



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
National Headquarters
Washington, DC 20240
<https://www.blm.gov>



December 13, 2024

Memorandum

To: BLM Nevada State Director

From: Director, Bureau of Land Management

Subject: BLM Interim Management of the Gold Butte National Monument

On December 28, 2016, President Obama issued Proclamation 9559¹ (“the Proclamation”), designating the Gold Butte National Monument (“the Monument”). The Proclamation identified objects of historic and scientific interest and reserved more than 296,937 acres of land in Clark County as the smallest area compatible to protect the objects identified.

A diverse and historic landscape of contrast and transition located at the confluence of multiple ecosystems, the Proclamation explains how the Gold Butte area’s human and natural history has been shaped by diverse ecological and geological forces, amid a climate that has tested its inhabitants for millennia. Evidence of this occupation can be found in the intricate and remarkable petroglyphs and pictographs found throughout the Monument landscape. The Proclamation also describes the unique geology of the area, particularly canyons and intricate rock formations in an ever-changing desert environment as well as the solitude found in places like Lime Canyon or the Virgin Mountains. Further, the Proclamation tells the story of ancient hunter-gatherers and agricultural communities that occupied the area since time immemorial as well as the story of the American West’s mining boom and Mormon settlement of the region.

The Proclamation also specifically directs the Secretary of the Interior, through the Bureau of Land Management (“BLM”), to prepare a management plan for purposes of protecting and restoring the objects identified in the Proclamation. In preparing the management plan, BLM-NV will provide for maximum public involvement in the development of that plan including, but not limited to, consultation with State, tribal, and local governments.

This interim management guidance will help ensure that, until the new plan is prepared, BLM-NV will manage the Monument in a manner consistent with the Proclamation.² The purpose of this memorandum is to: (a) provide interim guidance to BLM-NV for managing the Monument

¹ 82 Fed. Reg. 1149 (Dec. 28, 2016).

² This interim management direction applies only to BLM-managed lands and interests in lands located within the exterior boundaries of the Monument. While there are no State or private inholdings, Department of the Interior’s Bureau of Reclamation manages 11,779 acres of Federal lands within the boundary that will be transferred to the BLM pursuant to the direction in the Proclamation. If that transfer occurs prior to completion of a resource management plan, this interim management guidance would apply to those lands as well.

while the agency develops a management plan for the Monument; and (b) direct BLM-NV to prepare a management plan for the Monument, with a goal of finalizing that plan no later than January 2031. As implementation of the Proclamation proceeds, additional resource-specific guidance will be provided as necessary.

I. Interim Management Direction

The Proclamation identified objects of historic and scientific interest within the Monument boundaries and provided specific direction for management of the Monument, including the direction to prepare a management plan for the Monument. While BLM-NV is in the process of preparing that management plan, the BLM State and Field Office staff will ensure that management of the Monument conserves, protects, and restores the objects of historic and scientific interest within the Monument boundary for the benefit of current and future generations, consistent with the Proclamation, the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202), and the Antiquities Act (54 U.S.C. 320301). Additionally, the BLM's policies for interim management of lands reserved as part of a national monument are generally outlined in Section 1.6 of BLM Manual 6220.

This interim management direction describes how the Proclamation fits into the existing legal framework for managing discretionary activities within national monuments by restating and summarizing how the Proclamation, relevant statutes, regulations, and the applicable resource management plan govern the Monument prior to completion of the management plan for the Monument. This interim management direction does not alter the applicable laws or legal framework, or create new legal consequences. While certain legal obligations are discussed in this interim management direction, those obligations stem from applicable statutes, regulations, and the Proclamation.

A. Mining and Mineral Leasing Activity

The Proclamation provides that, subject to valid existing rights,

All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing, other than by exchange that furthers the protective purposes of the monument.

Therefore, no new mining claims may be located, and no new mineral leases may be issued, on lands within the Monument. Before approving a plan of operations³ within the Monument on claims located before the lands were withdrawn, BLM-NV must, in accordance with 43 CFR 3809.100(a), prepare a mineral examination report to determine whether the mining claim was valid *before* the withdrawal,⁴ and to determine whether the mining claim remains valid. The

³ There are no "notice-level" operations in national monuments, meaning that operators must submit a plan of operations for any surface disturbance greater than casual use. *See* 43 CFR 3809.11(c)(7).

⁴ The effective date of the withdrawal is the day the Monument was established, December 28, 2016.

operator will be responsible for the costs of the mineral examination, as required by 43 CFR 3800.5(b). During the period that BLM-NV is completing the examination, limited activity may be allowed on the claim, but only to take samples to confirm or corroborate mineral exposures that are physically disclosed and existing on the mining claim prior to the withdrawal, or to complete minimum necessary annual assessment work. If BLM-NV concludes that a mining claim is invalid, BLM-NV should not approve operations on the claim, but instead promptly initiate contest proceedings.

If mining or mineral leasing activities that BLM-NV determines are valid existing rights are allowed to proceed, the agency must—to the greatest extent possible, and in accordance with applicable law—manage the activity in a manner that protects Monument objects, in addition to taking any action necessary to prevent unnecessary or undue degradation of these public lands.

B. Discretionary Activities

1. In General

Section 302 of the Federal Land Policy and Management Act (FLPMA) states that public lands should be managed under the principles of multiple use and sustained yield “except that where 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.”⁵ The Proclamation dedicates the lands within the Monument to a specific use under the Antiquities Act—namely, the protection of the objects identified in the Proclamation. Therefore, BLM-NV must manage the lands reserved within the Monument boundary in a manner that protects the objects for which the Monument has been designated. In other words, within the Monument, typical multiple-use management is superseded by the direction in the Proclamation to protect Monument objects. On BLM-administered lands within the Monument, authorizations and BLM-initiated actions are allowed only to the extent they are consistent with the protection of the objects identified in the Proclamation.

For any discretionary project or activity proposed within the boundaries of the Monument or with the potential to affect objects for which the Monument has been designated, BLM-NV must undertake a two-part analysis before issuing an authorization. First, the authorized officer must verify that the proposal conforms to the approved resource management plan. Second, the authorized officer must determine that the proposal is consistent with the protection of Monument objects. Because the 1998 Las Vegas Resource Management Plan (RMP) was developed before the issuance of the Proclamation, a finding that a proposed project or activity conforms to that RMP does not necessarily ensure that the proposal is consistent with the protection of objects for which the Monument has been designated. The authorized officer should ensure that the decision document and associated record provides adequate documentation of both the conformity to the RMP and compliance with the Proclamation. Documentation of this analysis is required for all proposals that were not approved prior to December 28, 2016.

⁵ 43 U.S.C. 1732(a).

In summary, prior to the adoption of a new management plan for the Monument, the BLM-NV may authorize discretionary activities only if it determines that: (1) the decision conforms to the 1998 Las Vegas RMP; and (2) the decision is consistent with the protection of Monument objects. BLM-NV should ensure that the NEPA analysis for the decision adequately addresses potential impacts to Monument objects and document the basis for its determinations and, if not, undertake additional environmental analysis as necessary. BLM-NV's determination for each of the considerations detailed above should be explained in the decision document for the proposed action.

Note that this analysis does not usually identify a conflict between the management direction in the resource management plan and the requirement in the Proclamation to protect objects, since resource management plans—while they may impose conditions or make certain uses off limits—do not typically *mandate* that particular uses occur. For example, while a resource management plan may *allow* BLM-NV to grant FLPMA Title V rights-of-way in a particular area, it does not mandate that the agency do so. Thus, if the BLM-NV denies, or places conditions on, a proposed right-of-way grant to protect objects, that decision would likely still conform to the governing resource management plan. That said, in the rare event that there is a conflict between the Proclamation and the governing resource management plan, the Proclamation controls. If there appears to be a conflict between the requirements of the Proclamation and those of the approved resource management plan, you should consult with the Office of the Solicitor.

Within eighteen months of issuance of this guidance, the BLM-NV should prepare a report for the director that reviews existing discretionary uses and activities within the Monument to determine whether their impacts are consistent with the protection of the Monument objects. Subject to valid existing rights and consistent with applicable law and regulations, BLM-NV should consider taking appropriate action with regard to any such activities and uses that it has determined to be incompatible with the protection of objects for which the Monument has been designated, pending the completion of a new management plan to implement the Proclamation.⁶ To the extent that BLM-NV has taken actions to address potential conflicts, BLM-NV should summarize those actions in the same report submitted to the Director by the above date and does not need to complete a new review.

Finally, effective on-the-ground management of Monument objects requires monitoring and inspection to ensure that they are being adequately protected on an ongoing basis. BLM-NV should review its existing monitoring plans and, where necessary and appropriate, update them to provide for proactive monitoring within the Monument boundary to ensure protection of objects. In particular, BLM-NV should ensure that it is adequately monitoring cultural sites and riparian areas within the Monument. Further, BLM-NV should review existing monitoring data to determine whether any areas within the Monument should be temporarily closed or whether other uses of the area should be temporarily restricted to ensure protection of Monument objects.

⁶ The BLM's ability to suspend or take other appropriate action with regard to previously authorized activities and uses could depend on the nature and type of authorization at issue. For third-party authorizations, please consult with the Solicitor's Office prior to issuing a suspension.

Beyond resource monitoring, the plans should include compliance checks for existing facilities within the Monument. The agency should also ensure that any activity or use that it approves includes adequate monitoring to ensure protection of objects. If BLM-NV's monitoring within the Monument identifies impacts to Monument objects or other resources, BLM-NV should take appropriate action (up to, and including, issuing temporary area closures or specific use restrictions consistent with 43 C.F.R. 8364.1), in consultation with the Solicitor's Office, to address the impacts. In the event that BLM-NV determines that it is necessary to issue a temporary area closure or use restriction in accordance with section 8364.1, the agency should consider whether it is appropriate to rely on an applicable categorical exclusion to comply with NEPA.

More specific guidance regarding particular uses and activities follows. Note, however, that this guidance is not intended to be comprehensive; additional, detailed direction may be provided as particular issues are identified, including through the decision making and public involvement processes.

2. Recreation Management

The Monument area is replete with diverse opportunities for recreation, including hiking, camping, birdwatching, motorized touring, stargazing, and hunting that support the travel and tourism sector of the local economy. However, prior to authorizing a proposed recreation use, activity, or facility, BLM-NV must ensure that the proposed recreation use, activity, or facility is evaluated for resource management plan conformance and consistency with the Proclamation. Note that this requirement applies to special recreation permits that may come up for renewal, notwithstanding whether an event or activity has been permitted in the past.

a. Off-Highway Vehicle Management

The Proclamation provides,

Except for emergency or authorized administrative purposes, motorized vehicle use in the monument shall be permitted only on roads designated as open to such use as of the date of this proclamation, unless the Secretary decides to reroute roads for public safety purposes or to enhance protection of the objects identified above. Non-motorized mechanized vehicle use shall be permitted only on roads and trails, consistent with the care and management of the objects identified above.

For purposes of preparing a transportation management plan, the Proclamation limits motorized vehicle use to those roads designated as open to such use on December 28, 2016. This limitation means that BLM-NV can consider only those roads, primitive roads, and trails designated as open to motorized use in the BLM-NV's July 2008 Decision Record for Route Designations for Selected Areas of Critical Environmental Concern Located in the Northeast Portion of the Las

Vegas District in making travel management decisions.⁷ The Proclamation also provides that BLM may re-route existing roads where the BLM determines that adjustments to the road network within the Monument would better protect public safety or enhance protection of the Monument's objects. The purpose of the limitation to roads "designated as open" is to incorporate, at least initially, the 2008 route designations for the Gold Butte area and to prevent motorized vehicle use on any routes not designated as open through the July 2008 Decision Record. To better inform the public, within 15 days of the issuance of this guidance, BLM-NV will post the map of current route designations on the Monument webpage with appropriate explanatory language.

The Proclamation does not impose the same limitation on non-motorized, mechanized vehicle use, which, therefore, may be allowed on roads and trails that were not designated in the 2008 Decision Record if the use is consistent with the care and management of the Monument objects.

Prior to completion of a Travel Management Plan, the BLM-NV should ensure that motorized and mechanized vehicle use is limited to designated roads and trails. Additionally, BLM-NV should ensure that use of designated roads and trails is consistent with protection of Monument objects. If monitoring demonstrates that use of certain roads or trails is creating impacts to Monument objects, BLM-NV should take appropriate action (up to, and including, issuing road closures), in consultation with the Solicitor's Office, to address the issue. In taking appropriate action, BLM-NV should consider whether the motorized vehicle use at issue is causing or will cause a considerable adverse effect to Monument objects and resources. In such case, 43 CFR 8341.2 requires BLM-NV to immediately close the road or trail to the type of vehicle causing the adverse effect. BLM-NV should also consider whether reliance on the categorical exclusion applying to the temporary closure of roads and trails at 516 DM 11.9(G)(3) or other available categorical exclusions is appropriate if BLM-NV determines it is necessary to close any roads or trails to continued motorized vehicle use.

b. Recreational Infrastructure and Facilities

Recreational use of the Monument has been increasing. Increased visitation has the potential to strain existing recreational facilities in the area, which, in turn, can adversely impact resources within the Monument. To avoid such impacts, BLM-NV should assess whether and where additional recreational infrastructure and facilities, such as toilet facilities and designated campsites, are necessary in the Monument to avoid adverse impacts to resources and ensure the protection of Monument objects.

3. Non-Commercial Collection of Plant and Mineral Materials

Proclamation 9559 provides,

Nothing in this proclamation shall be construed to preclude the traditional tribal collection of seeds, natural materials, salt, or materials for stone tools in the monument

⁷ The specific route designations authorized by the July 2008 Decision Record are located in the July 2008 Route Designations for Selected Areas of Critical Environmental Concern Located in the Northeast Portion of the Las Vegas BLM District Environmental Assessment, NV-052-2006-433.

for personal noncommercial use consistent with the care and management of the objects identified above.

In evaluating proposed activities within the Monument, BLM-NV should ensure that these traditional uses are protected. BLM-NV should also consider opportunities to address management of this use in the Resource Management Plan and as part of co-stewardship with Tribes with a historical or spiritual connection to the Monument lands.

4. Rights-of-Way

The Proclamation provides:

Consistent with the care and management of the objects identified above, nothing in this proclamation shall be construed to preclude the renewal or assignment of, or interfere with the operation, maintenance, replacement, modification, or upgrade within the physical authorization boundary of existing flood control, pipeline, and telecommunications facilities, or other water infrastructure, including wildlife water catchments or water district facilities, that are located within the monument. Except as necessary for the care and management of the objects identified above, no new rights-of-way shall be authorized within the monument.

Pursuant to this language, holders of rights-of-way for flood control, pipeline, telecommunications facilities, or water infrastructure that were authorized before the Proclamation may continue to operate within the corridors authorized by their grants, notwithstanding the Monument designation. New rights-of-way would generally be prohibited, except where necessary for the care and management of the objects identified in the Proclamation. If BLM-NV receives a proposal for a right-of-way and is unsure how to comply with this provision, please consult with the Solicitor's Office for project-specific guidance.

a. Wildlife Guzzlers

There are several large and small game water catchments (also known as "guzzlers") located throughout the Monument. These guzzlers have historically been maintained by the Nevada Department of Wildlife in conjunction with local partners. Consistent with the language regarding rights-of way, the Proclamation would allow for the continued maintenance and repair of new and existing facilities, including the use of helicopters, consistent with the care and management of Monument objects.

b. Water District Facilities

The Virgin Valley Water District operates water infrastructure within the Monument, including wells, storage tanks, pumping facilities, pipelines, and other related water system appurtenances that serve the needs of the nearby communities. Consistent with the language regarding rights-of-way in the Proclamation, BLM-NV will allow the Water District to continue to access, maintain, and operate its water system infrastructure currently existing within the Monument to make beneficial use of its water rights.

In December 2018, BLM-NV and the Virgin Valley Water District executed a memorandum of understanding that allows the District to serve the Virgin Valley area by making use of its water rights, while ensuring protection of Monument objects and other natural resources within the Monument and promoting responsible stewardship of the public lands. BLM-NV should review the MOU and consider whether to work with the Water District to update the MOU prior to initiating the land planning process for the Monument.

5. Vegetation Management and Restoration

Vegetation management is another type of activity that regularly occurs within the Monument that must conform to the applicable resource management plan and be consistent with the protection of Monument objects. While the Proclamation does not specifically limit the types of vegetation treatment that BLM-NV can use within the Monument, certain treatment methods allowed under the applicable resource management plan may not be consistent with the protection of the objects. Thus, agency staff should review such projects with particular care to ensure such consistency.

Restoration of vegetation, including from wildland fire, and reclamation from previous activities, in particular addressing prior mining operations within the Monument boundary, can improve protection of Monument objects. BLM-NV should continue to identify and implement restoration and mining reclamation actions in a manner that is consistent with the Proclamation. BLM-NV should also apply lessons learned from past efforts to any future remediation and reclamation from mining operations within the Monument. In relation to future remediation and reclamation efforts, BLM-NV will ensure that information from affected Tribes, the public, and other stakeholders is considered through appropriate processes.

6. Livestock Grazing

The Proclamation provides, “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.” This is in reference to the efforts made pursuant to the Clark County Multi-Species Habitat Conservation Plan (HCP) to work with local ranchers to retire grazing permits in the Gold Butte area through purchase and exchange of grazing allotments and the subsequent decision in BLM-NV’s 1998 Las Vegas Resource Management Plan to close the vast majority of lands within the Monument boundary to livestock grazing for the benefit and protection of the Mojave Desert tortoise. However, there are two allotments, the Lime Spring Allotment and the Mesquite Community Allotment, administered by the Arizona Strip District Office that overlap with the Monument along its eastern boundary that had active grazing permits on December 28, 2016, that remain active. Those permits are not currently affected such that BLM-NV may continue to administer those allotments as authorized, subject to appropriate terms and conditions, and consistent with the protection of Monument objects.

C. Consultation, Coordination and Consistency

The Proclamation directs the Secretary of the Interior to provide for maximum public involvement in the development of the management plan, in particular, consultation with

federally recognized Tribal Nations and coordination with State and local governments. BLM-NV will maximize opportunities for consultation and to seek cooperation and consistency while carrying out this interim management direction. To ensure that the planning process has robust public engagement, BLM-NV should ensure that the following agreements and committees are established prior to beginning scoping for the management plan.

1. Monument Advisory Committee

The Proclamation directs the Secretary to establish the Gold Butte National Monument Advisory Committee (MAC) to provide BLM-NV with information and advice regarding the development of a management plan and, as appropriate, the management of the Monument. BLM-NV should prepare a draft charter for the MAC that provides for fair and balanced representation of stakeholders, local governments, and members of Tribal Nations with a historical or spiritual connection to the lands within the Monument no later than June 30, 2025.

Acknowledging that Tribal Nations have differing protocols and timelines for identifying and nominating Tribal members to be considered for the MAC, BLM-NV should work with interested Tribal Nations to ensure that the deadline for nominations provides adequate time, and if not, extend the deadline accordingly. The MAC is another form of tribal participation that does not act as a substitute for Government-to-Government consultation or co-stewardship with federally recognized tribes.

2. Tribal Engagement

While the Proclamation is silent on the issue of co-stewardship, BLM-NV should explore entering into one or more memoranda of understanding with interested Tribal Nations for co-stewardship of the Monument that will set forth parameters for meaningful engagement on the development and implementation of the management plan and future management of the Monument, including the consideration of Indigenous Knowledge.

Additionally, BLM-NV should explore whether opportunities exist to contract with Federally recognized Tribes or Tribal Organizations under Title I of the ISDEAA to perform programs, services, functions, or activities, or portions thereof, that BLM-NV would otherwise provide in the Monument and that satisfy the requirements of 25 U.S.C. 5321. BLM-NV should also develop a list of programs or portions of programs within the Monument that are of special geographic, historic, or cultural significance to Tribal Nations that qualifying Tribes could perform pursuant to new funding agreements issued under Title IV of the ISDEAA. For example, under Title IV, qualifying Tribes may be able to perform certain activities related to cultural heritage, including research and inventory activities; natural resource management, including vegetative treatment projects and cultural resource management; riparian management; and recreation management, such as facilities construction and maintenance and interpretative design and interpretative construction.

D. Other Priorities

The Proclamation directs the Secretary to transfer administrative jurisdiction of lands managed by the Bureau of Reclamation (BOR) within the boundaries of the Monument to the BLM. Currently, the BOR manages approximately 11,779 acres within the Monument boundary. BLM-NV should complete the appropriate documentation necessary to execute the administrative transfer of these lands prior to beginning the planning process. In the interests of efficiency, BLM-NV may consider including the 5,592 acres of Federal lands currently managed by the BOR within the boundary of the Avi Kwa Ame National Monument as part of this process consistent with the direction in Proclamation 10533 (88 Fed. Reg. 17,987 (March 27, 2023)).

Finally, there is a large population of wild burros within the Monument. The Proclamation does not identify burros as a Monument object, thus BLM-NV may manage the wild burros consistent with the Wild Free-Roaming Horses and Burros Act and the BLM's regulations at 43 CFR Part 4700.

II. Completion of a Monument Management Plan

Consistent with the direction in BLM Manual 6220 and the Proclamation, BLM-NV will prepare a stand-alone management plan for all Federal lands within the 296,937-acre boundaries of the Gold Butte National Monument for the purposes of protecting and restoring the Monument objects. Until BLM-NV approves a new management plan for the Monument, the existing 1998 Las Vegas Resource Management Plan remains in effect, to the extent it is consistent with the protection of Monument objects identified in the Proclamation.

Prior to initiating the planning process, BLM-NV should review the GIS data for the Monument and correct any errors prior to initiating the planning process. During the planning process, the BLM will finalize and make available to the public an updated map and spatial data for the Monument.

In preparing the management plan, BLM-NV will prioritize consultation with Tribal Nations. The planning process should also include opportunities for consultation with other Federal land management agencies and provide for maximum public involvement, including consultation with State and local governments, community members, and other interested stakeholders.

Before March 31, 2025, BLM-NV will finalize and submit a preparation plan.

Attachments:

Proclamation 9559

MOU with the Virgin Valley Water District