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Nikki

Gold Butte National Monument (GBNM) Review Package is Complete

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

BLM Responses to Additional Questions for Gold Butte National Monument

a) Any legislative language, including legislation in appropriations bills

There is no new legislation regarding the Gold Butte National Monument (GBNM), however the Jumbo Springs Wilderness and Lime Canyon Wilderness were added to the National Wilderness Preservation System by the Clark County Conservation of Public Lands and Natural Resources Act of 2002 (Public Law 107-282; November 6, 2002). Both are managed in their entirety by the Las Vegas Field Office within Gold Butte National Monument (GBNM).

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.

The following options could provide some options to protect specific resources found in GBNM. 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 GBNM.

National Historic Preservation Act, (NHPA)

Through implementation of NHPA BLM identifies "significant" sites under the law for management actions, which could lead to such protection and conservation measures as signage, fencing and interpretation, as well as other mitigation measures deemed appropriate given the type of visitation/threats that may become management issues and the kinds of activities that would relate to the implementation of the Monument RMP and other future management plans, including a Travel Management Plan. These considerations also would be relevant to the identification sacred sites (Traditional Cultural Properties [TCPs]) and the American Indian Religious Freedom Act (AIRFA) and Religious Freedom Restoration Act (RFRA). Section 106 of the NHPA and RFRA require consultation with Native American tribes whenever projects needing federal approval is required may have an effect on archaeological and/or traditional cultural properties of historical or religious value to tribes.

Native American Graves Protection and Repatriation Act, (NAGPRA)

In the event of the discovery of human remains NAGPRA provides the procedures necessary for the identification of cultural affiliation and patrimony of funerary remains including sacred objects through tribal consultation that leads to repatriation of sacred and funerary objects. There are known sacred sites on the GBNM that may require implementation of NAGPRA with future management actions.

Paleontological Resources Preservation Act, (PRPA)

Archaeological Resources Protection Act, (ARPA)

ARPA and PRPA provide the requirements for federal agencies to issue permits to excavate or remove any archeological or paleontological resource on lands under the administration of the federal government for scientific purposes. ARPA and PRPA also provides for effective law enforcement to protect public archeological and paleontological sites. The statutes describe the range of prohibited actions, including damage or defacement to unpermitted excavation or removal; the sale, purchase or other trafficking activities whether within the United States or internationally; and identifies the penalties that can be levied against convicted violators. Given the number of sites that are archaeological and paleontological, through increased law enforcement patrols, site stewardship, ARPA and PRPA signage, and public outreach there can be an increased measure of protection afforded to many of these sites.

American Indian Religious Freedom Act (AIRFA)

RFRA prohibits the federal government from imposing a "substantial burden" on a person's exercise of religion, even if its acts are not specifically directed at the person or a religious group. NHPA Section 106 requires federal agencies to consider the effects of projects on archaeological sites, historical sites and locations that are significant because of the role the property plays within a community's historically rooted beliefs, customs and practices, particularly as this concerns the interest that locally affected tribes have in the GBNM.

- b) 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.

- Lime Canyon Wilderness - 24,156 acres
- Jumbo Springs Wilderness - 4,631 acres
- Million Hills Wilderness Study Area - 22,604 acres
- Virgin Mountain Instant Study Area - 5,850 acres

- c) Outstanding R.S. 2477 claims within a monument – type of road claimed and history
There are R.S. 2477 roads within GBNM, but there are no known outstanding claims. The BLM is working with the local County to draft a cooperative agreement to maintain some of the roads within GBNM.

- d) Maps

A PDF map of GBNM has been uploaded to the Google Drive (Gold Butte National Monument Map.pdf)

- e) Cultural or historical resources, particularly Tribal, located near a monument but not within

the boundary that might benefit from inclusion in the monument
The Moapa tribe considers GBNM their homeland and were actively involved in seeking the monument designation, The Maopa tribe support and benefit from the designation.

g) Other – general questions or comments

Language clarification: The Gold Butte National Monument Proclamation states the following regarding livestock grazing: “Livestock grazing has not been permitted in the monument area since 1998 and the Secretary shall not issue any new grazing permits or leases on lands within the monument.”

There are active grazing allotments that are administered by the Arizona Strip District within the GBNM. The allotments have been authorized since 1998. Clarifying the language in the Presidential Proclamation could address the grazing allotments administered by the Arizona Strip District in GBNM. BLM-Nevada can provide additional information on request. A PDF document of the grazing allotments administered by the Arizona Strip District within the GBNM has been uploaded to the Google Drive (Grazing Allotments Map.pdf).

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

Please help us gather information about each of the items listed below, for each of the National Monuments listed below in Table 1.

1) Documents Requested

a) Resource Management Plans/Land Use Plans

- i. Gold Butte National Monument (GBNM) has not yet initiated a Resource Management Plan (RMP). The 1998 Las Vegas Resource Management Plan (RMP) will be followed in the interim. A PDF document of the Las Vegas RMP/Record of Decision has been uploaded to the Google Drive (LV_RMP_ROD_1998.PDF).

b) Record of Decision

- i. GBNM has not yet initiated a RMP. The 1998 Las Vegas RMP will be followed in the interim. A PDF document of the Las Vegas RMP/Record of Decision has been uploaded to the Google Drive (LV_RMP_ROD_1998.PDF).

c) Public Scoping Documents

- i. Public scoping has not yet been initiated for a GBNM RMP. The first public comment period post- designation associated with GBNM is the DOI Notice of Opportunity for Public Comment on the Review of Certain National Monuments Established Since 1996 (82 FR 22016 (May 11, 2017)).

d) Presidential Proclamation

- i. A PDF document of the Gold Butte Presidential Proclamation (December 28, 2016) was uploaded to the Google Drive (Gold Butte Presidential Proclamation 2006.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 GBNM is December 28, 2016 - information is not yet available for most of FY17)**

a) Recreation - annual visits to site

- i. The BLM uses the Recreation Management Information System (RMIS) to report visitor use. GBNM is a subset of the Las Vegas Field Office. Full reporting for annual visitation 2017 will not be available until the end of September. A PDF document of the visitor use data for 2011-2016 for the Gold Butte area has been uploaded to the Google Drive (GBNM Visitor Use Data 2012-2016 (RMIS).pdf).
- ii. Specific visitation information to the GBNM is not available at this time.

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 has been no coal, oil, gas, or renewable production within the GBNM since the designation. There is no energy transmission infrastructure within GBNM.

c) Minerals - annual mineral production on site

- i. There has been no mineral production within the GBNM since designation.
- ii. There are no mineral developments or processing 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. Commercial seed collection (managed under the forestry program), is allowed and permitted in areas in the GBNM that are not in desert tortoise critical habitat. 2017: 700 lbs of globemallow. According to the 1998 Las Vegas RMP, all desert tortoise critical habitat is closed to commercial seed collection within the Southern Nevada District Office (SNDO). A 1/3 of the 186,566 acre Gold Butte Part A ACEC (desert tortoise critical habitat) overlaps the GBNM.
- e) Grazing - annual grazing on site (AUMs permitted and sold)
- i. **Mesquite Community Allotment (AZ04832):** currently administered by the Arizona Strip Field Office. Approximately 131 AUMs have been billed based on the acreage of the allotment within the Gold Butte NM from 12/29/2016 to 5/30/2017.
 - i. **Lime Spring Allotment (AZ02012):** currently administered by the Arizona Strip Field Office. No application for grazing has been received or approved for the Lime Spring Allotment since the date of monument designation 12/28/2016. Zero AUMs have been authorized or billed since monument designation through the present 5/30/2027.
- f) Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available
- i. The GBNM provides for the collection of certain natural materials by Native American Indians, including firewood, under a BLM permit. Information regarding firewood collection is included under the discussion of timber production.
 - ii. Availability to hunt/fish within the 296,937 acres of GBNM would be based on regulations (open/closed) by the State of Nevada. The designation does not prevent hunting or fishing from occurring in the Monument. Hunting/fishing permit data is tracked by the State of Nevada and not BLM.
- g) Cultural - list of cultural uses/values for site; number of sites; other quantifiable information where available
- i. The GBNM includes important cultural values. Local tribes, particularly the Moapa Tribe whose homeland covered the monument, use the monument for ceremonies and to visit sacred sites. Traditions of hunting is still practiced by tribal members, as is collection of medicinal and ceremonial plants, edible herbs, and materials for crafting items like baskets and footwear.
 - ii. According to the Nevada State Historic Preservation Office (NV SHPO) database and the BLM GIS Cultural data, there are 614 recorded archaeological sites and potentially five archaeological districts, or densely clustered large prehistoric and historic sites within the bounds of the monument.
 - iii. More than 60 percent of these sites are prehistoric (pre-dating the 1800s) and contain rock art, rock shelters, roasting pits, ceramics stone tools, and prehistoric trails. Many contain

datable remains such as thermal features (hearths) and storage features. Historic sites include a historic mining town, concentrations of historic features and debris, including roads, fences, and evidence of mining activities. Mines in the area date from World War I and II.

- iv. The BLM has not completely surveyed the monument. Between 2006 and 2008, when the Gold Butte area was surveyed for cultural resources, about 19,212 acres was subjected to sample survey, followed by a non-random survey of approximately 11,984 acres. The total percentage of acreage that has been surveyed for cultural resources is about 10 percent.

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

b) Recreation - annual visits to site

- i. The BLM uses the RMIS to report visitor use. GBNM is a subset of the Las Vegas Field Office. A PDF document of the visitor use data for 2012-2016 for the Gold Butte area has been uploaded to the Google Drive (GBNM Visitor Use Data 2012-2016 (RMIS).pdf).

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

- i. There has been no production of coal, oil, gas or renewables 5 years prior to designation. There is no energy transmission infrastructure within GBNM.

d) Minerals - annual mineral production on site

- i. There was no production of minerals 5 years prior to designation. The area was closed to mineral materials in the 1998 Las Vegas RMP and was withdrawn to mineral entry in 2002.

e) Timber - annual timber production on site (in board-feet, CCF, or similar measure)

- i. Commercial seed collection (managed under the forestry program), is allowed and permitted in areas in the GBNM that are not in desert tortoise critical habitat. 2013: 2,000 lbs of globemallow. No requests for permits occurred in 2012, or 2014-2016.

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

- i. **Mesquite Community Allotment (AZ04832):** currently administered by the Arizona Strip Field Office. Authorized use based on grazing bills in Rangeland Administration System (RAS) and adjusted by the acreage (13%) within the GBNM.

10/1/2016 – 12/28/2016 76 AUMs

3/1/2016 – 5/30/2016 78

10/1/2015 – 2/28/2016 129

3/1/2015 – 6/1/2015 80

10/1/2014 – 2/28/2015 129

3/1/2014 – 6/30/2014 105

10/1/2013 – 2/28/2014 129

- ii. **Lime Spring Allotment (AZ02012):** currently administered by the Arizona Strip Field Office. Authorized use based on grazing bills in RAS.

2016: 155 AUMs (ephemeral)

2015: No bill – zero AUMs
2014: Non-use – zero AUMs
2013: 173 AUMs (ephemeral)
2012: 173 AUMs (ephemeral)
2011: 190 AUMs

- g) Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available
 - i. The monument does provide for the collection of certain natural materials, under BLM permit.
 - h) 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 highly speculative. The question is best answered with qualitative (rather than quantitative) data. As GBNM was designated less than five months ago, there has been very little change in the management of activities since the date of designation.
- a) Recreation - annual visits to site
 - i. The BLM uses the Recreation Management Information System (RMIS) to report visitor use. GBNM is a subset of the Las Vegas Field Office. Full reporting for annual visitation 2017 will not be available until the end of September.
 - 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 would not have been opportunities for production of coal, oil, gas or renewables because of the current restrictions from the 1998 Las Vegas RMP. There is no energy transmission infrastructure within GBNM.
 - c) Minerals - annual mineral production on site
 - i. The area would have still be closed to mineral material production and withdrawn from mineral entry regardless of designation. There are two mining claims located in the GBNM which could see production in the future. The mining claims would be considered valid existing rights, but production on these claims would first require a validity exam due to the 2002 mineral withdrawal.
 - d) Timber - annual timber production on site (in board-feet, CCF, or similar measure)
 - i. Commercial seed collection (managed under the forestry program), is allowed and permitted in areas in the GBNM that are not in desert tortoise critical habitat. 2017: 700 lbs of globemallow.
 - e) Grazing - annual grazing on site (AUMs permitted and sold)
 - i. **Mesquite Community Allotment (AZ04832):** currently administered by the Arizona Strip Field Office. In the Arizona Strip Resource Management Plan (2008), the Mesquite

Community Allotment is available for grazing. The grazing permittee would have had the opportunity to use the entire permitted active AUMs with no reductions in AUMs because of the monument. Approximately 13% of the allotment is now within the Gold Butte NM based on GIS acreage.

- ii. **Lime Spring Allotment (AZ02012):** currently administered by the Arizona Strip Field Office. In the Arizona Strip Resource Management Plan (2008), the Lime Spring Allotment is available for grazing. An annual application for grazing use could have been submitted, and grazing could have been approved. Because the allotment is currently classified as ephemeral, there is no set number of AUMs.
- f) **Subsistence - participation rates for subsistence activities occurring on site (fishing, hunting, gathering); quantities harvested; other quantifiable information where available**
 - i. The BLM does not have sufficient information to predict how designation of the monument has impacted participation rates in subsistence activities.
- 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. The monument proclamation requires that the BLM provide access by members of Indian tribes for traditional cultural and customary uses, consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996) and Executive Order 13007 of May 24, 1996 (Indian Sacred Sites).
- 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. The public process preceding designation is outlined in the Fast Facts and Q&A regarding GBNM. A PDF document of the Fast Facts and Q&A was uploaded to the Google Drive (Fast Facts and Q&A.pdf).
- 7) **Terms of Designation**
 - i. Refer to the Gold Butte Presidential Proclamation for the terms of designation. A PDF of the Gold Butte Presidential Proclamation was uploaded to the Google Drive (Gold Butte Presidential Proclamation 2006.pdf).

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

Key Information about Gold Butte National Monument

Gold Butte National Monument was established by Presidential Proclamation on December 28, 2016. Prior to designation, the area was managed by the Bureau of Land Management (BLM) (285,158 acres) and Bureau of Reclamation (11,779 acres) and continues to be following designation. The BLM manages for multiple use within the Monument (hunting, fishing, recreation, grazing, and valid existing rights such as oil production, etc.), while protecting the vast array of historic and scientific resources identified in the Proclamation and providing opportunities for scientific study of those resources. The resources identified in the Proclamation include the threatened desert tortoise, the once-thought-extinct relic leopard frog, archaeological sites and important areas of spiritual significance to American Indian tribes, historic ranching and mining sites, rare plants such as the Las Vegas buckwheat and Las Vegas bearpoppy, dinosaur tracks, and a large sinkhole. Overall, multiple use activities are allowed in Gold Butte National Monument 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

Beginning in 2008, when Representative Shelley Berkley (D-1-NV) first introduced legislation to establish a more than 350,000-acre Gold Butte National Conservation Area, legislation to provide lasting protection for the larger Gold Butte area has been introduced repeatedly. Most recently, in 2015 Senator Harry Reid (D-NV) and Representative Dina Titus (D-1-NV) introduced S. 199 and H.R. 856, the Gold Butte National Conservation Area Act. DOI attended a public meeting hosted by Senator Reid and Representative Titus on February 18, 2015, to hear from the public about protection and conservation of Gold Butte and other areas in Southern Nevada. Many members of the overflow crowd of more than 300 people spoke in support of protecting the Gold Butte area, including representatives from local tribal nations, the travel and tourism industry, local business owners, recreationists, professional and amateur scientists, and state and local elected officials. In 2011, a roundtable at the Las Vegas Chamber of Commerce where local elected and appointed officials and stakeholders discussed the economic benefits that could be generated by national recognition of Gold Butte and other public lands in the region.

Summary of Public Scoping in Development of Resource Management Plan

No public scoping has been conducted for GBNM.

Summary of National Monument Activities since Designation

Since designation, the BLM-Las Vegas Field Office has developed informational materials including maps, brochures, and website material for GBNM. A Gold Butte Public Information Forum was conducted in Mesquite and included a short presentation that was followed by a question-and-answer period. A portal sign design was developed and approved, and three portal signs have been installed at major access points along the GBNM boundary. There have been multiple volunteer activities including seed collection, habitat restoration, sign installation, and marking of designated routes. The BLM-Las Vegas Field Office has received \$1.7 million through the Southern Nevada Public Lands Management Act (SNPLMA) to complete a Historic Properties Treatment Plan to protect three important cultural resource complexes within GBNM. The National Conservation Lands Scientific Studies Support Program awarded \$49,768 to the BLM for assistance agreements with Northern Arizona University and the University of Nevada Las Vegas to research, inventory, and assess the diverse plant communities within GBNM.

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

These lands have been managed according to the 1998 Las Vegas Resource Management Plan, which includes multiple-use management objectives. BLM lands that are within the monument were managed with some level of a protective designation either under the existing land use plan such as Areas of Critical Environmental Concern (ACEC) or as designated Wilderness or Wilderness Study Areas. The GBNM is completely overlapped by ACECs. There has been no change in day-to-day management since designation of GBNM.

Summary of Available Economic Information since Designation

Economic information has not been developed for GBNM because of its recent designation.

Summary of Any Boundary Adjustments since Designation

There have been no boundary adjustments to GBNM since the designation.