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**MEMORANDUM**

TO: Downey Magallenes  
FROM: Aaron Moody, Assistant Solicitor, Branch of Public Lands  
Josh Hanson, Attorney-Advisor, Branch of Public Lands  
RE: Management of Bears Ears and Grand-Staircase Escalante National Monuments

**INTRODUCTION**

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**DISCUSSION**

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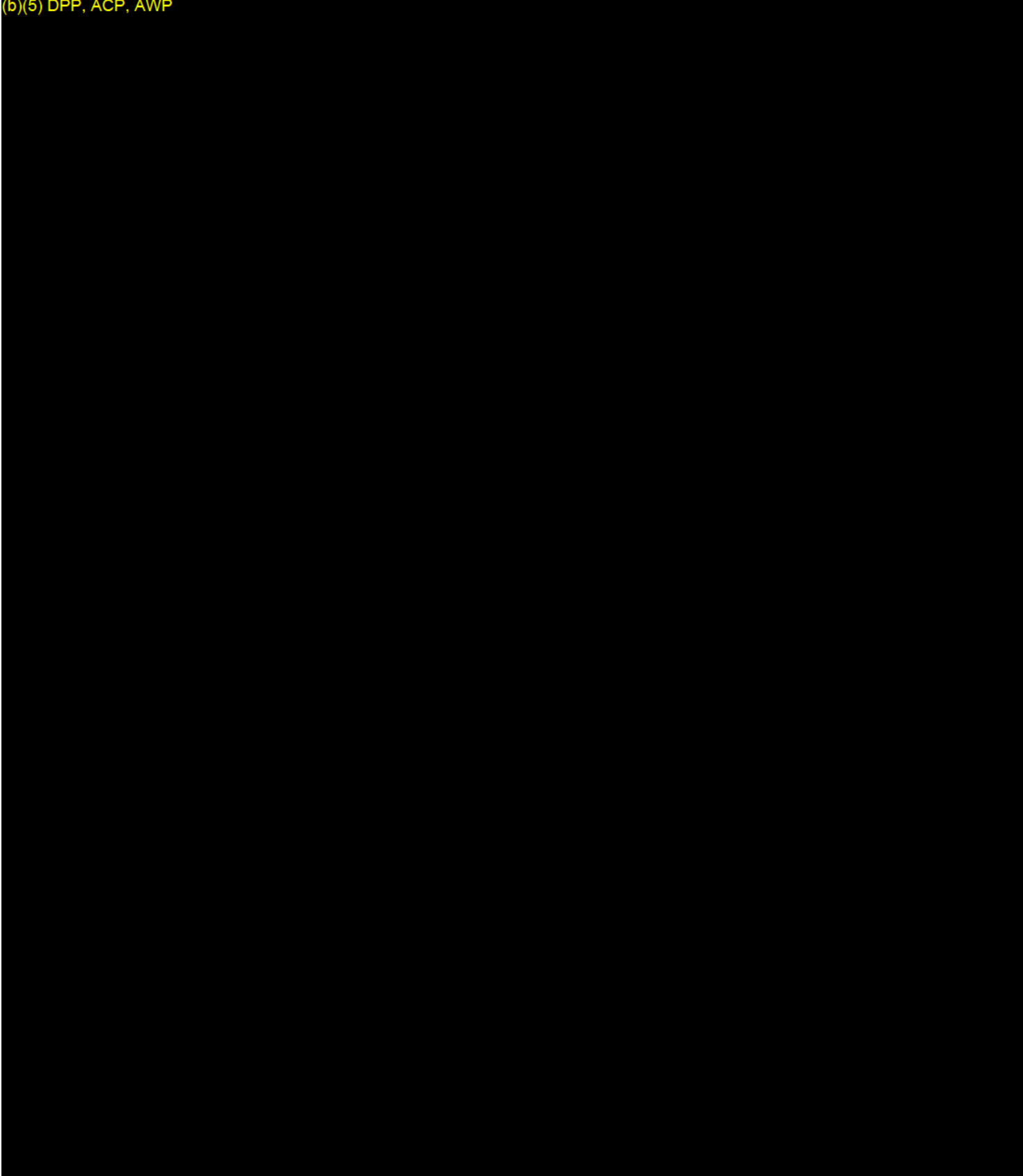


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**ATTACHMENT 1: BLM IM 2009-215, Planning for Special Designations within the National System of Public Lands**

EMS TRANSMISSION 09/28/2009  
Instruction Memorandum No. 2009 215  
Expires: 09/30/2010

**To:** All ADs and SDs

**From:** Assistant Director, Renewable Resources and Planning

**Subject:** Planning for Special Designations within the National System of Public Lands

**Program Area:** Resource Management Planning

**Purpose:** This Instruction Memorandum (IM) serves two purposes: (1) it clarifies planning and management guidance for special designations within the National System of Public Lands created by presidential proclamations or acts of Congress, and (2) it revises the Land Use Planning Handbook (H 1610 1), Appendix C: Program/Resource Specific Guidance, III. Special Designations, A. Congressional Designations, *Land Use Plan Decisions*.

**Policy/Action:** A presidential proclamation or act of Congress that designates an area within the National System of Public Lands supersedes conflicting direction by the Federal Land Policy and Management Act (FLPMA). These designations include, but are not limited to, National Monuments, National Conservation Areas (NCAs), Wilderness Areas, National Scenic or Historic Trails, Wild and Scenic Rivers, Cooperative Management and Protection Areas, Outstanding Natural Areas, National Recreation Areas, Forest Reserves or any other lands described in Public Law 111 11 Sec. 2002(b). Specifically, the land use plan and management direction for such a designation must comply with the purposes and objectives of the proclamation or act of Congress regardless of any conflicts with the FLPMA's multiple use mandate.

This IM also revises the Bureau of Land Management's (BLM) planning requirements for areas designated by a presidential proclamation or act of Congress within the National System of Public Lands. Existing policy requires the BLM to develop a Resource Management Plan (RMP) for each specially designated area (e.g. National Monuments, and NCAs, and similar designations).

This IM changes the current policy to provide more flexibility and efficiency in meeting the planning requirements for these specially designated areas. The BLM may meet the planning requirements for such designations through one of the following planning initiatives:

- Through the development of a land use plan for the special designation;
- Through an amendment of an existing land use plan; or
- By integrating the planning process for the designation with the planning process for a new or revised land use plan.

There are several factors to consider in determining which type of plan is most appropriate for a specially designated area. These include, but are not limited to, direction provided in the establishing proclamation or act of Congress, stakeholder and public interest, date of current plan or proposed revision/new start, cost, schedule, size of the planning area, and/or level of change from existing management. Decisions regarding the planning approach for designations made by a presidential proclamation or an act of Congress should be made in consultation with the BLM's Office of National Landscape Conservation System and Community Programs.

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All land use plan amendments must be developed consistent with the guidance in Section VII, Amending and Revision Decisions, of the BLM Land Use Planning Handbook and must be accompanied by either an Environmental Assessment or Environmental Impact Statement as appropriate (BLM NEPA Handbook Chapter 7). When integrating planning for a special designation created by presidential proclamation or act of Congress with a general RMP planning process, the Field Office should ensure that the RMP identifies the objects or resources for which the area was designated and illustrates how those objects or resources are protected by the plan. The RMP must also clearly distinguish between the planning area for the RMP and the planning area for the special designation. The existence of multiple decision areas necessitates a plain distinction between the decision and analysis for each area. Additionally, an integrated planning process should conclude with an independent Record of Decision for both the RMP planning area and the special designation planning area.

**Timeframe:** Immediately.

**Budget Impact:** There is the potential for cost savings associated with the various options for combining planning processes by taking advantage of economies of scale on existing planning units that include areas designated by presidential proclamation or act of Congress.

**Background:** Recent litigation and the designation of new National Monuments and NCAs have highlighted the need for clarification regarding the relationship between the law creating these special designations and FLPMA's multiple use mandate.

According to Section 302(a) of FLPMA, the National System of Public Lands is to 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." This section of FLPMA directs that when an area of public land is set aside by a presidential proclamation issued under the Antiquities Act of 1906 or an act of Congress, the designating language is the controlling law. Therefore, as a general rule, if the management direction of the proclamation or act of Congress conflicts with FLPMA's multiple use mandate, the designating language supersedes that section of the FLPMA. The particular management direction contained in the designating law (proclamation or act of Congress) should be carefully reviewed to determine whether conflicts with the FLPMA exist. Field Offices are encouraged to explore innovative ways to ensure compliance with both the designation and the FLPMA, if appropriate.

Resource Management Plans for units designated by a presidential proclamation or an act of Congress are designed to provide guidance for future management actions and the development of subsequent site specific implementation decisions. The BLM has determined that the planning requirements for these areas can be met through a stand alone RMP/EIS, through the amendment of an existing land use plan, or as part of a new/revised land use plan to account for the particular characteristics of the specially designated area. Each Field Office should determine which of these options will most effectively achieve the intended goals for specially designated areas.

**Manual/Handbook Sections Affected:** Land Use Planning Handbook (H 1610 1), Appendix C: Program/Resource Specific Guidance, III. Special Designations, A. Congressional Designations, *Land Use Plan Decisions*.

**Coordination:** This IM was coordinated with the Offices of Decision Support, Planning and NEPA (WO 210), National Landscape Conservation Systems (WO 170), and the Office of the Solicitor.

**Contact:** If you have any questions, please contact Marci Todd, Division Chief, Division of Decision Support, Planning and NEPA at 202 912 7292 or Jeff Jarvis, Division Chief, National Landscape Conservation Systems at 202 912 7170.

Signed by:  
Richard C. Hanes

Authenticated by:  
Robert M. Williams

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Acting, Assistant Director  
Renewable Resources and Planning

Division of IRM Governance, WO 560

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