

To: Mueller, Brian[bmueller@blm.gov]
Cc: Matthew Betenson[mbetenso@blm.gov]; Paul Leatherbury[pleather@blm.gov]
From: Staszak, Cynthia
Sent: 2017-03-20T16:46:49-04:00
Importance: Normal
Subject: Re: GSENM
Received: 2017-03-20T16:48:30-04:00

Brian:

Here is a link to our plan:

<http://www.utso.ut.blm.gov/gis/ut/gs/management-plan/index.asp>

The database the plan in in has a Keyword Search.

BUT...since the Monument was withdrawn from further coal/ oil & gas leasing, the only related info in the plan is on page 51 & 52, which deal with Valid Existing Rights. There are no maps.

There is, however, a statement on page 51 that says:

"Within the Monument, there are currently 68 Federal mining claims covering approximately 2700 acres, 85 Federal oil and gas leases encompassing more than 136,000 acres and 18 Federal coal leases on about 52,800 acres. Newly acquires SITALA mineral and oil and gas leases are discussed below.

I can check the EIS for the plan, to see if I find more detail there.

Here are the decisions:

VER-01: The BLM will verify whether VERs are present by periodically reviewing files related to existing mining claims and leases. (see p. 51 -52 for complete decision)

VER-02: These authorizations, where they are valid and existed when the Monument was established, will be recognized in the Monument and their uses will be allowed subject to the terms and conditions of the authorizing document. Where these uses conflict with the protection of Monument resources, and where legally possible, leases, permits, or easements will be adjusted to eliminate or minimize adverse impacts.

VER-03: The Materials Act of 1947 specifically excludes the disposal of mineral materials from National Monuments. As a result, free use permits or contracts for mineral materials authorized under this Act will not be renewed.

VER-04: Some mineral material sites are authorized under Title 23 U.S.C. Section 107 (1998), which provides for the appropriation of lands or interests in lands for highway purposes. Unlike

free use permits or contracts for sale of mineral materials that are issued for a fixed term, Title 23 rights-of-way continue indefinitely. The BLM does not resume jurisdiction over the land covered by the rights-of-way until the lands are returned to the BLM upon a determination by the Federal Highway Administration (FHA) that the need for the material no longer exists. Existing Title 23 rights-of-way within the Monument are inconsistent with the protection of Monument resources. The BLM will request closure of those sites from the FHA and will work with the FHA to find suitable replacement sources of mineral material.

VER-05: Owners of non-Federal land surrounded by public land managed under FLPMA are entitled to reasonable access to their land. Reasonable access is defined as access that the Secretary of the Interior deems adequate to secure the owner reasonable use and enjoyment of the non-Federal land. Such access is subject to rules and regulations governing the administration of public land. In determining reasonable access, the BLM has discretion to evaluate and will consider such things as proposed construction methods and location, reasonable alternatives, and reasonable terms and conditions as are necessary to protect the public interest and Monument resources.

VER-06: The BLM will consider land exchanges and acquisitions so long as the current owner is a willing participant and so long as the action is in the public interest, and is in accordance with other management goals and objectives of this Plan. The action must also result in a net gain of objects, and values within the Monument, such as wildlife habitat, cultural sites, riparian areas, live water, threatened or endangered species habitat, or areas key to the maintenance of productive ecosystems. The action may also meet one or more of the following criteria: • ensures the accessibility of public lands in areas where access is needed and cannot otherwise be obtained, • is essential to allow effective management of public lands, • results in the acquisition of lands which serve a National priority as identified in National policy directives, All land exchanges and acquisitions will be subject to VERs as determined by the BLM.

VER-07: There are a variety of other land use authorizations which were in effect at the time of the Proclamation, and which, although they involve no “rights” are being continued in the Monument. Outfitter and guide permits are an example. These permits authorize certain uses of public land for a specified time, under certain conditions, without conveying a right, title, or interest in the land or resources used. Such permits will be recognized in the Monument and fulfilled subject to the terms and conditions of the authorizing document. If at any time it is determined that an outfitter and guide permit, other such permit, or any activities under those permits, are not consistent with the Approved Monument Management Plan, then the authorization will be adjusted, mitigated, or revoked where legally possible.

VER-08: Grazing permits or leases convey no right, title, or interest in the land for resources used. Although the Proclamation specifically mentions livestock grazing, it does not establish it as a ‘right’ or convey it any new status. The Proclamation states that “grazing shall continue to be governed by applicable laws and regulations other than this proclamation,” and says that the Proclamation is not to affect existing permits for, or levels of, livestock grazing within the Monument. Other applicable laws and regulations govern changes to existing grazing permits and levels of livestock grazing in the Monument, just as in other BLM livestock grazing

administration programs.

VER-09: The BLM will be acting in place of the State in administering all valid existing authorizations for the remainder of the applicable term in accordance with State laws and regulations. As part of such administration, BLM decisions will be subject to those Federal laws which are ordinarily attached to Federal decisions (e.g., the National Environmental Policy Act, Endangered Species Act, National Historic Preservation Act). Renewal of any lease, permit, or contract will occur if provided for under the terms of the lease, permit, or contract. Upon expiration of any grazing lease or permit, the holder shall be entitled to a preference right to renew such lease or permit to the extent provided by Federal law. This provides a priority to the holder of the expiring lease or permit against other applicants, but does not guarantee that a renewal will occur. (See Plan p. 54 for introduction)

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On Mon, Mar 20, 2017 at 2:23 PM, Mueller, Brian <bmueller@blm.gov> wrote:

There were two data sets that Paul identified as possibly be the coal data set and the oil and gas data set. I could look myself if someone would send me the plan.

The data sets were...

\\blm\dfs\loc\EGIS\UT\GisData\ut\gs\data\Minerals\miclp gs24\polygon for the Coal Leases

\\blm\dfs\loc\EGIS\UT\GisData\ut\gs\data\Minerals\milease gs100\polygon for the Oil and Gas leases

On Mon, Mar 20, 2017 at 2:20 PM, Staszak, Cynthia <cstaszak@blm.gov> wrote:

Brian:

We have the management plan.....but what do we need to correlate it with? It sounds like Ed is asking us to look at a map....or at least some data....and see if it meshes with what is in the management plan.

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On Mon, Mar 20, 2017 at 2:15 PM, Mueller, Brian <bmueller@blm.gov> wrote:

Matt:

No, no attachment. I don't have the original Monument plan at hand.

On Mon, Mar 20, 2017 at 1:45 PM, Matthew Betenson <mbetenso@blm.gov> wrote:

Hi Brian,
Should there be a map or an attachment?

Sent from my iPhone

On Mar 20, 2017, at 12:47 PM, Mueller, Brian <bmueller@blm.gov> wrote:

Paul / Matt:

Take a look at the suggestion from the State Director. Is this possible?

----- Forwarded message -----

From: **Roberson, Edwin** <eroberso@blm.gov>

Date: Mon, Mar 20, 2017 at 12:44 PM

Subject: Re: GSENM

To: "Mueller, Brian" <bmueller@blm.gov>

Brian, Can they look at the original monument management plan existing environment section to correlate the data for at least a visual check for accuracy?

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