserved within the monument boundary must be managed in a manner that protects the objects and values for which the monument has been designated. In other words, within Grand Staircase, typical multiple use management is superseded by the direction in Proclamation 10286 to protect monument objects. Multiple uses are allowed only to the extent they are consistent with the protection of the objects and values within the monument.

Proclamation 10286 incorporates by reference the objects identified in Proclamation 6920, identifies additional objects, and provides new management direction that, as applicable, must be addressed when considering new proposals within the restored monument boundary. Specifically, Proclamation 10286 states that, “the unique nature of the Grand Staircase-Escalante landscape, and the collection of objects and resources therein, make the entire landscape within the boundaries reserved by this proclamation an object of historic and scientific interest in need of protection under 54 U.S.C. 320301.” For any project or activity proposed within the boundaries of the monument or with the potential to affect objects and values for which the monument has been designated, BLM-UT must undertake a two-part analysis. First, the authorized officer must verify that the proposal conforms to the applicable resource management plan. Second, the authorized officer must determine that the proposal is also consistent with the protection of the monument objects and values. Because the currently approved resource management plans were developed before the issuance of Proclamation 10286, a finding that a proposed project or activity conforms to the resource management plan does not necessarily ensure that the proposal is consistent with the protection of objects and values for which the monument has been designated. In considering the second part of this test, especially with respect to proposals concerning the lands that were restored to Grand Staircase by Proclamation 10286, the evaluation should take into account the types of activities that were allowed and authorized under the 2000 monument management plan, as it was the last land use plan that

Act, Pub. L. 105-355, 112 Stat. 3247 (November 6, 1998), Section 2604 of the 2009 Omnibus Public Land Management Act, 111 P.L. 11, 123 Stat. 991 (March 30, 2009).

³ 43 U.S.C. 1732.

provided management actions designed to protect monument objects within the full boundary of Grand Staircase. The authorized officer should ensure that the decision document and associated record provides adequate documentation of both the conformity to the resource management plan and compliance with Proclamation 10286. Documentation of this analysis is required for all proposals that were not approved prior to October 8, 2021.

In summary, for discretionary decisions before new monument management plans are adopted, the BLM may allow activities only if it determines that: (1) the decision conforms to the applicable 2020 resource management plan; and (2) the decision is consistent with the protection of monument objects. As part of the latter determination, BLM-UT should consider whether the activity would have been permitted under the 2000 monument management plan. Finally, BLM-UT should ensure that the NEPA analysis for the decision adequately addresses potential impacts to monument objects and document the basis for its determinations and, if not, undertake additional environmental analysis as necessary. BLM-UT's determination for each of the considerations above should be explained in the decision document for the proposed action.

Note that this analysis does not usually create a conflict between the resource management plan and the protection of objects, since resource management plans—while they may impose conditions or make certain uses off limits—do not typically *mandate* that particular uses occur. For example, while a resource management plan may *allow* the BLM to grant FLPMA Title V rights-of-way in a particular area, it does not mandate that the agency do so. Thus, if the BLM denies, or places conditions on, a particular right-of-way grant in order to protect objects, that decision would still conform to the governing resource management plan. That said, in the rare event that there is an actual conflict between the Proclamation and the governing resource management plan, the Proclamation controls.

BLM-UT should also expeditiously (by January 31, 2022) identify for review existing discretionary uses and activities within the monument to determine whether their impacts are consistent with the protection of the monument objects and values. Subject to valid existing rights and consistent with applicable law and regulations, BLM-UT should consider taking appropriate action with regard to any such activities and uses that it has determined to be incompatible with the protection of objects and values for which the monument has been designated, pending the completion of a new monument management plan to implement Proclamation 10286.⁴ Existing plan- and implementation-level decisions for off-road vehicle use (e.g., the Little Desert OHV open area, the V-Road, Inchworm Arch Road) and plan-level decisions for casual collection of paleontological resources are two prominent examples of activities that should be reviewed for consistency with the terms of the Proclamation.

Finally, effective on-the-ground management of monument objects and values requires monitoring and surveillance to ensure that they are being adequately protected on an ongoing basis. BLM-UT should review its existing monitoring plans and, where necessary and appropriate, update them to provide for proactive monitoring within the restored monument

⁴ The BLM's ability to suspend or take other appropriate action with regard to previously authorized activities and uses could depend on the nature and type of authorization at issue. For third-party authorizations, please consult with the Solicitor's Office prior to issuing a suspension.

boundary to ensure protection of monument objects and values. Beyond resource monitoring, the plan should include compliance checks for existing facilities within the monument. The agency should also ensure that any activity or use that is approved includes adequate monitoring to ensure protection of monument objects and values.

More specific guidance regarding particular types of uses and activities follows. Note, however, that this guidance is not intended to be comprehensive; additional, detailed direction may be provided as particular issues are identified, including through the decision making and public involvement processes.

2. Recreation Management

The Grand Staircase has long been a destination for diverse recreation activities, as recognized in Proclamation 10286, which describes the Grand Staircase as having world class opportunities for outdoor recreation, including “rock climbing, hunting, hiking, backpacking, canyoneering, river running, mountain biking, and horseback riding,” that are drivers for the local travel and tourism economy. While recreation is an important part of the user experience in Grand Staircase, these activities do not fall into the category of objects for which the monument was designated. Therefore, the agency must ensure that any proposed recreation use or activity is evaluated for resource management plan conformance and consistency with the proclamation prior to being authorized. Note that this requirement applies to special recreation permits that may come up for renewal notwithstanding whether an event or activity has been permitted in the past.

3. Grazing Management

BLM Manual 6220, section 1.6.I, provides the general policy guidance for managing grazing in national monuments. Proclamation 10286 explains that, while BLM-UT should manage livestock grazing as currently authorized, and subject to appropriate terms and conditions, grazing activities must be consistent with the care and management of the objects and values in the Grand Staircase. Therefore, if the agency is considering a grazing permit or lease for renewal, the agency must ensure that the decision will both be consistent with the existing plan and ensure protection of the monument objects as described above.

4. Vegetation Management

Vegetation management is another type of activity that regularly occurs within the monument that must conform to the applicable resource management plan and be consistent with the protection of monument objects. While Proclamation 10286 does not specifically limit the types of vegetation treatment that the BLM can use within the monument, certain treatment methods allowed under the applicable resource management plans may not be consistent with the protection of the objects. Thus, agency staff should review such projects with particular care to ensure such consistency.

C. Consultation, Coordination and Consistency

Proclamation 10286 directs the Secretary to ensure maximum public involvement in the development of the monument management plan, in particular, consultation with federally recognized Tribal Nations and coordination with State and local governments. The BLM will maximize opportunities for consultation and to seek cooperation and consistency while carrying out this interim management direction.

D. Other Priorities

As discussed above, Proclamation 10286 provided more detail about the objects and values within the monument boundary than did Proclamation 6920, including a number of landscapes, cultural resources, and other sites. Further, the Proclamation made clear that because some of the objects are sacred to Tribal Nations, rare, fragile, or vulnerable to vandalism and theft, or are dangerous to visit, they were not specifically identified in the proclamation. To be able to adequately address whether existing or proposed activities and uses are consistent with the protection of objects, as discussed above, BLM-UT should complete an initial inventory within one year from the date of this guidance that catalogs the objects and values in the monument and can be incorporated into the management plan.

The original designation of Grand Staircase did not include any direction to establish a monument advisory committee (MAC) to aid the BLM in decision making for the monument, but the BLM chose to charter the Grand Staircase MAC in 2003.⁵ Proclamation 10286 maintains the Grand Staircase MAC, “with the specific purpose of providing information and advice regarding the development of the management plan and, as appropriate, management of the monument, including scientific research that occurs therein.” Further, to ensure a fair and balanced representation of interested stakeholders, the proclamation requires the MAC to include representatives from “State and local governments, Tribal Nations, recreational users, conservation organizations, educators, local business owners, private landowners, and the scientific community, which may include members with expertise in archaeology, paleontology, entomology, geology, botany, wildlife biology, social science, or systems ecology.” I have instructed BLM HQ-600 to update the Grand Staircase MAC charter as needed to reflect the direction in Proclamation 10286 and work with BLM-UT to ensure that the MAC has enough members to provide advice and recommendations in the upcoming land use planning process.

Finally, BLM-UT should consider whether additional signage is necessary to effectively communicate Grand Staircase’s restored boundaries to the public. The BLM Manual 6220 section 1.6.D.6 directs the agency to develop and install entrance signs at key access points promptly after designation. In the 25 years since the original designation of the monument, the BLM had endeavored to educate the public on the boundaries of the monument and what activities and uses are allowed within the boundaries. However, to ensure protection of monument objects, particularly on lands recently restored to the monument, it may be helpful to install both entrance signs and other informational and educational signs at strategic points

⁵ 68 Fed. Reg. 57702 (Oct. 6, 2003).

within or adjacent to the monument. In particular, BLM-UT should consider whether additional signage is necessary to properly communicate OHV route designations and aid in enforcement of the Travel Management Plan.

II. Completion of a Monument Management Plan

Proclamation 10286 directs the BLM to prepare a management plan for all lands within the 1.86-million-acre boundaries of the Grand Staircase for the purposes of protecting and restoring the monument objects and values. The existing resource management plans that were approved in February 2020 will remain in effect until the BLM approves a new management plan for the entire monument.

In preparing the monument management plan, BLM-UT will prioritize consultation with Tribal Nations. The planning process should also include opportunities for consultation with other Federal land management agencies and provide for maximum public involvement, including consultation with State and local governments, community members, and other interested stakeholders.

Within 45 days, the BLM will finalize and submit a preparation plan (including budget, staffing needs, and a schedule) and statement(s) of work for contracting needs, that ensures issuance of a Record of Decision approving the monument management plan before March 1, 2024.

Attachments:

Proclamation 10286

Proclamation 6920