

To: Sally Butts[sbutts@blm.gov]
From: Moore, Nikki
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Date: Mon, Jun 5, 2017 at 3:41 PM
Subject: Basin and Range NM Review
To: "Moore, Nikki" <nmoore@blm.gov>

Hi Nikki
Here is Basin and Ranger National Monument documents for review.

Timothy J Fisher, Program Lead

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Executive Summary of Review of National Monuments under EO 13792 (April 26, 2017)

Key Information about Basin and Range National Monument

Basin and Range National Monument was designated on July 10, 2015. BARNM consists of 526,413 acres in Lincoln County, Nevada and 177,172 acres in Nye County, Nevada for a total of 703,585 acres. These acres include only public lands administered by the Bureau of Land Management (BLM) within the boundary of the monument. Prior to designation, the area was managed by the BLM and continues to be managed by BLM following designation. Located approximately two hours north of Las Vegas, BARNM offers a remote and rural experience in proximity to a major metropolitan area. There are no facilities or infrastructure present, and this area does not have paved access roads. Overall, multiple use activities are allowed in BARNM that are compatible with the protection of resources and objects identified in the Presidential Proclamation. Multiple use activities are subject to decisions made in current and future BLM resource management planning efforts which include public participation. National monuments and other conservation areas managed by the BLM continue to allow for multiple uses according to the Federal Land Policy and Management Act (depending on proclamation language).

Summary of Public Engagement Prior to Designation

Prior to the area being designated a National Monument, Former Senator Harry Reid introduced two bills, the Garden Valley Withdrawal Act (S.2820 in 2014 and S.196 in 2015), proposing a withdrawal of the area. In February 2015, Interior Deputy Secretary Michael Connor attended a public meeting in Las Vegas with Senator Reid and Congresswoman Dina Titus to discuss their proposals to protect Nevada's public lands. The meeting was held in Clark County and approximately 300 people expressed support for the creation of Basin and Range and Gold Butte National Monuments. The campaign to designate Basin and Range as a national monument had support in Nevada from MGM Resorts International, Wynn Resorts, Barrick Gold Corporation, Rockwood Lithium North America, the Las Vegas Metro Chamber of Commerce, and the Las Vegas Convention and Visitors Authority.

Sentiment against designation of the area as a National Monument or National Conservation Area has been expressed by the Lincoln County Board of Commissioners. Sentiment in support of designation of the area as a National Monument has been expressed in Clark County, such as by the Friends of Basin and Range.

Summary of National Monument Activities since Designation

An Application for Permit to Drill (APD) was signed following designation in February 2016. This APD was submitted prior to designation of the area in a parcel leased for oil and gas and is considered a valid existing right. BLM continues to authorize grazing permits, Special Recreation Permits, film permits, cave use permits, and authorizations for research activities consistent with the existing land use plan and proclamation. There has been no change in day-to-day management since designation of BARNM and no change in grazing or the number of permitted Animal Unit Months (AUMs). A Resource Management Plan (RMP) for Basin and Range National Monument (BARNM) is in progress.

The Mojave-Southern Great Basin Resource Advisory Council created a Basin and Range National Monument Subcommittee. This Subcommittee met several times in 2016.

The Nevada Assembly Joint Resolution (AJR13) was passed by the Nevada State Senate on April 25, 2017. The Resolution expresses the support of the Nevada Legislature for the enactment and use of the Antiquities Act and the designation of the Basin and Range National Monument and the Gold Butte Monument in Nevada.

Summary of Activities in Area for 5 years Preceding Pre-Designation

These public lands have been managed according to the 2008 Ely District Resource Management Plan (RMP), which includes multiple-use management objectives. Approximately 30,644 acres have been managed as the Worthington Mountains Wilderness, which was designated by Congress in 2004 with the passage of the Lincoln County Conservation, Recreation, and Development Act. In the 2008 Ely District RMP, approximately 19,987 acres were designated as Areas of Critical Environmental Concern within what is now the BARNM. These acres are within the Mount Irish ACEC, which was designated for prehistoric and historic values and the Shooting Gallery ACEC, which was designated for prehistoric values. Both of these areas contain rock art, and the Mount Irish ACEC contains a historic mining district. There has been no change in day-to-day management since designation of BARNM.

Summary of Available Economic Information since Designation

Economic information is included in the Drive folder (Basin and Range NM – Economic Snapshot).

Summary of Any Boundary Adjustments since Designation

Not applicable. There have been no boundary adjustments since designation.

**Additional Information Requested on Executive Order on the Review
of Designations Under the Antiquities Act**

BLM Responses to Additional Questions

- a) Any legislative language, including legislation in appropriations bills

The boundary of Basin and Range National Monument (BARNM) is similar to designations proposed previously by Former Senator Harry Reid in two bills, the Garden Valley Withdrawal Act (S.2820 in 2014 and S.196 in 2015), proposing a withdrawal of the area. Neither of these bills passed, and BARNM was designated by Presidential Proclamation in 2015.

- b) Alternative options available for protection of resources applicable at each monument, such as Native American Graves Protection and Repatriation Act, Paleontological Resources Preservation Act, Archaeological Resources Protection Act, Historic Preservation Act and agency-specific laws and regulations.

Management of cultural resources is directed primarily by two laws: the National Historic Preservation Act of 1966, as amended (NHPA), and the Archaeological Resources Protection Act of 1979 (ARPA). The NHPA requires management and enhancement of significant historic properties and the ARPA requires protection of archaeological resources (sites and objects of 100 years or more in age).

The Federal Land Policy and Management Act directs the BLM to manage public lands on the basis of multiple use and to “protect the quality of historical resources and archaeological values.” This act provides for the periodic inventory of public lands and resources.

The implementing regulations for the NHPA are found in 36 CFR 800 and the BLM policy for the management of Cultural Resources can be found in the 8100 manual series. There are a number of other laws that relate to the management and protection of cultural resources. These are summarized in BLM Manual Section 1800.03.

The above laws could provide some options to protect specific resources found in BARNM. Protection would likely occur on a site-by-site or resource-by-resource basis and also would take a significant amount of time to accomplish under these various laws. These laws may not provide a mechanism to protect all cultural or tribal resources in BARNM. For example, there are no statutory protections for cultural landscapes, but such resources could be protected under the Antiquities Act

- c) Designated wilderness areas (name, acreage), Wilderness Study Areas (name if there is one, acreage, type), and/or areas managed to preserve wilderness or roadless characteristics that are not WSAs.

1. Approximately 30,644 acres within BARNM have been managed as the Worthington Mountains Wilderness, which was designated by Congress in 2004 with the passage of the Lincoln County Conservation, Recreation, and Development Act.

2. There are no WSAs within BARNM.
3. The 2008 Ely District RMP did not identify any areas to manage for wilderness characteristics within BARNM.

d) Outstanding R.S. 2477 claims within a monument – type of road claimed and history

There is no known litigation regarding R.S. 2477 assertions in BARNM. The BLM and Lincoln County maintain roads in the area through a Road Maintenance Agreement.

e) Maps –

A map of BARNM is located in the folder (Basin and Range Map jpeg). Additional maps from the public scoping meetings are located at:

<https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=88824>

f) Cultural or historical resources, particularly Tribal, located near a monument but not within the boundary that might benefit from inclusion in the monument

No cultural or historical resources have been identified by Tribes in proximity to BARNM that might benefit from inclusion in the monument.

g) Other – general questions or comments

1. **Range of Proclamation objects.** In addition to cultural objects, the Proclamation for BARNM identifies many objects of interest to be protected, such as geologic, natural, scientific, prehistoric, and historic resources.

Call for Data Related to Review of National Monuments under EO 13792 (April 26, 2017)

1. Documents Requested

a. Resource Management Plans/Land Use Plans

- i. A Resource Management Plan (RMP) for Basin and Range National Monument (BARNM) is in progress. The 2008 Ely District RMP as amended and the Presidential Proclamation that established BARNM will be followed in the interim. The Ely District Record of Decision and Approved Resource Management Plan (RMP) is in this folder (1.a.Ely_District_ROD_Approved_RMP). The Ely District RMP was amended by the Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment in September 2015. The Plan Amendment can be accessed here:
<https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=31103>.

b. Record of Decision

- i. A Record of Decision will follow the completion of the RMP that is in progress for BARNM. The 2008 Ely District RMP, as amended and the Presidential Proclamation that established BARNM will be followed in the interim. The Ely District Record of Decision and Approved RMP is in this folder (1.a.Ely_District_ROD_Approved_RMP).

c. Public Scoping Documents

- i. The Federal Register Notice of Intent to Prepare a Resource Management Plan for Basin and Range National Monument, Nevada, and an Associated Environmental Impact Statement published in the Federal Register on June 1, 2016 with a public scoping period for the BARNM RMP from June 1 to July 21, 2016 (1.c.Federal Register.Vol81.Issue105.June1.2016.pdf).
- ii. The Scoping Report and associated appendices are located within this Drive folder (1.c.BARNM_Scoping_Report and BARNM_Scoping_APX_A_D.pdf).

d. Presidential Proclamation

- i. The Presidential Proclamation 9297 of July 10, 2015 is in this folder (1.d.Presidential_Proclamation_9297.pdf).

2. Information on activities permitted at the Monument, including annual levels of activity from the **date of designation to the present** (Designation date for BARNM is July 10, 2015 - information is not yet available for most of FY17).

a. Recreation - annual visits to site

- i. Basin and Range National Monument (BARNM) was established for its remote and undisturbed character to protect cultural, prehistoric, paleontological, and natural resources in the Great Basin between the Sierra Mountains and Colorado Plateau. Because BARNM was recently designated, visitor use is mostly unknown, though it is located far from population centers, has no facilities, and few access roads. The visitor use information provided in a separate document was taken from visitor registration sheets at the most popular petroglyph sites within Basin and Range National Monument (2.a.Visitor_Inventory_Public_Sites_by_Year). The BLM plans to install traffic counters in fall 2017 to be able to more accurately track visitation in the future. The BLM uses the Recreation Management Information System (RMIS) to report visitor use. Full reporting for annual visitation 2017 will not be available until the end of September. The BLM continues to grant Special Recreation Permits on a case-by-case basis in this area following designation.
- ii. Two Special Recreation Permits have been issued since designation. One of these was for the Best in the Desert Vegas to Reno OHV event, with approximately forty miles of reduced speed course for the event in BARNM. The event was slated for August 2016. An unexpected emergency caused the event to be re-routed outside the monument the morning of the event. A Special Recreation Permit also was issued to the National Speleological Society Convention. Four people from the convention visited Leviathan cave under this permit in July 2017.
- iii. Given the public interest in archaeological resources, the BLM manages several public sites that are now located within BARNM. Interpretive brochures are available at these public sites, and there are visitor register boxes at these sites where visitors are encouraged to voluntarily sign the visitor log. Since 2002, the BLM has collected the visitor logs and tracked visitor use. The public sites are located at Mount Irish, White River Narrows and Shooting Gallery. The following list shows the public site name and the time of installation of the register box.
 - White River Narrows: September 2002
 - Shooting Gallery: April 2003
 - Mount Irish: September 2003

- In January 2006, two additional public sites were created at Mount Irish and steel markers were installed to correlate with the public interpretative brochure. At this time the Mount Irish location was named “Paiute Rocks” and the other two sites were named “Shaman Hill” and “Shaman Knob”. The Visitor Inventory at Public Sites by Year Table (2.a.Visitor_Inventory_Public_Sites_by_Year.pdf) shows the number of visitors to these sites by year.
- iv. In 2016, the BLM was granted a Conservation Easement for private land within BARNM containing the land artwork *City*. The private land remains private in fee title, with BLM obtaining very limited and defined roles under the easement. The artwork is not open to the public yet, with an estimated opening date of 2020. There is a great deal of interest in the art community, so visitation to this area will likely increase in the future once the artwork is open to the public.
- b. **Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)**
 - i. There are no producing oil and gas wells and no coal developments in BARNM. While public lands in the monument are now withdrawn from mineral leasing, valid existing rights were protected under the proclamation. Therefore, development on existing leases could occur.
 - ii. Several parcels were leased for oil and gas prior to designation and some of these leases have not expired. An Application for Permit to Drill (APD) was approved in February 2016 for a lease that expires in 2020. Although the APD was approved, no wells have been drilled in BARNM since designation.
 - iii. Since designation of the BARNM, there has been no new construction of energy transmission infrastructure.
- c. **Minerals - annual mineral production on site**
 - i. There are no locatable mining operations in the BARNM.
 - ii. There are three existing gravel pits that were issued in 2012 for a 10-year period to Lincoln County for road maintenance. These permits are current and have not expired.
 - iii. There are no mineral developments or process facilities adjacent to or impacted by the National Monument designation.
- d. **Timber - annual timber production on site (in board-feet, CCF, or similar measure)**
 - i. There is no timber production in BARNM. Forestry products in BARNM are

limited to non-commercial Christmas tree cutting permits and permits for the collection of wood products (i.e. posts and firewood).

e. Grazing - annual grazing on site (AUMs permitted and sold)

- i. There have been no changes in AUMs permitted since designation. Individual permittees may adjust the amount of AUMs they use based on land health, resource conditions, or individual reasons. There are 32 allotments wholly or partially contained within BARNM. These allotments include approximately 32,119 permitted Animal Unit Months (AUMs), see 2.e.AUMs_BARNM. This includes both sheep and cattle use. The boundary of BARNM does not coincide with allotment boundaries. Therefore, the number of AUMs was calculated using percentages of allotments within the BARNM boundary and is not precise because distribution of livestock is not uniform in allotments. Due to data gaps and limitations in the Rangeland Administration System, we cannot calculate billed AUMs at this time.

f. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available

- i. Subsistence activities are those that provide the bare essentials for living: food, water, and shelter. The Federal Subsistence Management Program provides opportunities for subsistence way of life in Alaska on federal public lands and waters. There are no formal subsistence programs outside of Alaska. Therefore, BARNM does provide subsistence under this definition.
- ii. The number of state-licensed hunters is available from the Nevada Department of Wildlife (NDOW). The entire BARNM area is open for hunting, which is regulated by NDOW. There are no known or managed fisheries resources within BARNM.

g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available

- i. The BARNM Planning Area contains a wide variety of cultural resources, including prehistoric resources, historic resources, and traditional use areas important to contemporary Native peoples. However, at this time, a large percentage of the planning area (over 90 percent) has not been subjected to a class III cultural resource inventory. Therefore, it is reasonable to assume that there are many unknown cultural resources that have been neither documented

nor evaluated for eligibility for inclusion in the National Register of Historic Places (NRHP). The cultural objects of the area listed in the proclamation include a Clovis point, campsites, prehistoric artifacts, worked bone, shell beads, seed processing equipment, prehistoric animal remains, clay stockpiles, projectile points, and prehistoric rock art. Historic mining districts (such as the Freiberg and Pahrnagat Mining Districts) and the ranching lifestyle are also cultural values within BARNM.

- ii. In December of 2015, a records search was conducted for a Class I Cultural Resource Survey. A variety of records were searched for the Class I Inventory, such as BLM Master Title Plats, Nevada Cultural Resource Information System, local BLM Archaeological Archives, General Land Office Survey Plats, Mineral Survey Plats, and the Nevada State Museum Archaeological Archives. A summary of documented inventories and cultural resources that were located in the records search appears below in item iv.
- iii. A majority of the cultural resource work that has been completed within the BARNM was performed as part of a Lincoln County Archaeological Initiative (LCAI) project to Inventory three Areas of Critical Environmental Concern. This project resulted in a full class III inventory of the 15,100 acres within the Mount Irish ACEC, which is entirely within the BARNM. This project also included the Shooting Gallery ACEC and entirely encompassed the approximately 5,105 acres that make up the Shooting Gallery portion of the BARNM. The 20,205 acres of inventory associated with this single project makes up more than half (56%) of the acres inventoried within the BARNM.
- iv. The remainder of the work that has been completed within the BARNM has been completed in compliance with the NHPA for individual projects, or by smaller LCAI projects. Within the monument boundaries, there have been 89 inventories to date for a total of 35,909 acres of inventory. This means approximately 5% of the Monument has been inventoried. During the various inventories, 709 resources have been documented. These documented resources include:

Isolated Artifacts

- 85 isolated finds of the prehistoric period
- 9 isolated finds of the historic period

Cultural Resource Sites

- 414 sites of the prehistoric period
- 75 sites with artifacts present from both the prehistoric and ethnohistoric time periods
- 16 sites of the ethnohistoric period
- 2 sites with artifacts present from both the prehistoric and historic time periods
- 82 sites of the historic period

Of the 709 resources documented, only the White River Narrows Archaeological District is listed on the National Register of Historic Places (NRHP). There are 272 properties eligible for the NRHP. There are 405 properties that are not eligible for the NRHP. The remaining 31 properties have not been evaluated for their eligibility to the NRHP.

3. Information on activities occurring during the **5 years prior to designation**

a. Recreation - annual visits to site

- i. BLM did not have established methods for tracking visitors to this area prior to designation other than data shown in The Visitor Inventory at Public Sites by Year Table (2.a.Visitor_Inventory_Public_Sites_by_Year.pdf), which shows the number of visitors to public sites by year. For those few visitor sites where there is data, there were between 293 to 552 visitors at the combined sites per year, between 2010 and 2014. BLM also granted Special Recreation Permits on a case-by-case basis in this area prior to designation. An average of one or two Special Recreation Permits were issued in this area in the 5 years prior to designation.

b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)

- i. There was no energy production from coal, oil, gas, or renewables during the five years prior to designation. Several parcels were leased for oil and gas during the five years prior to designation. Some parcels were denied for leasing due to visual resource constraints in the years prior to designation. An Application for Permit to Drill (APD) was submitted prior to designation and was approved following designation in 2016.

- ii. One of the proposed routes for the Yucca Mountain rail corridor was withdrawn for a right-of-way prior to designation of the area as a National Monument. The withdrawal for the right-of-way expired in December 2015.
 - iii. No energy transmission infrastructure was constructed within the BARNM during the five years prior to designation.
- c. **Minerals - annual mineral production on site**
 - i. There was no locatable mineral production on site during the five years prior to designation. There are three existing gravel pits that were used by Lincoln County for road maintenance prior to designation and are currently still in use.
- d. **Timber - annual timber production on site (in board-feet, CCF, or similar measure)**
 - i. There is no timber production in BARNM. Forestry products in BARNM are limited to non-commercial Christmas tree cutting permits and permits for the collection of wood products (i.e. posts and firewood).
- e. **Grazing - annual grazing on site (AUMs permitted and sold)**
 - i. The number of AUMS permitted was the same prior to designation as after designation. Individual permittees may adjust the amount of AUMs they use based on land health, resource conditions, or individual reasons. There are 32 allotments wholly or partially contained within BARNM. These allotments include approximately 32,119 permitted AUMs
 - ii. . The boundary of BARNM does not coincide with allotment boundaries. Therefore, the number of AUMs was calculated using percentages of allotments within the BARNM boundary and is not precise because distribution of livestock is not uniform in allotments. Due to data gaps and limitations in the Rangeland Administration System, we cannot calculate billed AUMs at this time.
- f. **Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available**
 - i. See response to 2.f.
- g. **Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available**
 - i. See response to 2.g.

4. Information on activities that likely would have occurred annually from the date of

designation to the present **if the Monument had not been designated**

The answer to this question is speculative. The question is best answered with qualitative (rather than quantitative) data.

- a. Recreation - annual visits to site
 - i. Methods for tracking visitors across the monument would not change if the monument had not been designated. BLM would continue to grant Special Recreation Permits on a case-by-case basis. Visitor use would likely be the same also if the monument had not been designated, from designation in 2015 to present.
 - ii. The BLM uses the RMIS to report visitor use. Full reporting for annual visitation 2017 will not be available until the end of September. RMIS would be used to report visitor use if the monument had not been designated.
- b. Energy - annual production of coal, oil, gas and renewables (if any) on site; amount of energy transmission infrastructure on site (if any)
 - i. Due to the short timeframe since designation, it is unlikely that any activities resulting in production of coal, oil, gas, or renewable energies would have occurred from the date of designation to present.
 - ii. There are no coal resources in this area. Four oil wells have been drilled in Coal Valley over the past 50 years, with the most recent drilling in 1996. An oil show was observed on one well, but the well was not developed. Given the history of no energy production in this area, it is reasonable to assume little to no production would occur here if the monument had not been designated. However, parcels would continue to be leased for oil and gas in this area if the monument had not been designated. Certain areas would potentially not be leased in the future due to Visual Resource Management constraints even if the area were not a monument.
 - iii. Energy transmission infrastructure could be constructed if the monument had not been designated.
- c. Minerals - annual mineral production on site
 - i. Locatable mineral production would be allowed if the area were not a monument. There are three existing gravel pits in use by Lincoln County for road maintenance. When these pits expire, they would likely apply for new permits and be authorized if the area were not a monument.
- d. Timber - annual timber production on site (in board-feet, CCF, or similar measure)

- i. There is no timber production in BARNM. The BLM does not have sufficient information to determine how designation of the BARNM has impacted vegetation permits (i.e. Christmas tree cutting, wood post cutting, or firewood collection).
 - e. Grazing - annual grazing on site (AUMs permitted and sold)
 - i. Designation of the monument has not changed the number of permitted AUMs. Nothing in the Proclamation affects authorizations for livestock grazing.
 - f. Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available
 - i. See 2.f.
 - g. Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available
 - i. The BLM does not have sufficient information to predict how designation of the monument has impacted cultural uses of the monument.
5. Changes to boundaries - dates and changes in size
- i. There have been no changes to boundaries.
6. Public Outreach prior to Designation - outreach activities conducted and opportunities for public comment
- i. Prior to the area being designated a National Monument, Senator Harry Reid introduced two bills, the Garden Valley Withdrawal Act (S.2820 in 2014 and S.196 in 2015), proposing a withdrawal of the area. In February 2015, Interior Deputy Secretary Michael Connor attended a public meeting in Las Vegas with Harry Reid and Congresswoman Dina Titus to discuss their proposals to protect Nevada's public lands. The meeting was held in Clark County and approximately 300 people expressed support for the creation of Basin and Range and Gold Butte National Monuments. The campaign to designate Basin and Range as a national monument had support in Nevada from MGM Resorts International, Wynn Resorts, Barrick Gold Corporation, Rockwood Lithium North America, the Las Vegas Metro Chamber of Commerce, and the Las Vegas Convention and Visitors Authority.
 - ii. Sentiment against designation of the area as a National Monument or National

Conservation Area has been expressed by Lincoln County Board of Commissioners. Sentiment in support of designation of the area as a National Monument has been generally expressed in Clark County, such as by the Friends of Basin and Range.

7. Terms of Designation

- i. Not applicable; refer to Proclamation for the terms of designation.