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Hi my name is Doug Herrema; I'm the Senior Natural Resources Specialist for the National Landscape Conservation System and the National Program Lead for National Monuments, National Conservation Areas and similar designations in the Washington Office. The purpose of this talk is to discuss BLM Manual Section 6220, which deals with management of monuments, NCAs and similar designations. Let me begin by giving you a quick introduction to the program.

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There are nineteen national monuments, sixteen national conservation areas, three outstanding natural areas, one forest reserve and one cooperative management and protection area in the program representing every BLM state except Wyoming. We have over nine million acres from Alaska to Florida within the program and the first unit was designated in 1970; the most recent in 2013.

Why do these areas exist? They're designated by the president or congress for the conservation, protection, restoration and or enhancement of the unique resources, objects and values for which they were designated and typically include compatible uses and honor valid existing rights.

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Let me introduce you to the policy manual by starting with the program's legal authorities. Unlike wilderness, rivers and trails, the monuments and NCAs program has no overarching governing statute that means that of the forty units

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within the program there are many different legal authorities managing them. If one were to look at the Federal Land Policy and Management Act of Section 302A it describes the bureau's multiple use and sustained yield mission. And if you look at the third line you'll see it says except where such a tract. 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. The kinds of laws that that provisions of FLPMA is talking about are the kinds of proclamations and acts of congress that designate monuments and NCAs and such, those authorities become the primary governing authority for management of monuments and NCAs.

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In addition to the Federal Land Policy Management Act there are several other legal authorities that provide management guidance for monuments and NCAs. One is the Omnibus Public Land Management Act of 2009, specifically Section 2002 which established the National Landscape Conservation System as well as outlined several management principles. The Antiquities Act of 1906 granted the president the authority to declare by proclamation national monuments and the bureau has seventeen of those. In addition there are several national conservation area acts; the Forest Reserve Act, the Consolidated Natural Resources Act of 2008, Cooperative Management and Protection Area Act and Secretarial Order 3308. All of which uh provide management guidance as well as principles for management of monuments and NCAs.

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Let me now introduce you to the process that we went through to develop the manual. The process was initiated in March of 2010 and over the course of a couple of years we received over four hundred fifty comments from every BLM state and several Washington Office Divisions. We underwent extensive internal coordination with the Planning Division and the Division of Lands and Realty, specifically with regard to the extensive Rights of Way Section. Our methodology was very collaborative and included a great deal of innovation. We tried to synthesize several best practices that we had heard folks using in the field uh specifically from units on the ground; as well as IM 2009-215 and 226 which represented qualifications, innovations and improvements in bureau policy. The outcome is, we have the first ever programmatic guidance for national monuments and conservation areas. And if you recall the previous slide without an overarching statute or other law to govern the program; this manual represents, the really, the only overarching guidance for the program as a whole. And of course what's the purpose? So that we can protect, conserve and restore and enhance the unique resources, objects and values for which these units were designated.

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So rather than going through the entire manual itself I'd like to focus on some of the specific policy particulars that make it what it is. If you were to refer to Policy Section 1.6, it articulates the bureau's policy with respect to monuments and

NCA's, applies to every unit that's part of this system and would apply to any other unit that becomes part of the program if the president or congress were to designate a new type of unit. This policy represents a synthesis of new thinking, innovations, revisions to previous policies; as well as policy restatements from other programs that wish to take in this unique program.

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What are some of the general principles? To quote directly from the manual, the BLM will manage components of the National Landscape Conservation System to conserve, protect and restore nationally significant landscapes. Discretionary uses will be managed in a manner consistent with the protection of the component's values and may be prohibited where necessary; that's an important point. It's important to inventory and monitor the resources, objects and values for which monuments and conservation areas were designated, managing valid existing rights to mitigate impacts and utilizing the best available science.

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Let's focus for a moment on the designating authority. As we introduced you to briefly earlier, the designating authority for an individual unit is the highest authority for managing that unit. It's number one, it's primary and there are two kinds of designating authorities for monuments and NCA's; either an act of congress or a proclamation issued by the president pursuant to the Antiquities Act of 1906. There are no administrative designations within the National

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Monuments and NCAs program and as such no administrative designations are governed by Manual Section 6220. That includes research natural areas, ACECs and those kinds of things that the BLM often designates as a part of the land use planning process. To quote again from the manual; as a general rule if the act of congress or presidential proclamation that designates a monument or NCA conflicts with FLPMA's multiple use mandate the designating language will apply. What that means is where Section 302A of FLPMA states the multiple use and sustained yield mission. If a monument or NCA designating authority conflicts with multiple use, the monument or NCA authority takes precedence. And then where NLCS designations overlap, the BLM must comply with all applicable statutes. In order to do so, the more protective management requirements will likely apply. What that means is where there are wilderness areas, wild and scenic rivers and so forth within a monument or NCA, the provisions of those laws continue to apply and generally speaking the more restrictive, the more protective management requirements of for example wilderness will apply within the boundaries of the- the NCA as well.

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Compatibility of uses: the manual states that multiple uses may be allowed so long as their consistent with the applicable designating authority and the purposes for which the monument or NCA is designated as well as the available land use plan. If necessary the BLM through planning may consider whether to change discretionary use authorizations. Again the primary purpose for the

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monument or NCA is the care, management, protection, conservation, restoration, enhancement of the resources and values for which it was designated. Typically proclamations as well as acts of congress will note several uses that are compatible uh either de facto or per say with the management of a monument or NCA but it's up to the discretion of the BLM to determine whether other uses continue to be compatible.

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Management of New Units: if you refer to Section 1.6D, it describes the bureau's policy on management of newly designated monuments and NCAs. This applies to all units so if there are provisions of that section that a particular monument or NCA has not yet done; it's important to make sure to do it as soon as possible.

Consistency reviews: one thing that's very important to do as was introduced on the previous slide is to make sure that use, authorizations and land use plans are consistent with the designating authority. So BLM policy is to consider suspending or modifying discretionary uses and activities that may be incompatible with the designating authority. In addition it's critical to appoint a manager who has decision-making and supervisory authority and whose primary duty it is to manage the unit as well as assign a unique organizational code for each monument NCA, signs, outreach and conduct inventories. The organizational code piece is extremely important. It allows the bureau at a- at the district level, state level and Washington level to plan for track and assess budget

and funding; really just makes everybody's job a lot easier and enables proper management of the monument or the NCA. Inventorying objects and values is also extremely important. If we don't know what we have out there how can we manage it? In addition the Washington Office is drafting a performance measure that will be based on inventory of objects and values so that will become even important in the future.

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Rights of Way and Corridors: if you refer to Section 1.6E you'll see that Rights of Way and Transmission and Utility Corridors are an extensive part of this manual. To the greatest extent possible the BLM should avoid granting new Rights of Way in monuments and NCAs. The caveat is of course if monument or NCA proclamation or act of congress speaks to the designation of a specific kind of right of way or transportation corridor then of course the designating authority will apply. But where we have discretion to do so, the BLM has to consider avoiding granting new Rights of Way. This section includes the notification requirements. For major Rights of Way state offices shall notify the appropriate assistant directors in the Washington Office. At any time during the process if a Right of Way is proposed to go through a monument or NCA. That's at the application stage, the draft stage, etcetera. For renewed Rights of Way and Corridors the BLM is to consider new, additional or modified terms to minimize impacts to monument or NCA values and always ensure consistency with designating

authorities. The BLM shall exercise its discretion to deny Rights of Way applications if they are inconsistent with the components designating authority.

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Facilities: the BLM encourages development of facilities just not within the boundaries of monuments and NCAs. It's BLM policy to encourage the development of facilities such as visitor's centers and so forth within surrounding gateway communities. Try to develop new facilities only when necessary emphasizing energy efficiency, water conservation and best management practices for visual resources as well as the protection of some of our incredible night skies.

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Land Use Planning: All monuments and NCAs are required by policy to have land use plan decisions that are unique to that unit. There are several different ways that that can take place which I'll touch on in a moment but nonetheless; all units are supposed to have a separate and independent record of decision or decision record to govern management of the resources, objects and values for which they were designated. Of course they have to be consistent with designating authorities, they should analyze and consider measures to ensure that objects and values are protected and they should be listed in the purpose and needs statement at the front of the document. In addition it's bureau policy to prepare an implementation strategy for all land use plans but especially we

want to emphasize that for monuments and NCAs. Implementation strategies can be an exceptionally good tool to meld budget, planning and policy and establish priorities for management as well as communicate priorities within and external to the organization.

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Lands and Realty: The bureau's policy is to prioritize transactions within monuments and NCAs to enhance values and provide a contiguous land base. If boundary risks are identified then we're supposed to develop management of land boundary plans.

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Livestock Grazing: Livestock grazing is listed as an allowable use in almost all of the bureau's monument and NCA proclamations and legislation. As such we are to manage it consistent with designating authorities and make sure to implement grazing in a manner that protects monument and NCA values. In addition the BLM will use monuments and NCAs as a laboratory for innovative grazing techniques.

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Partnerships: The bureau's policy is to develop and sustain diverse partnerships and support formalized agreements. The bureau supports friends groups, innovative educational and outreach partnerships, youth, military and veterans

partnerships and so forth that are members are the interested public, are able to use and enjoy monuments and NCAs in a manner that conserves protects and restores the unique resources, objects and values and provides mutual benefit.

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Recreation: Many monument and NCA designating authorities actually list recreation as a value for which the monument or NCA is designated. And that's interesting because recreation is of course a use. Bureau policy is that wherever recreation values are identified in designating authorities, these values will be conserved, protected and restored pursuant to the establishing authority and managed in such a way to be consistent with the protection of other resources objects and values. Monuments and NCAs are available to hunting and fishing and hunting and fishing continues to be governed by applicable state authorities.

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Supplementary Rules: In many case supplementary rules are required to implement various aspects of the designating authorities as well as land use plans. It's bureau policy to issue supplementary rules wherever necessary for the proper management of monuments and NCAs.

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Science: As is consistent with the Omnibus Public Land Management Act of 2009 as well as Secretarial Order 3308, we promote monuments and NCAs as

sites for research including youth and citizen science. Each unit should develop a science plan in order to help enable BLM's science efforts and try to use the best available science practices wherever possible.

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Travel and Transportation Management: Anyone who's been out on the ground knows that travel and transportation management is an extremely important part of what the bureau does. Many monument and NCA authorities describe limiting off highway vehicle use to designated roads and trails. In addition, in several cases designating authorities talk about mechanized use and sometimes other types of use such as equestrian and non-motorized non-mechanized use. As such each unit within the program should complete a travel management plan and identify routes in general, uses to be restricted to identified roads, primitive roads and trails except where the designating authority states otherwise.

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Withdrawals and Valid Existing Rights: Most monument and NCA designating authorities withdraw the lands within monuments and NCAs from operation of the mineral leasing laws, the mining laws and the public land laws. As such, those lands are no longer available for new mineral leasing, new mining or certain kinds of land transactions. Except those authorities also state that management of the lands will be subject to valid existing rights. As such bureau policy is to manage valid existing rights to mitigate impacts to the resources objects and

values for which those areas are designated. Existing withdrawals should be located on master title plats and through planning areas should be considered for closure to additional mineral leasing, mineral material sales and vegetative sales where the designating authority does not already do so. In addition, project proponents must submit a plan of operations pursuant to regulation for any operations causing surface disturbance beyond casual use.

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Wildland Fire Management: Each unit within the program with burnable vegetation must have a fire management plan that addresses certain kinds of restrictions for fire management activities such as certain techniques as well as ensure unit specific considerations are incorporated into operational systems such as the wildland fire uses and support system and as always ensure consistency with designating authorities.

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Now we're going to run through a few real world scenarios that come up with management of monuments and NCAs. In the first scenario, a new monument's been designated. The president proclaims a new monument pursuant to the Antiquities Act; what do we do now? The first place to look is Section 1.6D that describes several things that BLM needs to do to effectively manage the new monument. First thing we need to think about doing is appointing a manager and or a point of contact for local stakeholders, for the Washington Office, the state

office etcetera to contact. We need to look at land use plans to ensure their consistency with the designating authority, initiate inventories of the objects and values for which the area was designated, install boundary signage and conduct outreach activities, assign an organizational code to allow the bureau to track and manage the new unit's budget and so forth. One question that often comes up is whether or not we need to build a visitor's center for the area and the answer is no. Policy does not require the construction of visitor's centers; it is discretionary. However if a designating authority calls for a visitor's center then of course we do have to build one. If I need facilities where should I put them? If you refer to section F2 facilities should be developed within surround gateway communities to the extent possible.

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Scenario Two ROW Application: What do we do if the bureau receives a Right of Way application that would go through a monument or NCA? Refer to section 1.6.E which describes all the different things that we need to think about when this kind of scenario occurs. First and foremost notification is required. It's extremely important that folks at the state office and at the Washington Office are aware that a project proponent has proposed to put a power line or some other kind of Right of Way through a monument or NCA. In addition there are requirements for pre-application meetings and the policy describes what to cover in those meetings. Of course as always ensure that the Right of Way application process is consistent with the authority that designated the monument or NCA

which always includes compatibility with and protection of the objects and values for which the area was designated. It's important to do a compatibility determination to ensure that that happens. Bureau policy describes what to do in terms of identification and use of transmission and transportation corridors and the bureau has a policy against citing corridors within monuments and NCAs. In addition where Right of Way applications may be granted, mitigation is required and policy describes how to do that. Through the land use planning process the bureau should consider avoidance and exclusion areas from both Rights of Way as well as transmission and utility corridors and if you refer to Section 1.6 B and C it talks about how the multiple use and sustained yield mandate again is modified by the authority that designates the monument or NCA and so again that's always the- the number one authority to follow and it's important to do the compatibility determination as well as document anything and everything that happens with that Right of Way application process.

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Scenario Three Land Use Planning: If you refer to section 1.6.G, it describes the bureau's policy with respect to land use planning within monuments and NCAs. The bureau requires a standalone record of decision or decision record that explicitly applies to that unit and that can happen in one of several ways. Either a full-blown standalone RMPEIS, an amendment to an existing RMP or something as simple as a project level and FONSI as appropriate. The decision for what kind of land use plan to conduct for the monument or NCA should be

discussed collaboratively with the applicable state office programs as well as the Washington Office to ensure that the right kind of plan gets developed for that unit. This part of the manual incorporates guidance from IM 2009-215, which described bureau's policy on planning for special designations. There are several things that the plan should consider. One is the clear identification and consideration of the objects and values for which the area is designated and that starts with the purpose and needs statement. Management actions, allowable uses and certain restrictions on uses should also be considered and adequately analyzed. Exclusion and avoidance areas as we discussed in the previous scenario should also be considered. Bureau regulation requires evaluations of all land use plans and bureau's policy for monument and NCA plans is to conduct evaluations every five years to ensure that they remain fresh and relevant and that the decision's still valid. When we conduct land use planning in the bureau we create expectations and necessarily conduct public outreach. The bureau's policy and the spirit of the policy is to do the best possible planning that we can for monuments and NCAs to ensure the conservation, protection and restoration of the objects and values for which the areas are designated.

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Scenario Four Off Highway Vehicles: Off highway vehicle use is a large and growing use of the public lands and monument and NCA designating authorities typically talk about what to do with off-highway vehicles. If there's ever a question about off highway vehicle use within a monument or NCA always refer

to the designating authority first. What does it say? Is the unit closed to off highway vehicle use off designated roads and trails? Is the designating authority silent? If it is silent then refer to the section of the manual that says discretionary uses will be managed in a manner consistent with the protection of the component's values and may be prohibited where necessary. As part of the land use planning process open, close or limit the use of vehicular traffic and designate routes through the travel and transportation management planning process that's part of the policy as well. As you can see in the top bullet, several sections of the policy talk about what to do or are relevant to off highway vehicle use within monuments and NCAs.

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Several questions have come up in conversations in previous sessions that I wanted to address briefly. A couple of them have to do with Rights of Ways so I'll start there. One of the questions was that even if there's a designated corridor within a unit and a right of way application is proposed for citing within that corridor; should you look for alternate routes? And the answer is yes; the bureau's policy is to try to avoid citing Rights of Way within NCAs wherever possible. So even if a corridor is designated, alternate routes around the monument or NCA should be considered. Another question is; can we designate new corridors or are we to avoid them altogether? And the answer is the latter; while it is permissible to designate new corridors within monuments or NCAs avoidance should always be considered. Are the notification requirements only

for new Rights of Way? And the answer is yes but more notification is always better and the spirit of the policy is to allow the kind of collaboration and communication that enables the bureau to make the best possible decisions. So if there are renewals or expansion proposals etcetera for existing Rights of Way; it's always a good idea to notify the applicable state offices as well as the Washington Office WO400. A nice reminder is that it's important to do a compatibility determination for every Right of Way application that comes in as part of our NEPA work.

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The next question has to do with lands and realty and the question is whether we can dispose of land within a monument or NCA? The answer is that it depends. It's always up to the designating authority to determine whether that's permissible but the bureau's policy is to avoid disposing of public land within a monument or NCA. The next question has to do with new units. Several folks in the field have asked if we could prepare a checklist for what to do when we have new units and we've done that. It's not official policy yet but we do an informal checklist to help guide management of new monuments and NCAs that we're happy to share upon request. The next question has to do with maps and legal descriptions. Please refer to Manual Section 6120 the bureau's policy with respect to maps and legal descriptions. And the final two questions have to do with funding. Number one; what to do about sub-activity 1711 or whatever future sub-activity manages monuments or NCAs? The bureau's informal policy is to reprogram

existing funding into sub-activity 1711 for all base activities as soon as possible. That allows the kind of planning, tracking and budget execution that enables the best possible management of monuments or NCAs. There's no guarantee of new funding. This is a question that's come up whether new funding is available for new monuments or NCAs. There's no guarantee of new funding unless congress acts but the Washington Office does try wherever possible to provide some seed money to allow for the incorporation of the new monument or NCA into the system.

Those are a few of the questions we've been hearing in the conversations we've been having about this policy but as always please feel free to contact us back here in Washington anytime you have a question about the policy or about the designating authorities or anything to do with management of the monuments, conservation areas, outstanding natural areas, forest reserve or cooperative management protection area that we manage in the bureau. Thank you very much for your attention during the session and I look forward to continuing to work with you to conserve, protect and restore these incredible places. Thank you.