



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

California State Office

2800 Cottage Way, Suite W1623

Sacramento, CA 95825

www.blm.gov/office/california-state-office

September 15, 2023



MEMORANDUM

TO: BLM California State Director

FROM: Director, Bureau of Land Management

SUBJECT: Interim Management of the Berryessa Snow Mountain National Monument

On July 10, 2015, President Obama issued Proclamation 9298 (“the Proclamation”), which established the Berryessa Snow Mountain National Monument (“the monument”) and reserved the lands within the boundary of the monument. Proclamation 9298 identified a wide variety of monument objects in reserving approximately 330,780 acres of land in Napa, Yolo, Solano, Lake, Colusa, Glenn, and Mendocino counties in northern California as part of the national monument. This memorandum: (a) provides interim guidance for managing the monument while the agency develops a monument management plan; and (b) directs you to begin preparing a joint management plan for the monument with the Mendocino National Forest, with a goal of finalizing that plan no later than January 30, 2026. As implementation of the Proclamation proceeds, additional resource-specific guidance will be provided as necessary.

Proclamation 9298 specifically directs the Secretary of the Interior and the Secretary of Agriculture to prepare a joint management plan for the entire monument for purposes of protecting and restoring the objects identified in the Proclamation. This interim management provides specific direction to ensure that, until the new plan is prepared, the BLM will manage the Berryessa Snow Mountain National Monument in a manner consistent with Proclamation 9298.

I. Interim Management Direction

Proclamation 9298 identified a wide variety of objects of historic and scientific interest within the monument boundaries. These monument objects, which are specifically detailed in the proclamation, include cultural and historic resources; geologic features and serpentine soils; rivers, streams, ponds and springs; wildlife habitat and migration corridors, including riparian and aquatic habitat; endemic, rare, sensitive, threatened and wide-ranging species; and other scientific values. The proclamation also provided specific direction for management of the monument, including the direction to prepare a

monument management plan. Until the BLM and U.S. Forest Service (USFS) complete their joint planning process, the State and Field Office staff will ensure that management of the monument conserves, protects, and restores the objects and values of historic and scientific interest within the monument boundary for the benefit of current and future generations, consistent with the Omnibus Public Land Management Act of 2009 (16 USC 7202). 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.

A. Mining and Mineral Leasing Activity

Proclamation 9298 provides that, subject to valid existing rights,

All Federal lands and interests in lands within the boundaries described on the accompanying map are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws or laws applicable to the U.S. Forest Service, 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 facilitates the remediation, monitoring, or reclamation of historic mining operations under applicable law or otherwise furthers the protective purposes of the monument.

Therefore, no new mining claims may be located, and no new mineral or geothermal leases may be issued, on lands within the monument. Before approving a plan of operations¹ within the monument on claims located before the lands were withdrawn, BLM-CA 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, and to determine whether the mining claim remains valid. The operator will be responsible for the costs of the mineral examination, as required by 43 CFR 3800.5(b). During the period that BLM-CA is completing the examination, the activity that may be allowed on the claim is limited to taking 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-CA concludes that a mining claim is invalid, BLM-CA should not approve operations on the claim, but instead promptly initiate contest proceedings.

If mining or mineral leasing activities that BLM-CA 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 and mitigates impacts to the monument objects and values.

¹ 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).

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.”² Proclamation 9298 dedicates the lands within the Berryessa Snow Mountain to a specific use, therefore the lands reserved within the monument boundary must be managed in a manner that protects the objects and values for which the monument has been designated. In other words, within Berryessa Snow Mountain National Monument, typical multiple use management is superseded by the direction in Proclamation 9298 to protect monument objects. Multiple uses are allowed only to the extent they are consistent with the protection of the objects and values within the monument.

For any discretionary project or activity proposed within the boundaries of the monument or with the potential to affect objects and values for which the monument has been designated, BLM-CA must undertake a two-part analysis before issuing an authorization. First, the authorized officer must verify that the proposal conforms to the applicable resource management plan. Second, the authorized officer must determine that the proposal is also consistent with the protection of the monument objects and values. Because the 2006 Ukiah Resource Management Plan was developed before the issuance of Proclamation 9298, a finding that a proposed project or activity conforms to the resource management plan does not necessarily ensure that the proposal is consistent with the protection of objects and values 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 resource management plan and compliance with Proclamation 9298.

In summary, for discretionary decisions before new monument management plans are adopted, the BLM may allow activities only if it determines that: (1) the decision conforms to the 2006 Ukiah Resource Management Plan; and (2) the decision is consistent with the protection of monument objects. Finally, BLM-CA 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-CA’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 create a conflict between the resource management plan and the protection of 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

² 43 USC 1732.

resource management plan may allow the BLM to grant FLPMA Title V rights-of-way in a particular area, it generally would not mandate that the agency do so. Thus, if the BLM denies, or places conditions on, a particular right-of-way grant in order to protect objects, that decision would 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.

Within 6 months from the issuance of this guidance, BLM-CA should also identify for review existing discretionary uses and activities within the monument to determine whether their impacts are consistent with the protection of the monument objects and values. Subject to valid existing rights and consistent with applicable law and regulations, BLM-CA 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 and values for which the monument has been designated, pending the completion of a new monument management plan to implement Proclamation 9298. Routes designated as open under the existing travel management plan that may have an adverse impact on monument objects are an example of activities that should be reviewed for consistency with the terms of the Proclamation. To the extent that BLM-CA has already completed such a review and taken actions to address potential conflicts, BLM-CA should summarize that, as well, in a report to the Director submitted by the above date and does not need to complete a new review.

Finally, effective on-the-ground management of monument objects and values requires monitoring and surveillance to ensure that they are being adequately protected on an ongoing basis. BLM-CA should review its existing monitoring plans and, where necessary and appropriate, update them to provide for proactive monitoring within the restored monument boundary to ensure protection of monument objects and values. Beyond resource monitoring, the plan 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 monument objects and values.

More specific guidance regarding particular types of 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

Proclamation 9298 makes clear that while the monument area provides diverse recreation opportunities to a burgeoning population, including “hunting, fishing, hiking, mountain biking, and horseback riding.” While these activities themselves are not objects of historic and scientific interest designated for protection, they are important uses for visitors of the monument. Therefore, the agency must ensure that any proposed recreation use or activity is evaluated for both resource management plan conformance and consistency with the proclamation prior to being authorized. 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.

3. Grazing Management

BLM Manual 6220, section 1.6.I, provides the general policy guidance for managing grazing in national monuments. Proclamation 9298 clarifies that while BLM-CA may manage livestock grazing as currently authorized, and subject to appropriate terms and conditions, grazing activities must be consistent with the care and management of the objects and values in the Berryessa Snow Mountain National Monument. Therefore, if the agency is considering a grazing permit or lease for renewal, the agency must ensure that the decision will both be consistent with the existing plan and will ensure protection of the monument objects as described above.

4. Wildland Fire Management

Wildland fire is an issue of increasing concern in the monument area. In fact, the vast majority of lands within the monument boundary (more than 80%) have been impacted by wildland fire and efforts to fight wildland fires since it was designated in 2015.³ BLM-CA should work with the California Department of Forestry and Fire Protection to develop an agreement to guide wildland fire response within the monument boundary, including how to design potential operational delineations that could be incorporated into the Resource Management Plan.

The agreement also should ensure that all wildland fire prevention, management, and rehabilitation efforts protect monument objects to the maximum extent possible. The agreement should also identify the range of actions that could be taken within the monument to protect the public, natural landscapes, wildlife habitat, recreational areas, and other values and resources from wildland fire. The agreement should also ensure that the California Department of Forestry and Fire Protection can be proactive in managing wildland fire within the monument to protect monument objects from fire risk, including through fire suppression, preparedness, predictive services, vegetative fuels management, prescribed fire, community assistance and protection, and fire prevention through education.

5. Restoration and Mining Reclamation

Restoration of vegetation, including from wildland fire, and reclamation from previous activities, in particular addressing now-abandoned mining operations within the boundary, can improve protection of monument objects. BLM-CA should continue to identify and implement restoration and mining reclamation actions in a manner that is consistent with the Proclamation.

With respect to wildland fire, to address the impacts discussed in the preceding section, BLM-CA should conduct research on opportunities for natural and active restoration from the impacts of fire.

³ Fires impacting monument lands since designation include the 2017 Ridge Fire, 2017 Mule Fire, 2018 County Fire, 2018 Grade Fire, 2018 Ranch Fire, 2018 Pawnee Fire, 2018 Cache Fire, 2018 Reservoir Fire, 2018 Snell Fire, 2018 Spring 2 Fire, 2019 Sand Fire, 2019 Eagle Fire, 2020 Indian Fire, 2020 August Complex Fire, 2020 Mule Fire, 2020 Eagle Fire, 2020 Hennessey Fire, and 2021 Eastside Fire.

An initial assessment of opportunities and plan for related research should be completed and submitted to the Director within 120 days from issuance of this guidance.

6. Vegetation and Forest Management

Vegetation management regularly occurs within the monument and must also conform to the applicable resource management plan and be consistent with the protection of monument objects. While Proclamation 9298 does not specifically limit the types of vegetation treatment that the BLM can deploy within the monument, certain treatment methods may not be consistent with the protection of monument objects. BLM-CA should review such projects with particular care to ensure they are consistent with the Proclamation.

Further, BLM-CA should employ the 2023 definition and inventory framework for mature and old-growth forests on federal lands when analyzing vegetation management projects and to inform forest management activities. The framework is available in the technical report prepared by the BLM and U.S. Forest Service titled, *Mature and Old-Growth Forests: Definition, Identification, and Initial Inventory on Lands Managed by the Forest Service and Bureau of Land Management*.

7. Off Highway Vehicle Management

Except for emergency or authorized administrative purposes, Proclamation 9298 prohibits off-road use of motorized and mechanized vehicles, and limits use to roads and trails designated for their use, consistent with the care and management of monument objects. Prior to completion of a Travel Management Plan, the BLM should ensure that motorized and mechanized vehicle use is limited to designated roads and trails.

Additionally, BLM-CA 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-CA should take appropriate action, in consultation with the Solicitor's Office, to address such impacts.

8. Potential California Condor Reintroduction

Proclamation 9298 describes the upland areas within the monument boundary as providing habitat for a wide variety of raptors, including burrowing owls, prairie falcon, peregrine falcon, northern goshawk, and bald and golden eagles. While not discussed in the proclamation, Indigenous knowledge indicates that California Condors may have been found within the monument boundary in the past century. BLM-CA should investigate opportunities to work with Tribal Nations, particularly the Yocha Dehe Wintun Nation, the Kletsel Dehe Wintun Nation, and the Cachil Dehe Wintun Nation, as well as the U.S. Fish and Wildlife Service, U.S. Department of the Interior, California Department of Fish and Wildlife, and other stakeholders, as appropriate, to evaluate reintroduction of California Condors within the monument boundary.

C. Consultation, Coordination and Consistency

1. In General

The BLM will coordinate with the U.S. Forest Service in implementing this interim guidance. Proclamation 9298 directs the Secretary of the Interior and the Secretary of Agriculture to provide for public involvement in the development of the monument management plan, in particular, consultation with federally recognized Tribal Nations and coordination with State and local governments. The BLM, in coordination with the U.S. Forest Service, will maximize opportunities for consultation and to seek cooperation and consistency while carrying out this interim management direction.

2. Tribal Engagement

Leadership at DOI and USDA engaged in robust outreach to Tribal Nations prior to the designation of the national monument. In November 2014, USFS invited 23 Tribal Nations⁴ to discussions about the congressional delegation's proposal for national monument designation, and subsequently hosted meetings with representatives from Scotts Valley Band of Pomo Indians, Elem Indian Colony, Big Valley Band of Pomo Indians, Robinson Rancheria Band of Pomo Indians, Habematolel Pomo of Upper Lake, Kletsel Dehe Wintun Nation of the Cortina Rancheria, and the Round Valley Indian Tribes on December 2 and 4, 2014. Additionally, DOI Secretary Jewell, USDA Under Secretary Bonnie, and Forest Service Chief Tidwell invited a large and diverse group of Tribal Nations⁵ to a meeting prior to the public listening

⁴ Invitees included Robinson Rancheria of Pomo Indians, Yocha Dehe Wintun Nation, Kletsel Dehe Wintun Nation of the Cortina Rancheria, Big Valley Rancheria, Grindstone Indian Rancheria of Wintun-Wailaki Indians of California, Paskenta Band of Nomlaki Indians, Colusa Indian Community Council, Guidiville Rancheria, Pinoleville Pomo Nation, Hopland Band of Pomo Indians of the Hopland Rancheria, Potter Valley Tribe, Coyote Valley Band of Pomo Indians, Cahto Tribe of the Laytonville Rancheria, Redwood Valley Little River Band of Pomo Indians, Elem Indian Colony, Middletown Rancheria of Pomo Indians of California, Round Valley Indian Tribes, Scotts Valley Band of Pomo Indians, Sherwood Valley Band of Pomo Indians, Upper Lake Rancheria Mechoopda Indian Tribe of Chico Rancheria.

⁵ Invitees included Big Valley Band of Pomo Indians of the Big Valley Rancheria, Buena Vista Rancheria of Me-Wuk Indians of California, California Valley Miwok Tribe, Cloverdale Rancheria of Pomo Indians, Cachil DeHe Band of Wintun Native Americans of the Colusa Native Americans Community of the Colusa Rancheria, Kletsel Dehe Wintun Nation of the Cortina Rancheria, Coyote Valley Band of Pomo Indians, Dry Creek Rancheria Band of Pomo Indians, Elem Indian Colony, Federated Indians of Graton Rancheria, Grindstone Indian Rancheria of Wintun-Wailaki Indians of California, Guidiville Rancheria of California, Habematolel Pomo of Upper Lake, Hopland Band of Pomo Indians, Koi Nation of the Lower Lake Rancheria, Cahto Tribe of the Laytonville Rancheria, Cahto Tribe Lytton Rancheria, Manchester-Point Arena Band of Pomo Indians, Mechoopda Indian Tribe of Chico Rancheria, Middletown Rancheria of Pomo Indians of California, Mishewal Wappo Tribe of Alexander Valley, Paskenta Band of Nomlaki Indians, Pinoleville Pomo Nation, Potter Valley Tribe, Redwood Valley Little River Band of Pomo Indians, Robinson Rancheria of Pomo Indians, Round Valley Indian Tribes, Scotts Valley Band of Pomo Indians, Sherwood Valley Band of Pomo Indians, Kashia Band of Pomo Indians of the Stewarts Point Rancheria, Yocha Dehe Wintun Nation, Yokayo Tribe of Indians.

session on December 19, 2014 that was attended by representatives from the Elem Indian Colony, Koi Nation of the Lower Lake Rancheria, Scotts Valley Band of Pomo Indians, Habematolel Pomo of Upper Lake, Hopland Band of Pomo Indians, and Mishewal Wappo Tribe of Alexander Valley attended the meeting.

There are more than 30 federally recognized Tribal Nations with strong cultural ties to the lands within the monument. To ensure that management of the national monument, and particularly the development of the resource management plan, reflects Tribal voices and integrate traditional and historical knowledge, BLM-CA should work with the USFS to engage these Tribal Nations in a discussion of co-stewardship of the monument. A co-stewardship agreement could extend beyond the monument to encompass a broader landscape, as determined to be appropriate through discussions with Tribal Nations. More narrowly focused, site-specific co-stewardship agreements with particular Tribal Nations may also be appropriate in certain circumstances. Prior to initiating the planning process, the USFS and BLM should explore entering into an agreement with interested Tribal Nations that will set forth parameters for meaningful engagement on the development and implementation of the monument management plan and future management of the monument.

D. Other Priorities

At the time of designation, the BLM was considering a land exchange with the Homestake Mining Company within the Knoxville ACEC. The goal of the exchange was to improve management capabilities for BLM and Homestake. Under the proposal, BLM would acquire 258 acres of Homestake land adjacent to other public lands with public access in exchange for 171 acres of scattered BLM managed parcels (disturbed with tailings) with no public access. If it will further the purposes for which the monument was designated, the BLM should explore whether there is still an opportunity to pursue the exchange and incorporate any necessary amendments to the Ukiah resource management plan into the planning process for the monument.

In addition, while the Proclamation does not require creation of a specific Monument Advisory Committee, BLM-CA should evaluate the need and benefits of creating a standalone committee or work group, including through discussion with the current Resource Advisory Council. BLM-CA should provide its recommendation on whether to charter a Monument Advisory Committee or create a working group under the Central California Resource Advisory Council at the same time that it submits its revised preparation plan (as discussed below).

II. Completion of a Resource Management Plan

Proclamation 9298 directs the BLM and U.S. Forest Service to jointly prepare a management plan for all lands within the 330,780-acre boundaries of the Berryessa Snow Mountain for the purposes of protecting and restoring the monument objects and values. Until the BLM approves a new management plan for the monument, the existing 2006 Ukiah resource management plan remains in effect, to the extent it is consistent with the protection of monument objects identified in Proclamation 9298.

BLM-CA should evaluate whether a new standalone resource management plan is required or whether the monument plan can be created through amendments to existing management plans. BLM-CA will provide a recommendation to the Director on the approach within 60 days. BLM-CA should also evaluate incorporation of a travel management plan into the monument management plan.

Prior to initiating the planning process, BLM-CA 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.

To be able to adequately address whether existing or proposed activities and uses are consistent with the protection of objects, as part of the planning process BLM-CA will, in consultation with the USFS, compile an inventory of objects and values in the monument.

Proclamation 9298 also explicitly allows the BLM and USFS to authorize private and public parties to remediate, monitor, and reclaim mining sites and to provide for the beneficial public use of water associated with reclamation of such sites, consistent with the care and management of the monument objects. The resource management plan will consider provisions that will facilitate such public-private partnerships to facilitate remediation, monitoring, and reclamation of mining sites within the monument boundary.

In preparing the monument management plan, BLM-CA 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.

Within 120 days, the BLM will revise and re-submit a preparation plan (including budget, staffing needs, and a schedule) and statement(s) of work for contracting needs, that ensures issuance of a Record of Decision approving the monument management plan as expeditiously as possible. The preparation plan should also include a discussion of how BLM-CA will engage with the U.S. Forest Service to coordinate the joint planning process, including potentially preparing a joint travel plan.

Attachments:

Proclamation 9298