

**To:** Britta Nelson[bknelson@blm.gov]  
**From:** Sally Butts  
**Sent:** 2017-02-06T13:08:33-05:00  
**Importance:** Normal  
**Subject:** Fwd: LWC for the grazing amendment  
**Received:** 2017-02-06T13:08:45-05:00  
[ATT00001.htm](#)  
[FINAL GSENM Grazing EIS BriefingPaper12-18-15 with JW edits \(2\).docx](#)

Sent from my iPhone

Begin forwarded message:

**From:** "Staszak, Cynthia" <cstaszak@blm.gov>  
**Date:** February 6, 2017 at 10:52:06 AM EST  
**To:** Nikki Moore <nmoore@blm.gov>, "Butts, Sally" <sbutts@blm.gov>, Peter Mali <pmali@blm.gov>  
**Subject:** Fwd: LWC for the grazing amendment

All:

Here is the briefing paper we used for discussions on LWC, and other issues, with both Kristin Bail and Steve Ellis. Jenna Whitlock, then Acting State Director, used this Briefing Paper with Kristin and Steve Ellis.

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

From: **Staszak, Cynthia** <cstaszak@blm.gov>  
Date: Thu, Jan 14, 2016 at 5:26 PM  
Subject: Re: LWC for the grazing amendment

To: "Smith, Shelley" <[ssmith@blm.gov](mailto:ssmith@blm.gov)>

Cc: Allison Ginn <[aginn@blm.gov](mailto:aginn@blm.gov)>, Aaron Curtis <[acurtis@blm.gov](mailto:acurtis@blm.gov)>

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*Internal Working Document*

## **INFORMATION MEMORANDUM FOR THE DIRECTOR**

FROM: Jenna Whitlock, Acting BLM-UT State Director  
SUBJECT: Grand Staircase-Escalante National Monument Grazing EIS Status  
DATE: January 11, 2016

### **I. INTRODUCTION**

Grand Staircase-Escalante National Monument (GSENM) is ready to release the range of alternatives, including Draft Chapters 1, 2 and 3 of the Grazing EIS to the Cooperating Agencies and contractor for development of the Draft EIS. In addition, a high-level overview of the range of alternatives will soon be released to the public, although not for comment. (GSENM added this additional step of alternatives review in the interest of increasing transparency throughout the planning process; the initial draft alternatives were released for public comment December 2014. The current range of alternatives is the result of consultation and coordination with the public, Cooperating Agencies, BLM Utah State Office and BLM Washington Office.

### **II. BACKGROUND**

The Monument is preparing a Livestock Grazing Monument Management Plan Amendment and associated EIS to integrate livestock grazing with the management of other resources. It will identify lands as available or unavailable for grazing, identify an area-wide amount of existing forage available for livestock grazing and include guidelines and criteria for future allotment-specific changes and grazing management practices needed to address land health standards and protection of resources.

**Monument Proclamation:** Key to developing a full range of alternatives was a clear understanding of the GSENM Proclamation grazing clause: *"Nothing in this proclamation shall be deemed to affect existing permits or leases for, or levels of, livestock grazing on Federal lands within the monument; existing grazing uses shall continue to be governed by applicable laws and regulations other than this proclamation."* After extensive research and review by the Office of the Solicitor, and close coordination within BLM and the Department of the Interior, a one-page discussion of the language has been developed and will be included in Chapter 1 of the Draft EIS (attached). The Grazing EIS/Plan Amendment will disclose the effects of grazing on monument objects and other resources. (See attached 1.6.1 GSENM Proclamation and Objects).

**Range of Alternatives:** Five alternatives have been developed which reflect the BLM's discretion to manage livestock grazing. Initial results are available for these alternatives based upon proposed closures; however, specific management actions designed to solve grazing conflicts specific to each individual alternative have yet to be analyzed. The range consists of no action (Alternative A), no grazing (Alternative B), reduced grazing (Alternative C), enhanced or increased grazing (Alternative D), and an alternative that seeks to balance livestock grazing use with the other uses within the monument and the protection of monument objects and resources (Alternative E).

The no grazing alternative was incorporated because it is a reasonable alternative to consider under the laws and regulations that govern grazing on public lands such as FLPMA, the Taylor Grazing Act and the Fundamentals of Rangeland Health regulations. It will also provide a basis of comparison to show tradeoffs between resources and resource uses. A reduced grazing

alternative, Alternative C, was developed based on a submittal from interested stakeholders, the Grand Canyon Trust, The Wilderness Society, and others. It emphasizes management that prioritizes native species diversity and ecological processes, as well as the protection of Monument objects. If a voluntary relinquishment is received preference would be to allocate forage to non-livestock grazing uses, primarily for use as ungrazed reference areas.

The initial projection for Alternative C is an area-wide reduction of 22% in lands currently available for livestock grazing, resulting in an initial reduction of 19% in actual use. Again, this is based solely on proposed closures and before other management actions developed for the conservation of resources have been analyzed. When analyzing the effects of Alternative C as compared with Alternative A, this will show a reduction in use to provide a meaningful difference from the No Action Alternative. For each action alternative, a range will be used for the permitted AUMs.

#### **Native Seed vs Non-Native Seed**

An internal review of the alternatives raised the question of how the plan deals with the BLM policy regarding the use of native seed, and compliance with Manual 1745 and Handbook 1740. The alternatives vary with respect to the possible use of nonnative seeds for the restoration or development of non-structural range improvements. For example, under Alternative C, the reduced grazing alternative, nonnative seeds would not be used at all. Under Alternative D, the enhanced grazing alternative, nonnative seeds would be used to the maximum extent allowable under BLM guidance for the use of nonnative species. In all cases, BLM policy would be followed. The impact analysis for alternatives that would allow the use of non-native seeds will discuss the effects of such use.

#### **Lands With Wilderness Characteristics**

The final issue, how to address Lands with Wilderness Characteristics, was raised internally. The livestock grazing EIS/Plan Amendment is a focused plan amendment and LWC management decisions are not within the scope. To make LWC decisions, we would need to look at all resources that could be affected and that could affect LWC.

GSENM is working towards maintaining the inventory of LWC, along with other resource inventories. The completion of an updated inventory for LWC would not be required as part of the plan amendment. GSENM will prioritize an update for LWC inventories in a separate effort that remains distinct from the targeted plan amendment. Updated inventory findings will be required prior to the analysis of a site-specific surface disturbing activity in the implementation stage of the GSENM Management Plan Amendment for Livestock Grazing.

Livestock grazing is considered to be compatible with wilderness characteristics and values. Livestock grazing use of public lands under proper grazing management would have no impact on the presence or absence of wilderness characteristics. Additionally, the authorization of the construction or maintenance of small range improvements (fences, reservoirs, etc.) do not automatically or inherently impact the apparent naturalness of a LWC unit as these impacts are generally considered “substantially unnoticeable.” The draft alternatives do not specify where range improvements would take place, only whether or not they are allowable under a given alternative. At this level of analysis, it is not possible to determine whether or not a specific

LWC unit would be directly affected; that would be determined using site-specific NEPA analysis during permit renewal.

### III. CURRENT SITUATION

[illegible]

Attachment

## **1.6 RELATIONSHIP TO LAWS AND AGENCY REGULATIONS, POLICIES, PLANS AND PROGRAMS**

### **1.6.1 GSENM Proclamation and Objects**

The Grand Staircase-Escalante National Monument was established by President Bill Clinton on September 18, 1996. President Clinton exercised his authority under the Antiquities Act of 1906 and signed a proclamation designating objects of historic or scientific interest that he determined warranted protection. He withdrew and reserved the public lands now within the monument for the care and management of those objects. BLM is obligated under the Antiquities Act of 1906 and the proclamation to manage these public lands to protect the objects the President identified in the proclamation.

The President, however, made clear that BLM has no additional obligation with regard to existing grazing uses than it did prior to designation of the area as a national monument. In particular, the proclamation specifically addresses grazing use in the following provision:

Nothing in this proclamation shall be deemed to affect existing permits or leases for, or levels of, livestock grazing on Federal lands within the monument; existing grazing uses shall continue to be governed by applicable laws and regulations other than this proclamation.

The “existing permits or leases” and “existing grazing uses” are those in place when the President signed the proclamation. Consequently, grazing uses authorized by the permits or leases in effect on September 18, 1996, and range improvements that were authorized at that time, are to be managed by those laws and regulations that govern grazing on public land, such as the Federal Land Policy and Management Act (FLPMA), Taylor Grazing Act (TGA), and Fundamentals of Rangeland Health regulations (43 CFR 4180).

In contrast, BLM must, under the Antiquities Act and the proclamation, manage new grazing use or range improvements that were not authorized in 1996 to protect monument objects.

Notwithstanding the fact that BLM is not obligated under the Antiquities Act to manage the grazing use that existed in 1996, BLM has discretion under FLPMA, TGA, and related laws and regulations to manage such grazing use, consistent with the principles of multiple use and sustained yield, to protect resources even if those resources have been identified as monument objects. In other words, the BLM may manage grazing use to minimize the impact on those resources in the same way that BLM may manage grazing use to minimize the impact to resources or uses not identified in the proclamation. Under FLPMA, TGA, and other applicable authorities, BLM may manage grazing use – even the use that existed in 1996 – to protect resources identified as monument objects even though it has no legal obligation to do so. The Grazing EIS/Plan Amendment will disclose the effects of grazing on monument objects and other resources under a full range of options for grazing management.