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GRAZING MANAGEMENT PLAN and environmental assessment



El Malpais National Monument

New Mexico

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and Environmental Assessment

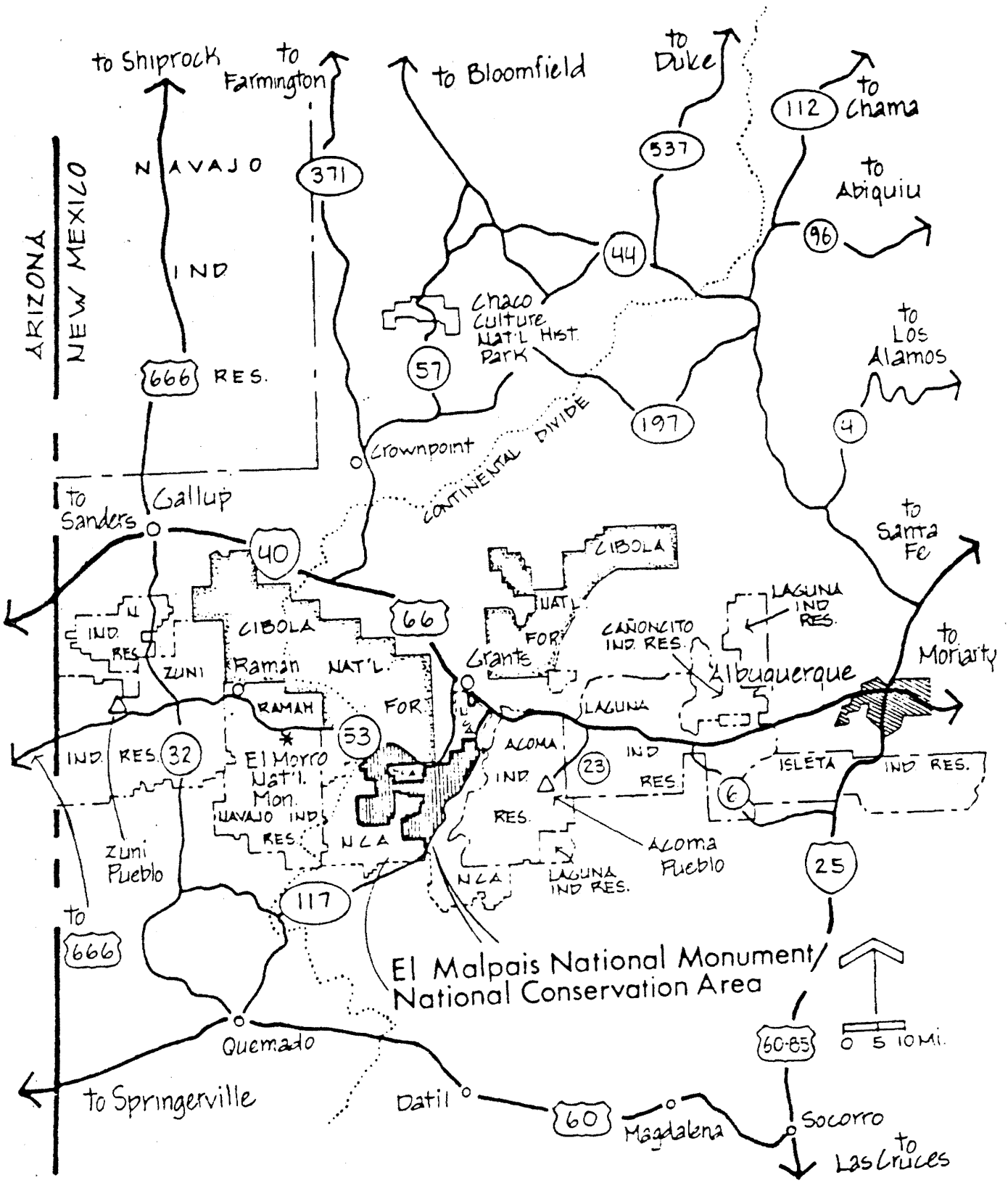
El Malpais National Monument
New Mexico

December 11, 1989

NATIONAL PARK SERVICE
DEPARTMENT OF THE INTERIOR

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EL MALPAIS NATIONAL MONUMENT
U.S. DEPT OF THE INTERIOR • NPS

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I. INTRODUCTION: Goals and Objectives

Grazing permittees on nine BLM grazing allotments and two USFS allotments have legal authority to continue grazing domestic livestock within the national monument until December 31, 1997. Of these eleven allotments, only one is fully contained within the national monument. The remainder are sited within the monument and on lands administered by the BLM or the USFS.

The purpose of the El Malpais Grazing Management Plan is to administer and manage livestock grazing within El Malpais National Monument through the ten year Congressionally mandated transition period that ends on December 31, 1997 and to inform and prepare grazing permittees for the termination of livestock grazing on this date. Further purposes are to mitigate the impacts of domestic livestock grazing on the natural and cultural resources of the monument while making available public recreational opportunities. To accomplish this end, the following goals and objectives have been established for the plan:

1. Direct the administration and management of livestock grazing within the national monument through December 31, 1997.

2. Prepare affected grazing permittees for the termination of grazing on January 1, 1998.

3. Mitigate the impacts of livestock grazing upon the following resources during the interim grazing period:

- cultural
- rare, threatened and endangered species
- wildlife
- plant communities
- soils
- wilderness
- recreation

This plan is prepared under the general guidance of laws governing the National Park Service, NPS regulations and policy, and under management guidance provided in the monument's draft General Management Plan (GMP).

II. LEGISLATION AND POLICIES AFFECTING THE GRAZING MANAGEMENT PLAN

A. Public Law 100-225: Section 104 of this law (see Appendix 1), provides direction to the National Park Service (NPS) on livestock grazing within the national monument:

> "Where any lands included within the boundary of the Monument on the map referred to in subsection 101(a) are legally occupied or utilized on the date of enactment of this Act for grazing purposes, pursuant to a lease, permit, or license which is --
>
> a) for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, and
>
> b) scheduled for termination before December 31, 1997,
>
> the Secretary, notwithstanding any other provision of law, shall allow the persons holding such grazing privileges (or their heirs) to retain such grazing privileges until December 31, 1997, subject to such limitations, conditions, or regulations as the Secretary may prescribe to insure proper range management. No grazing shall be permitted on lands within the boundaries of the Monument on or after January 1, 1998."

In Section 104, the Congress has, therefore, directed the NPS to:

a. administer and manage grazing use on those lands located within the national monument that were grazed prior to December 31, 1987 for a ten year transition period that will end on December 31, 1997; and

b. plan for the termination of grazing within the national monument on January 1, 1998.

1. Resource Management Mission of the NPS

The mission of the NPS differs substantially from that of the two federal agencies that previously administered national monument lands, the Bureau of Land Management (BLM) and the United States Forest Service (USFS). The primary resource management mission of the NPS can be summarized as one of preserving the premier natural, cultural, and historical resources of the United States. Consequently, the long term continuation of grazing is considered inappropriate in NPS areas.

In contrast to the preservation-oriented mission of the NPS, the BLM and USFS are multi-missioned (i.e., multiple use) agencies. Land uses such as livestock grazing are managed by these agencies for sustained resource yields (production) as well as for natural (e.g., wildlife, watershed, etc.) and cultural resource protection.

2. In Kind Grazing Use -- Definition and Parameters

Section 104 of P.L. 100-225 states that the NPS:

> "shall allow the persons holding such grazing privileges (or their heirs) to retain such privileges until December 31, 1997, subject to such limitations, conditions, or regulations as the Secretary [of the Interior] may prescribe to insure proper range management."

The law, then, provides for grazing to temporarily continue in the monument for ten years from the date of its establishment. Further, it is the opinion of the Regional Field Solicitor that Congress intended for grazing to continue in kind for that period of time. While P.L. 100-225 requires the NPS to

accommodate grazing operations through 1997, there is no language in the law or committee reports that absolves the NPS from performing its established mission of protecting natural and cultural resources. After January 1, 1998, the full spectrum of natural and cultural resource protections that characterize the national parks will become possible.

The impact of livestock grazing on the environment and grazing operations themselves will remain as they existed on December 31, 1987, with some modifications as allowed by law. This plan sets forth those limitations and conditions. Cattle numbers, season of use, and overall grazing intensity will remain substantally the same, being modified only under provisions of this plan and applicable regulations. Intensification of grazing operations will not be permitted. Grazing is delimited through December 31, 1997 to those portions of the national monument that were in fact actually grazed prior to December 31, 1987. No extension of livestock grazing into effectively ungrazed portions of the monument can occur.

This in kind grazing mandate protects the monument from changes in the kind of livestock that utilize the range; for example, a change from cattle to sheep and/or goats.

Nor are new range improvements permitted under this mandate. For example, the NPS cannot permit the development of any new stock waters even where a strong need could be demonstrated by a grazing permittee. If grazing was accomplished without a given range improvement in the past, it must be accomplished in a similar manner until grazing terminates on December 31, 1997.

The management parameters of in kind grazing use will be further developed and defined in the "Interagency Agreements" between the National Park Service and the Bureau of Land Management and U.S. Forest Service (see Appendix 2 and 3).

3. Wilderness

Concurrent with the establishment of the national monument and El Malpais National Conservation Area (NCA), Public Law 100-225 established the 40,000 acre West Malpais Wilderness Area, the 62,000 acre Cebolla Wilderness Area and the Chain of Craters Wilderness Study Area. All three areas are within the NCA.

Public Law 100-225 also instructed the NPS to review and recommend the suitability or nonsuitability of roadless areas within the national monument for inclusion in the National Wilderness Preservation System. Roads will be retained for public use or NPS management purposes in accordance with the General Management Plan. The NPS will provide for access by the allottees on those management roads necessary to their grazing operations through 1997.

The wilderness suitability of monument lands will be addressed in a forthcoming Wilderness Study by the NPS. Until a final determination of wilderness suitability is made, the NPS will manage the national monument to insure the protection and preservation of existing wilderness values.

B. Federal and State Agencies

Only one grazing allotment is totally contained within the national monument. The remaining ten allotments will require management in cooperation with other federal agencies (see Table 1). It will, therefore, be important for the NPS to maintain a close working relationship with adjacent land management agencies including:

1. Bureau of Land Management: Public Law 100-225 also established El Malpais National Conservation Area (NCA). With the exception of the national monument's northwest corner,

the 262,000 acre NCA surrounds the monument. While the mission of the NCA in many ways parallels that of the national monument, Congress specifically permitted the continuation of livestock grazing within the NCA. Accordingly, grazing will continue on those portions of eight (8) allotments that lie within the NCA.

2. United States Forest Service: Public Law 100-225 included approximately 13,100 acres of the Cibola National Forest within the national monument. Within this former forest acreage lie portions of two USFS grazing allotments. Grazing on those portions of these allotments will be terminated per Public Law 100-225 on December 31, 1997. Grazing on those portions of the two allotments that remain within the Cibola National Forest will continue as authorized by federal law.

3. Bureau of Indian Affairs: the Pueblo of Acoma grazes cattle on the Los Pilares allotment, within and adjoining the northeast corner of the national monument. This allotment is composed of a combination of NPS, BLM, State of New Mexico, private, and tribal trust lands.

4. New Mexico State Land Office: all State lands within the national monument have been exchanged for acreage outside the monument. The State Land Office continues to collect grazing fees on one lease located within the monument (T. 8 N., R. 12 W., Section 2) known as the Moore Estate. The allotment is otherwise managed in accordance with all applicable federal laws and BLM regulations. This lease will revert to federal administration on September 30, 1991 (also see Table 1).

III. CURRENT GRAZING USE

Eleven grazing permits are present within the national monument (see Figure 2 insert). Nine are administered by the BLM and two by the USFS. With the exception of the two USFS allotments, all grazing permits allow for Year Long grazing. The period of use for the two USFS allotments are: Candelaria, May 1 to December 31; Crowder-Reid, May 1 to September 30.

Table 1 presents the allotment name, administering agency, acreage present within the national monument, the permitted stocking rates, and the percentage of the allotment that is located within the monument.

Table 2 presents actual livestock grazing use within the monument as reflected in the billing of grazing permittees by the BLM and USFS.

As Table 1 indicates, 81,674 acres of federal land within the national monument have been previously allotted by the BLM and USFS for grazing purposes. Of this acreage, a total of 5,374 Animal Unit Months (AUM's) of grazing use is permitted by the two agencies. However, as Table 2 indicates, only 32,367 acres of this 81,674 acre total (or 39.7 percent) is actually utilized for livestock grazing. Additionally, the actual number of AUM's billed to ranchers averages only 2,678 AUM's as opposed to the authorized 5,374 AUM's (or 49.8 percent).

This disparity occurs because the broken, rugged character of the lava badlands makes livestock grazing difficult or impossible on most of the the national monument even though plentiful forage is sometimes present. As indicated in Section II-B above (In Kind Grazing -- Definitions and Parameters), the grazing use that is protected by Public Law 100-225 is actual, on-the-ground use such as is represented in Table 2.

TABLE 1

PERMITTED LIVESTOCK GRAZING USE
El Malpais National Monument

Allotment Name/Agency	Allotted Acreage in Nat. Mon.	Permitted AUM's in Nat. Mon.	Percent of Allotment in Nat. Mon.
1. Candelaria (USFS)	640 (public acreage)	128	3%
2. Cerritos de Jaspe (BLM)	11,200	1,950	54%
3. Crowder-Reid (USFS)	3,800	1,080	18%
4. El Malpais (BLM)	38,055	1,001	17%
5. Loma Montosa (BLM)	2,542	72	11%
6. Los Cerros (BLM)	12,254	630	31%
7. Los Pilares (BLM)	2,092	313	11%
8. Moore Estate* (BLM)	640	60	100%
9. Porter (BLM)	2,134	180	63%
10. Raney (BLM)	7,360	105	74%
11. Ventana Ridge (BLM)	957	125	18%
Total	81,674 acres	5,644 AUM's	

* Allotment is federal land but is encumbered with a State of New Mexico grazing lease until September 30, 1991.

TABLE 2

ACTUAL LIVEDSTOCK GRAZING USE
El Malpais National Monument

Allotment Name/ Agency	Actual Acres [+] Grazed in Nat. Mon.	Actual AUM's*	Actual # Cows/Calves**
1) Candelaria (USFS)	640	128	11
2) Cerritos de Jaspe (BLM)	960	180	15
3) Crowder-Reid (USFS)	3,840	0***	0
4) El Malpais (BLM)	15,724	1,001	83
5) Loma Montosa (BLM)	622	72	6
6) Los Cerros (BLM)	7,808	756	63
7) Los Pilares (BLM)	1,173	313	26
8) Moore Estate ****	640	60	5
9) Porter (BLM)	320	48	4
10) Raney (BLM)	320	48	4
11) Ventana Ridge (BLM)	360	72	9
Totals:	32,367 acres	2,678 AUM's	226 cows/ calves

* An AUM is the standard abbreviation for "Animal-Unit-Month"; an AUM is perhaps best thought of as the equivalent of the land resource required to maintain one domestic herbivore (or one female and her offspring) for a period of one month.

** The number of cows with calves that graze year long.

*** This allotment has been used seasonally in the past when surface water was available in earthen stock tanks.

**** Allotment is federal land but is encumbered with a State of New Mexico grazing lease until September 30, 1991.

[+] acreage figures provided by BLM and USFS.

IV. PROPOSED MANAGEMENT ACTIONS

The National Park Service proposes the following actions to manage livestock grazing at El Malpais National Monument:

1. Establish Interim Cooperative Agreements with the Bureau of Land Management and the United States Forest Service to Administer Grazing Use Through December 31, 1997:

The missions of the BLM and USFS, unlike that of the NPS, include livestock grazing administration. Prior to December 31, 1987, these two agencies placed 81,674 acres or 71.6 percent of the monument's total land base in livestock grazing allotments. Given these allotment commitments, the respective missions of the two agencies, the need to maintain continuity in the grazing program until the date of termination, and the short time period until termination (eight years), it is believed that the continued administration of livestock grazing permits by the BLM and USFS would constitute the most efficient and cost effective means for the NPS to manage interim grazing use within the monument. Drafts of the interagency agreements are included in the Appendixes 2 and 3.

This proposal provides for administration of the livestock grazing program within the monument under the policies, regulations and directives of the BLM and the USFS, with management oversight by the NPS. The Superintendent, El Malpais National Monument will have approval-denial authority, through existing BLM or USFS permits, on any changes in grazing use and all actions otherwise effecting the natural, cultural, and recreational resources of the national monument.

2. Grazing Fee Adjustment on BLM Allotments to Reflect Actual Grazing Use:

The grazing allotments lying within the national monument include considerable acreage of barren lava rock and assigned AUM's that cannot be utilized by the grazing permittees. Although nearly 82,000 acres of the 114,000 acre monument have been allotted by the BLM and USFS for livestock grazing purposes, less than 33,000 acres (39.7%) of the 82,000 acre total can actually be grazed by domestic livestock. In short, the majority of many allotments within the monument are too rugged and broken for cattle to graze and permittees typically cannot utilize all of their assigned AUM's.

The NPS proposes to work with the BLM and the permittees to bring AUM's and allotment acreage into line with the actual grazing situation. It is believed that this action could reduce the annual grazing fees of permittees by as much as 15%. The action would further eliminate the disparity that presently exists between permitted and actual grazing use.

3. Implement the Congressionally Mandated Grazing Termination Date of December 31, 1997:

On January 1, 1998, the NPS will implement the mandate of Public Law 100-225 to terminate livestock grazing within the national monument. Termination before the prescribed date may occur through the voluntary sale of grazing rights to the federal government or through voluntary relinquishment of such rights by the grazing permittees or their heirs.

4. Establish a Vegetation Monitoring Program:

The NPS will establish a system to monitor vegetation on all of the grazing allotments within the national monument. The goal of this monitoring program will be to annually quantify vegetative cover conditions, quantify change, and determine what the carrying capacity is and could be under changed conditions. The second goal of this program will be to determine species composition as compared to potential natural vegetation and enhance processes that will lead to that natural vegetative condition.

Carrying capacity and vegetative cover conditions will be monitored using the Parker Three-Step method: 1) Permanent tape-intercept transect to measure species composition, density, cover, and vigor; 2) Permanent photo plots representing ungrazed and grazed conditions; and 3) Pace-intercept and clipping transects to measure species composition and pounds per acre of production. These transects only require installation of marker posts, except possibly the photo plots of ungrazed conditions. Evaluation of each transect will be consistent with the Parker system.

Where ungrazed conditions, or potential natural vegetation, cannot be established from analogous ungrazed areas, exclosures of one hectare (2.5 acres) will be established to monitor recovery towards potential natural vegetation. These exclosures will be constructed of barbed wire fence to the standard necessary to keep livestock out of the exclosure.

The NPS will encourage use of the transect by other interested agencies, researchers and students. Data and photo documentation collected will be available to the general public for review.

5. Assess the Feasibility of Purchasing Existing Grazing Rights:

The NPS will consider the direct purchase of grazing allotments located within the monument. Any such purchase would be consummated only if VOLUNTARILY entered into by the grazing permittee. The value of the grazing privileges would be assessed using the rangeland appraisal staffs of the BLM and/or the USFS. The ranching community would also be encouraged to employ an appraiser of its own choice as needed.

The NPS and the grazing permittee would subsequently agree on a single, fixed price per animal-unit-month (AUM). Grazing would be terminated on such an allotment only upon payment by the federal government to a willing seller.

The ability of the NPS to enter into these negotiations would depend upon the availability of adequate funds to purchase grazing rights and the ability to adequately protect (fence) the appropriate portion of the monument boundary.

6. Assess the Feasibility of Incrementally Purchasing (Phasing-Out) Grazing Rights:

The NPS is aware that livestock reductions based upon any program other than VOLUNTARY reductions or proven range deterioration would contradict the intent of Public Law 100-225 which established the right of existing permittees to graze domestic livestock on the monument through December 31, 1997.

The "incremental phase-out" action would assess the feasibility of the federal government purchasing incremental reductions in cattle use on monument allotments from grazing

permittees on a willing seller (voluntary) basis. The reductions would begin in 1991 and extend through 1997.

Under this program, the permittees would maintain grazing use on those portions of their grazing allotment lying within the national monument but would progressively graze fewer and fewer cattle on those lands. If this voluntary program is adopted, effected ranchers would not utilize forage in the monument to its full extent and herd size would be reduced incrementally prior to the December 31, 1997 deadline.

The purchase of the incremental phase out of grazing privileges would be made in five lump sum payments to the effected grazing permittee in return for his/her voluntarily entering into the program. The payments would be scheduled to coincide with five reductions of twenty percent of effective AUM's on monument lands. Payments could be scheduled to begin in December, 1991 and would end in December, 1997. In the following, a $200 per cow-calf example is presented on how the program might work on a hypothetical 40 cow-calf allotment. This proposal is dependent upon both the voluntary participation of permittees and the availability of funding for the program:

Incremental Phase-Out on a Hypothetical 40 Cow-Calf Allotment

Year	% Reduction	Total # of Cattle	Cattle Reduced	Payment*
1991	20%	40	8	$200x8=$1,600
1992	20%	32	8	$200x8=$1,600
1993	20%	24	8	$200x8=$1,600
1994	20%	16	8	$200x8=$1,600
1995	0	8	0	--
1996	0	8	0	--
1997	20%	8	8	$200x8=$1,600
	100%	0		Total Payment: $8,000

* Actual payment to be based on negotiated market value.

of Land Management's 43 CFR 4120.3-6, Section C and D, which is titled Removal and Compensation for Loss of Range Improvements:

7. Treatment of and Compensation for Private Range Developments on Public Land:

The national monument currently contains numerous range improvement structures such as windmills, earthen tanks, metal tanks, water pipelines, and many miles of allotment fences. All range improvement structures necessary to grazing operations will remain in place through December 31, 1997.

However, P.L. 100-225 does not address the occurrence of privately owned range developments on public land. Such developments within the national monument are believed to include one windmill, a pipeline and metal troughs, a number of earthen tanks, and wire fences.

In this matter, the National Park Service will abide by the Bureau of Land Management's 43 CFR 4120.3.6, Section C and D, which is titled Removal and Compensation for Loss of Range Improvements:

> "C) Whenever a grazing permit or lease is cancelled in order to devote public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer.
>
> Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value.

D) Permittees or lessees shall be allowed 180 days from th date of cancellation of a range improvem nt permit or cooperative agreement to salvage material owned by them and perform rehabilitation measures necessitated by removal."

Following the termimation of livestock grazing, range improvement structures will be removed by the NPS, an agency representative, or the grazing permittees, unless it is determined that the structures are beneficial or necessary to meet the land management objectives for which the monument was established (e.g., boundary fencing, or retaining a windmill to provide water necessary to effect the reintroduction of desert bighorn sheep).

8. Evaluate the Need to Take Special Management Actions to Protect Cultural Sites from Damage by Domestic Livestock:

El Malpais National Monument has not yet completed a survey of cultural resources as required by Executive Order 11593 and NPS Policy. Cultural resource discoveries will be carefully evaluated to determine whether special management actions are needed to protect the sites from the impacts produced by domestic livestock grazing. If such protection is deemed necessary, the site will be fenced or otherwise protected.

9. Evaluate the Need to Take Special Management Actions to Protect Natural Resources (e.g., rare, threatened and/or endangered species, relict communities, soils, etc.) from Damage by Domestic Livestock:

The NPS has not yet completed the numerous natural resource inventories as required by NPS policy. If future resource inventories determine that domestic livestock are having a detrimental impact upon one or more natural resources (e.g., an endangered plant species

sensitive to grazing pressure), appropriate management actions will be taken. Such action might take the form of fencing exclosure(s) or the purchase of the required grazing rights.

[If special management actions are deemed necessary to protect the cultural and/or natural resources of the monument, the effected grazing permittee(s) will be notified prior to implementation of the action. If the proposed action is found to be controversial, an Environmental Assessment (EA) will be prepared to address the environmental impacts of the proposed action.]

10. Grazing Permittee Access Roads and Vehicle Trails Through and After December 31, 1997:

Roads necessary for public use and management operations are identified in the draft General Management Plan. Vehicular "ways" or trails are being closed in accordance with existing laws and established NPS management policies. These actions do not affect access to any current range improvement and therefore, should not affect in kind grazing operations. No new roads or vehicle trails will be constructed or permitted on national monument lands.

The public will have access, either on foot or on designated public access roads, to all national monument lands, including those being grazed by domestic livestock, unless specifically closed by the Superintendent for public safety or resource protection.

11. Boundary Fencing:

It is the goal of the NPS to secure the national monument from further livestock grazing by December 31, 1997. In preparation for this event, the NPS will develop a prioritized list of boundary fencing needs.

Fencing projects will be constructed with available funds according to the following priorities:

a. Voluntary early termination of the grazing permit through personal preference or participation in the "buy out" or "phase out" programs.

b. Allotments in proximity to sensitive resource values (natural and/or cultural) or recreation facilities.

c. Allotments demonstrated to have detrimental impacts on the monument's vegetative communities and soil resources.

All boundary fences will be constructed in deference to the movement and distribution of wildlife and the exclusion of domestic livestock. Of basic concern will be the existing populations of deer, elk, antelope, and the possible reintroduction of desert bighorn sheep. Accordingly, the height of boundary fences will not exceed 42 inches (top strand).

Net-wire (field fence) will not be used in boundary projects. The NPS will not participate in any fencing project designed to fence animals considered to be livestock predators (i.e., coyotes, bears, mountain lions) in or out of the monument.

12. <u>Establish a Public Involvement Program</u>:

El Malpais National Monument will invite grazing permittees, BLM and USFS managers and the concerned public to "Grazing Issues Management Meetings" to be held in Grants, New Mexico each year. The date, time and location of the meeting will be made available to all interested parties.

The purpose of the meetings will be to provide a forum to discuss grazing issues that effect the national monument, grazing permittees, the BLM and the USFS and the concerned public. A second purpose will be to provide all parties with an opportunity to familiarize themselves with key persons representing the ranching community and the federal agencies.

V. ENVIRONMENTAL ASSESSMENT

A. Need for Proposal: Public Law 100-225 provided for the continued use of El Malpais National Monument by eleven (11) grazing permittees through December 31, 1997. The purpose of the El Malpais Grazing Management Plan is to:

1. Direct the administration and management of livestock grazing through December 31, 1997;

2. Plan for the orderly termination of livestock grazing within the monument on January 1, 1997;

3. Provide for the mitigation of livestock grazing impacts on natural, cultural, and recreational resources;

4. Establish vegetation monitoring exclosures and transects to document the environmental impact of livestock grazing within the monument;

5. Provide for the continuity of the grazing management program through December 31, 1997;

6. Provide a document by which grazing permittees, interested individuals, and the general public can become knowledgeable about, and comment upon, NPS management of grazing.

B. Proposed Management Actions: To accomplish the above objectives, the El Malpais Grazing Management Plan proposes the following management actions:

1. Establish Interim Grazing Management Agreements with the Bureau of Land Management and the United States Forest Service;

2. Adjust Grazing Fees on BLM Allotments to Reflect Actual Grazing Use;

3. Implement the Congressionally Mandated Grazing Termination Date of January 1, 1998;

4. Establish vegetation monitoring exclosures and transects to document the environmental impact of livestock grazing upon the national monument;

5. Assess the feasibility of purchasing existing grazing rights;

6. Assess the feasibility of incrementally purchasing a "phase out" of domestic livestock grazing;

7. Provide possible compensation for authorized private range developments on public land;

8. Evaluate the need to take special management actions to protect cultural sites from damage by domestic livestock;

9. Evaluate the need to take special management actions to protect natural resources (e.g., rare, threatened, and/or endangered species, relict communities, soils, etc.) from further damage by domestic livestock;

10. Determine the disposition of grazing permittee access roads and vehicle trails through and after December 31, 1997;

11. Determine the disposition of range improvement structures through and after December 31, 1997;

12. Prioritize monument boundary fencing requirements;

13. Establish a public involvement program.

C. Alternatives Considered

1. No action -- enforce the legislatively mandated termination of grazing within national monument on January 1, 1998 without developing

a plan or otherwise providing for the continuation of grazing through December 31, 1997;

2. Establish direct NPS administration and management of grazing allotments within the national monument (i.e., establish separate AUM quotas, issue special use permits, collect fees, etc.).

D. Environmental Impacts of Management Actions

1. Establish Interim Grazing Management Agreements with the Bureau of Land Management and the United States Forest Service:

Under these agreements, the existing grazing operations will be managed essentially at their current (in kind) levels. Any changes that exceed actual, on-the-ground grazing practices as documented by the BLM or USFS would require the approval of the Superintendent, El Malpais National Monument prior to implementation.

The adoption of this management action would fulfill the in kind grazing interpretation of Public Law 100-225 with its recognition that the Congress intended for the NPS to maintain a grazing "status quo" within the national monument through December 31, 1997.

Further, this management action would provide interim continuity to grazing operations within the monument until the termination of this activity on January 1, 1998. It avoids the duplication of effort and resultant confusion that would result if the NPS were to assume full supervision for portions of the existing grazing allotments falling within the national monument. The proposal also takes advantage of the existing range allotment data available at BLM and USFS offices.

Current grazing impacts to native plant and animal communities resulting from the actual use of approximately 2,696 AUM's (or 226 cows/calves) every year will continue through December 31, 1997. Preferred forage (grasses) will be consumed and may experience significant downward trends if drought should occur.

Until the termination of grazing on December 31, 1997, the public will be exposed to the presence of domestic livestock on approximately 32,367 acres of the national monument. Visitor- livestock encounters will occur with possible conflicts (visitors spooking cattle; cattle in campsites, etc.). Those persons who oppose the private use of NPS administered areas for livestock grazing will object to the presence of cattle and horses in the monument. Other persons will not mind encountering livestock on monument lands.

Under this management action, no increase in the intensity of livestock grazing on the national monument will occur. Those large portions of many allotments that have not been committed to livestock grazing in the past, which total 60.3 percent of the land area of grazing allotments lying within the monument, will continue in an ungrazed condition.

No change in domestic livestock species (i.e., from cattle and horses to sheep and/or goats) will be permitted.

No new range improvements will be constructed within the national monument for any reason except as might be required to implement the "incremental phase-out of livestock" proposal.

All grazing will be managed "subject to such limitations, conditions or regulations as the Secretary (of the Interior) may prescribe to insure proper range management" (Public Law 100-225, Section 104, Subsection B).

2. Grazing Fee Adjustment on BLM Allotments to Reflect Actual Grazing Use:

The management action would eliminate the disparity between permitted and actual grazing use on the monument. The change would have no impact -- positive or negative -- upon the environment of the monument. There would be a beneficial economic impact to grazing permittees, however, in the form of a reduction in fees of up to 15% annually for a period of approximately seven years.

3. Implement the Congressionally Mandated Grazing Termination Date of December 31, 1997:

The NPS will implement the livestock termination provision of Public Law 100-225 on January 1, 1998. Individual allotments would subsequently be reduced by the approximate number of cattle identified in Table 2 and the eleven grazing permittees would accordingly be deprived of the income generated from this number of cattle.

Impacts to natural resources (e.g., vegetation, wildlife, soils, etc.) and to cultural resources will cease with the termination of livestock grazing. Recovery of natural resources to a pre-disturbance condition is expected to require from as little as one year (e.g., a palatable annual grass species for which a contiguous seed source is available) to several centuries (e.g., arroyo cutting produced by lack of grass cover) to never (e.g., the bighorn sheep that were lost due to the introduction of domestic sheep into the area at the turn of the century). A predominantly (but not completely) natural ecosystem is expected to re-establish itself on the grazed portions of the national monument within twenty years following termination of livestock grazing on January 1, 1998. The recovery of natural ecosystem resources possibly could be accelerated (e.g., through

the planting of native "decreaser" grass species) or made possible by management actions of the NPS (e.g., through the re-introduction of desert bighorn sheep).

4. Establish a Vegetation Monitoring Program:

The NPS will install transects on each of the monument's eleven grazing allotments to monitor species composition, density, vigor and cover; effects of grazing; and species composition compared to potential natural vegetation. This action will result in the loss of approximately one hectare (2.5 acres) of range on those allotments where analogous ungrazed conditions cannot be otherwise established. This loss is believed to be inconsequential to allotment grazing operations.

Transects and exclosures will present a visual intrusion resulting from the installation of fenceposts and barbed wire fences. Where possible, the installations will utilize vegetative screening so as to reduce visual impact. Existing fencelines will be utilized wherever possible. Where these alternatives are not possible, visitors will see isolated posts and relatively small, fenced-in, more vegetated (ungrazed) sites in a grazed rangeland.

5. Assess the Feasibility of Purchasing Existing Grazing Rights:

This is a VOLUNTARY program in which the NPS would purchase out-right the grazing privileges of those permittees willing to sell that portion of their allotment located within the national monument. Payment to permittees would be based upon the appraised value of utilized AUM's. This proposal is further predicated upon the availability of funding to effect the purchase and to fence the monument boundary.

Environmental consequences would be the same as discussed in #3 above except that recovery would be initiated a number of years sooner.

If implemented, this alternative would result in the early termination of one or more existing grazing allotments contained within the national monument. The net impact to vegetation, wildlife and soil communities caused by cattle grazing would cease prior to the scheduled December 31, 1997 termination date and the process of recovery would consequently be initiated earlier than would otherwise be the case on the affected allotment.

6. Assess the Feasibility of Implementing, Through Purchase, the Incremental Phase-Out of Grazing Rights:

This is a VOLUNTARY program in which the federal government would incrementally purchase the grazing privileges of those permittees willing to sell that portion of their allotment located within the national monument.

If implemented, the management action would result in the phased reduction of livestock grazing use on one or more existing grazing allotments. Although a phased reduction in grazing use would not have the pronounced and immediate effect of an out-right purchase of grazing rights, the phased program would reduce actual grazing use 60 percent by January 1, 1994. Reductions in livestock grazing intensity of this magnitude would benefit the monument by reducing the number of domestic livestock that consume native vegetation, change the composition of wildlife populations, and effect the capacity of soils to intercept moisture and withstand erosion. The phased termination alternative would achieve a reduction in livestock numbers more rapidly than the abrupt termination of grazing on

December 31, 1997. Recreation uses would gradually be enhanced by reducing visitor-cow contacts.

The implementation of this management action would be predicated upon the availability of funding for the incremental purchase of livestock grazing rights and additional funding for the construction of boundary fences needed to create (temporary) national monument pastures which would be clearly separate from the remainder of the allotment in the National Conservation Area or National Forest. Further, dependable water sources for domestic livestock would have to be provided in any national monument pasture that did not possess such water.

7. Compensation for Private Range Developments on Public Land:

The NPS proposes to make fair payments for authorized (i.e., agency approved) private range improvements located upon public land. The implementation of this management action would have no impact -- either positive or negative -- upon the environment of the monument. It will have a beneficial economic impact upon those grazing permittees who constructed authorized range improvements at their own expense upon public lands that now lie within the national monument.

8. Evaluate the Need to Take Special Management Actions to Protect Cultural Sites from Damage by Domestic Livestock:

Cultural sites determined by NPS management to be adversely impacted by domestic livestock grazing will be protected from grazing. Such action may result in the construction of a number of cultural site exclosures. Prior to initiating such action, consideration will be

given to the possible negative impact of the exclosure on the cultural site (i.e. calling attention to a site of which may not presently have man-caused impacts).

If deemed necessary and all parties are amenable, the affected grazing rights will be purchased in order to effect cultural resource protection.

9. Evaluate the Need to Take Special Management Actions to Protect Natural Resources (e.g., rare, threatened, and/or endangered species, relict communities, soils, etc.) from Damage by Domestic Livestock:

Sensitive natural resources that are determined by NPS management to be adversely impacted by domestic livestock grazing will be protected from grazing. This will be effected through the construction of natural resource site exclosures where effective and feasible.

If deemed necessary and all parties are amenable, the affected grazing rights may be purchased in order to effect natural resource protection.

10. The Disposition of Grazing Permittee Access Roads and Vehicle Trails:

The existing inventory of access roads necessary to the support of in kind grazing by domestic livestock within the national monument will be maintained through December 31, 1997. After this date, roads not identified in the General Management Plan as needed for public access or management of the monument will be closed.

Road and trail closure at the conclusion of grazing operations will result in the gradual revegetation and rehabilitation of road and trail routes.

11. The Disposition of Range Improvement Structures After January 1, 1998:

Following the termination of livestock grazing after January 1, 1998, most range improvement structures will no longer be appropriate within the national monument. Further, the environmental impact of range improvement structure removal will prove beneficial to wilderness, scenic and related natural resource values. The sole exception to this assessment are two windmills present within the monument.

Dependable surface water is extremely rare within the boundaries of the national monument. If desert bighorn sheep are to be reintroduced to the area, it is possible the two windmills located within the monument will have to be retained by the NPS as water sources for the support of the wild sheep. If this proves to be the case, the two windmills will be retained. This will result in a slight concentration of trampling and related impacts from native wildlife to the area immediately surrounding the watering sites.

12. Prioritize Monument Boundary Fencing Requirements:

Boundary fences will require cultural resource and threatened/ endangered species clearances prior to construction. Since proper safeguards must be undertaken to insure the protection of sensitive natural and cultural resources (i.e., clearance surveys), these resources will not be adversely effected by fence construction.

Native plant communities, wildlife, and soils will benefit from the exclusion of domestic livestock from the monument. The construction of the boundary fences will promote ecological succession, which is the process of ecosystem restoration following disturbance.

13. Establish a Public Involvement Program:

Although this program will have no direct impact upon the environment of the national monument, an effective program of communication between the NPS, adjoining land management agencies, the grazing permittees and the concerned public will indirectly facilitate the long-term protection of the monument's natural and cultural resources.

E. ENVIRONMENTAL IMPACTS OF PLAN ALTERNATIVES

1. No Action -- implement the Congressionally mandated termination of livestock grazing within the national monument on January 1, 1998 without developing a plan or otherwise providing for the continuation of grazing through December 31, 1997:

The Congressionally mandated termination of livestock grazing would be implemented by the NPS without benefit of a plan to properly inform grazing permittees of that impending action. This could have serious social and legal consequences.

Further, in the interim period between the present and December 31, 1997, no cooperative agreements would be entered into with the BLM and USFS. These agreements constitute the ground rules by which NPS management communicates and works with the BLM and USFS on grazing management. In the absence of the agreements, the BLM or USFS could unknowingly initiate management actions that could have a decidedly detrimental impact upon the national monument. For example, a simple change in domestic livestock species -- specifically, from cattle to sheep -- would make the reintroduction of desert bighorn sheep to the national monument impossible (wild sheep cannot tolerate domestic sheep diseases).

2. Establish Direct NPS Administration and Management of Grazing Allotments within the National Monument (i.e., establish separate AUM quotas, issue special use permits, collect fees, etc.):

Livestock grazing administration and management is not a normal mission of the NPS. The mission of the NPS in a national monument with a natural/cultural area focus such as El Malpais is insuring the preservation and protection of natural and cultural resources while providing for public use and enjoyment.

Further, since grazing within the monument is scheduled for termination in a relatively short time period (8 years), the creation of an NPS grazing program to administer and manage portions of ten (10) grazing allotments within the monument (only one allotment lies completely within the area) would be cumbersome, costly, and inefficient. Such a program would also prove confusing to grazing permittees, who would be required to deal with two (2) federal land management agencies regarding the grazing of livestock on a single grazing allotment. In addition, an NPS grazing management program would further require the duplication of administrative programs involving permit issuance and fee collection.

Direct National Park Service management of grazing use within the national monument would be oriented toward fulfilling the primary mission of the agency, which in a natural area such as El Malpais is that of managing for the area's highest ecological state. This mission differs substantially from the multiple resource management objectives of the BLM and USFS.

F. CONSULTATION AND COORDINATION

This draft Grazing Management Plan will be distributed for a 45-day public review period. Informational copies of the document will be sent to:

- Federal agencies including the BLM, USFS, and USFWS
- New Mexico Department of Game and Fish
- State Historic Preservation Officer
- all individuals and/or companies holding permits in the national monument
- local and state cattleman's groups and organizations
- the Chambers of Commerce for the Cities of Grants and Milan, New Mexico
- the County Commission of Cibola County, New Mexico
- local and state environmental groups
- any person requesting a copy of the document

A news release announcing the availability of the document and inviting public comment will be distributed to newspapers, TV and radio stations in Grants, Gallup, Santa Fe, and Albuquerque. This release will detail the specific dates for the 45-day public review period and the process for finalizing the draft plan.

If it is determined to be needed, the NPS will also conduct an evening public workshop in the City of Grants to provide additional opportunities for the public to comment on the plan. This workshop will be held prior to the completion of the final draft of the management plan.

At the conclusion of the public review period, including the public workshop if it is determined to be necessary, the National Park Service will evaluate the comments received and modify the Grazing Management Plan accordingly. If major issues and problems are identified in the plan, a revised draft of the document or a full environmental impact statement may be prepared.

If minor changes or no changes are needed in the document, the NPS will select final management alternatives and present these recommendations in a final Grazing Management Plan along with a "Finding of No Significant Impact" (FONSI) statement. These documents will be mailed to all individuals and all groups and organizations expressing an interest in the issue and the plan will be implemented.

appendixes

Public Law 100-225
100th Congress

An Act

To establish the El Malpais National Monument and the El Malpais National Conservation Area in the State of New Mexico, to authorize the Masau Trail, and for other purposes.

Dec. 31, 1987
[H.R. 403]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EL MALPAIS NATIONAL MONUMENT

ESTABLISHMENT OF MONUMENT

SEC. 101. (a) In order to preserve, for the benefit and enjoyment of present and future generations, that area in western New Mexico containing the nationally significant Grants Lava Flow, the Las Ventanas Chacoan Archeological Site, and other significant natural and cultural resources, there is hereby established the El Malpais National Monument (hereinafter referred to as the "monument"). The monument shall consist of approximately 114,000 acres as generally depicted on the map entitled "El Malpais National Monument and National Conservation Area" numbered NM-ELMA-80,001-B and dated May 1987. The map shall be on file and available for public inspection in the offices of the Director of the National Park Service, Department of the Interior.

16 USC 460uu.

Public information.

(b) As soon as practicable after the enactment of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall file a legal description of the monument with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in subsection (a). The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

Public information.

TRANSFER

SEC. 102. Lands and waters and interests therein within the boundaries of the monument, which as of the day prior to the date of enactment of this Act were administered by the Forest Service, United States Department of Agriculture, are hereby transferred to the administrative jurisdiction of the Secretary to be managed as part of the monument in accordance with this Act. The boundaries of the Cibola National Forest shall be adjusted accordingly.

National Forest System.
16 USC 460uu-1.

MANAGEMENT

SEC. 103. The Secretary, acting through the Director of the National Park Service, shall manage the monument in accordance with

16 USC 460uu-2.

the provisions of this Act, the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), and other provisions of law applicable to units of the National Park System. The Secretary shall protect, manage, and administer the monument for the purposes of preserving the scenery and the natural, historic, and cultural resources of the monument and providing for the public understanding and enjoyment of the same in such a manner as to perpetuate these qualities for future generations.

PERMITS

Animals. Contracts. 16 USC 460uu-3.

SEC. 104. Where any lands included within the boundary of the monument on the map referred to in subsection 101(a) are legally occupied or utilized on the date of enactment of this Act for grazing purposes, pursuant to a lease, permit, or license which is—

(a) for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, and

(b) scheduled for termination before December 31, 1997,

the Secretary, notwithstanding any other provision of law, shall allow the persons holding such grazing privileges (or their heirs) to retain such grazing privileges until December 31, 1997, subject to such limitations, conditions, or regulations as the Secretary may prescribe to insure proper range management. No grazing shall be permitted on lands within the boundaries of the monument on or after January 1, 1998.

State and local governments. Indians.

TITLE II—MASAU TRAIL

DESIGNATION OF TRAIL

Arizona. Federal Register, publication. 16 USC 460uu-11.

SEC. 201. In order to provide for public appreciation, education, understanding, and enjoyment of certain nationally significant sites of antiquity in New Mexico and eastern Arizona which are accessible by public road, the Secretary, acting through the Director of the National Park Service, with the concurrence of the agency having jurisdiction over such roads, is authorized to designate, by publication of a description thereof in the Federal Register, a vehicular tour route along existing public roads linking prehistoric and historic cultural sites in New Mexico and eastern Arizona. Such a route shall be known as the Masau Trail (hereinafter referred to as the "trail").

AREAS INCLUDED

16 USC 460uu-12.

SEC. 202. The trail shall include public roads linking El Malpais National Monument as established pursuant to title I of this Act, El Morro National Monument, Chaco Cultural National Historical Park, Aztec Ruins National Monument, Canyon De Chelly National Monument, Pecos National Monument, and Gila Cliff Dwellings National Monument. The Secretary may, in the manner set forth in section 201, designate additional segments of the trail from time to time as appropriate to link the foregoing sites with other cultural sites or sites of national significance when such sites are designated and protected by Federal, State, or local governments, Indian tribes, or nonprofit entities.

INFORMATION AND INTERPRETATION

SEC. 203. With respect to sites linked by segments of the trail which are administered by other Federal, State, local, tribal, or nonprofit entities, the Secretary may, pursuant to cooperative agreements with such entities, provide technical assistance in the development of interpretive devices and materials in order to contribute to public appreciation of the natural and cultural resources of the sites along the trail. The Secretary, in cooperation with State and local governments, Indian tribes, and nonprofit entities, shall prepare and distribute informational material for the public appreciation of sites along the trail. 16 USC 460uu-13.

MARKERS

SEC. 204. The trail shall be marked with appropriate markers to guide the public. With the concurrence and assistance of the State or local entity having jurisdiction over the roads designated as part of the trail, the Secretary may erect thereon and maintain signs and other informational devices displaying the Masau Trail Marker. The Secretary is authorized to accept the donation of suitable signs and other informational devices for placement at appropriate locations. 16 USC 460uu-14.

TITLE III—EL MALPAIS NATIONAL CONSERVATION AREA

ESTABLISHMENT OF AREA

SEC. 301. (a) In order to protect for the benefit and enjoyment of future generations that area in western New Mexico containing the La Ventana Natural Arch and the other unique and nationally important geological, archeological, ecological, cultural, scenic, scientific, and wilderness resources of the public lands surrounding the Grants Lava Flows, there is hereby established the El Malpais National Conservation Area (hereinafter referred to as the "conservation area"). The conservation area shall consist of approximately 262,690 acres of federally owned land as generally depicted on a map entitled "El Malpais National Monument and National Conservation Area" numbered NM-ELMA-80,001-B and dated May 1987. The map shall be on file and available for inspection in the offices of the Director of the Bureau of Land Management of the Department of the Interior. 16 USC 460uu-21. Public information.

(b) As soon as practicable after the date of enactment of this Act, the Secretary shall file a legal description of the conservation area designated under this section with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description. The legal description shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management, Department of the Interior. Public information.

MANAGEMENT

SEC. 302. (a) The Secretary, acting through the Director of the Bureau of Land Management, shall manage the conservation area to protect the resources specified in section 301 and in accordance with this Act, the Federal Land Management and Policy Act of 1976 Animals. 16 USC 460uu-22.

and other applicable provisions of law, including those provisions relating to grazing on public lands.

(b) The Secretary shall permit hunting and trapping within the conservation area in accordance with applicable laws and regulations of the United States and the State of New Mexico; except that the Secretary, after consultation with the New Mexico Department of Game and Fish, may issue regulations designating zones where and establishing periods when no hunting or trapping shall be permitted for reasons of public safety, administration, or public use and enjoyment.

Forests and forest products.

(c) Collection of green or dead wood for sale or other commercial purposes shall not be permitted in the conservation area.

(d) Except as otherwise provided in section 402(b), within the conservation area the grazing of livestock shall be permitted to continue, pursuant to applicable Federal law, including this Act, and subject to such reasonable regulations, policies, and practices as the Secretary deems necessary.

TITLE IV—WILDERNESS

DESIGNATION OF WILDERNESS

National Wilderness Preservation System.

16 USC 460uu-51.

16 USC 1132 note.

Public information.

SEC. 401. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 131), there are hereby designated as wilderness, and, therefore, as components of the National Wilderness Preservation System, the Ceboila Wilderness of approximately 60,000 acres, and the West Malpais Wilderness of approximately 38,210 acres, as each is generally depicted on the map entitled "El Malpais National Monument and National Conservation Area" numbered NM-ELMA-60,001-B and dated May 1987. The map shall be on file and available for inspection in the offices of the Director of the Bureau of Land Management, Department of the Interior.

(b) As soon as practicable after the date of the enactment of this Act, the Secretary shall file a legal description of each wilderness area designated by this Act with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description. The legal description shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management, Department of the Interior.

Public information.

MANAGEMENT

16 USC 460uu-52.

SEC. 402. (a) Subject to valid existing rights, each wilderness area designated under this Act shall be administered by the Secretary, through the Director of the Bureau of Land Management, in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

Animals.

(b) Within the wilderness areas designated by this Act, the grazing of livestock, where established prior to the enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as

long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 108 of Public Law 96-560 (16 U.S.C. 1133 note).

TITLE V—GENERAL PROVISIONS

MANAGEMENT PLANS

SEC. 501. (a) Within three full fiscal years following the fiscal year of enactment of this Act, the Secretary shall develop and transmit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, separate general management plans for the monument and the conservation area which shall describe the appropriate uses and development of the monument and the conservation area consistent with the purposes of this Act. The plans shall include but not be limited to each of the following: National Wilderness Preservation System. 16 USC 460uu-41.

(1) implementation plans for a continuing program of interpretation and public education about the resources and values of the monument and the conservation area;

(2) proposals for public facilities to be developed for the conservation area or the monument, including a visitors center in the vicinity of Bandera Crater and a multiagency orientation center, to be located in or near Grants, New Mexico, and adjacent to Interstate 40, to accommodate visitors to western New Mexico;

(3) natural and cultural resources management plans for the monument and the conservation area, with a particular emphasis on the preservation and long-term scientific use of archeological resources, giving high priority to the enforcement of the provisions of the Archeological Resources Protection Act of 1979 and the National Historic Preservation Act within the monument and the conservation area. The natural and cultural resources management plans shall be prepared in close consultation with the Advisory Council on Historic Preservation, the New Mexico State Historic Preservation Office, and the local Indian people and their traditional cultural and religious authorities; and such plans shall provide for long-term scientific use of archaeological resources in the monument and the conservation area, including the wilderness areas designated by this Act; and Indians.

(4) wildlife resources management plans for the monument and the conservation area prepared in close consultation with appropriate departments of the State of New Mexico and using previous studies of the area. Wildlife.

(b)(1) The general management plan for the conservation area shall review and recommend the suitability or nonsuitability for preservation as wilderness of those lands comprising approximately 17,468 acres, identified as "Wilderness Study Area" (hereafter in this title referred to as the "WSA") on the map referenced in section 101.

(2) Pending submission of a recommendation and until otherwise directed by an Act of Congress, the Secretary, acting through the Director of the Bureau of Land Management, shall manage the

lands within the WSA so as to maintain their potential for inclusion within the National Wilderness Preservation System.

(c)(1) The general management plan for the monument shall review and recommend the suitability or nonsuitability for preservation as wilderness of all roadless lands within the boundaries of the monument as established by this Act except those lands within the areas identified as "potential development areas" on the map referenced in section 101.

(2) Pending the submission of a recommendation and until otherwise directed by Act of Congress, the Secretary, through the Director of the National Park Service, shall manage all roadless lands within the boundaries of the monument so as to maintain their potential for inclusion in the National Wilderness Preservation System, except those lands within the areas identified as "potential development areas" on the map referenced in section 101.

ACQUISITIONS

Public lands. Gifts and property. 16 USC 460uu-42.

SEC. 502. Within the monument and the conservation area, the Secretary is authorized to acquire lands and interests in lands by donation, purchase with donated or appropriated funds, exchange or transfer from any other Federal agency, except that such lands or interests therein owned by the State of New Mexico or a political subdivision thereof may be acquired only by exchange. It is the sense of Congress that the Secretary is to complete the acquisition of non-Federal subsurface interests underlying the monument and the conservation area no later than three full fiscal years after the fiscal year of enactment of this Act.

STATE EXCHANGES

Public lands. Gifts and property. 16 USC 460uu-43.

SEC. 503. (a) Upon the request of the State of New Mexico (hereinafter referred to as the "State") and pursuant to the provisions of this section, the Secretary shall exchange public lands or interests in lands elsewhere in the State of New Mexico, of approximately equal value and selected by the State, acting through its Commissioner of Public Lands, for any lands or interests therein owned by the State (hereinafter referred to as "State lands") located within the boundaries of the monument or the conservation area which the State wishes to exchange with the United States.

(b) Within six months after the date of enactment of this Act, the Secretary shall notify the New Mexico Commissioner of Public Lands what State lands are within the monument or the conservation area. The notice shall contain a listing of all public lands or interest therein within the boundaries of the State of New Mexico which have not been withdrawn from entry and which the Secretary, pursuant to the provisions of sections 202 and 206 of the Federal Land Policy and Management Act of 1976, has identified as appropriate for transfer to the State in exchange for State lands. Such listing shall be updated at least annually. If the New Mexico Commissioner of Public Lands gives notice to the Secretary of the State's desire to obtain public lands so listed, the Secretary shall notify the Commissioner in writing as to whether the Department of the Interior considers the State lands within the monument or conservation area to be of approximately equal value to the listed lands or interests in lands the Commissioner has indicated the State desires to obtain. It is the sense of the Congress that the exchange of

lands and interests therein with the State pursuant to this section should be completed within two years after the date of enactment of this Act.

MINERAL EXCHANGES

SEC. 504. (a) The Secretary is authorized and directed to exchange the Federal mineral interests in the lands described in subsection (b) for the private mineral interests in the lands described in subsection (c), if— 16 USC 460uu-44

(1) the owner of such private mineral interests has made available to the Secretary all information, requested by the Secretary as to the respective values of the private and Federal mineral interests to be exchanged; and

(2) on the basis of information obtained pursuant to paragraph (1) and any other information available, the Secretary has determined that the mineral interests to be exchanged are of approximately equal value; and

(3) the Secretary has determined—

(A) that except insofar as otherwise provided in this section, the exchange is not inconsistent with the Federal Land Policy and Management Act of 1976; and

(B) that the exchange is in the public interest.

(b) The Federal mineral interests to be exchanged under this section underlie the lands, comprising approximately 15,008 acres, depicted as "Proposed for transfer to Santa Fe Pacific" on the map referenced in subsection (d).

(c) The private mineral interests to be exchanged pursuant to this section underlie the lands, comprising approximately 15,141 acres, depicted as "Proposed for transfer to U.S." on the map referenced in subsection (d).

(d)(1) The mineral interests identified in this section underlie those lands depicted as "Proposed for transfer to Santa Fe Pacific" and as "Proposed for transfer to U.S." on a map entitled "El Malpais Leg. Boundary, HR3684/S56", revised 5-8-87.

(2) As soon as practicable after the date of enactment of this Act, the Secretary shall file a legal description of the mineral interest areas designated under this section with the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description. The legal description shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management, Department of the Interior. Public information.

(e) It is the sense of the Congress that all exchanges pursuant to this section shall be completed no later than three years after the date of enactment of this Act.

ACOMA PUEBLO EXCHANGES

SEC. 505. (a)(1) Upon the request of the Pueblo of Acoma, the Secretary shall acquire by exchange any lands held in trust for the Pueblo of Acoma (hereinafter referred to as "trust lands") located within the boundary of the conservation area which the Pueblo Indians. Public lands. 16 USC 460uu-45.

wishes to exchange pursuant to this section. Such trust lands shall be exchanged either for—

(A) lands described in subsection (c) (with respect to trust lands west of New Mexico Highway 117); or

(B) public lands of approximately equal value located outside the monument and outside the conservation area but within the boundaries of the State of New Mexico which are selected by the Pueblo of Acoma, so long as such exchange is consistent with applicable law and Bureau of Land Management resource management plans developed pursuant to the Federal Land Policy and Management Act of 1976.

(2) All lands selected by and transferred to the Pueblo of Acoma at its request pursuant to this section shall thereafter be held in trust by the Secretary for the Pueblo of Acoma in the same manner as the lands for which they were exchanged.

(3) Any lands west of New Mexico Highway 117 which are acquired by the Secretary pursuant to this section shall be incorporated into the monument and managed accordingly, and section 104 and all other provisions of this Act and other law applicable to lands designated by this Act as part of the monument shall apply to such incorporated lands.

(b) For purposes of acquiring lands pursuant to subsection (a) of this section, the Secretary, consistent with applicable law and Bureau of Land Management resource management plans described in subsection (a), shall make public lands within the boundaries of the State of New Mexico available for exchange. Nothing in this Act shall be construed as authorizing or requiring revocation of any existing withdrawal or classification of public land except in a manner consistent with applicable law.

(c)(1) The Secretary shall make the lands within the areas identified as "Acoma Potential Exchange Areas" on the map referenced in section 301 available for transfer to the Pueblo of Acoma pursuant to this subsection.

(2) Upon a request of the Pueblo of Acoma submitted to the Secretary no later than one year after the date of enactment of this Act, lands within the areas described in paragraph (1) shall be transferred to the Pueblo of Acoma in exchange for trust lands of approximately equal value within that portion of the conservation area west of New Mexico Highway 117. The Secretary may require exchanges of land under this subsection to be on the basis of compact and contiguous parcels.

(3) Any lands within the areas described in paragraph (1) not proposed for exchange by a request submitted to the Secretary by the Pueblo of Acoma within the period specified in paragraph (2), and any lands in such areas not ultimately transferred pursuant to this subsection, shall be incorporated within the conservation area and managed accordingly. In addition, any lands in that portion of the areas described in paragraph (1) lying in section 1, township 7N., range 9W., New Mexico Principal Meridian, not transferred to the Pueblo of Acoma pursuant to this subsection shall be added to and incorporated within the Cebolla Wilderness and managed accordingly.

Public lands.
16 USC 460uu–46.

EXCHANGES AND ACQUISITIONS GENERALLY; WITHDRAWAL

SEC. 506. (a) All exchanges pursuant to this Act shall be made in a manner consistent with applicable provisions of law, including this

in or near Grants, New Mexico, adjacent to Interstate 40 in accordance with the plan required pursuant to section 501.

WATER RIGHTS

SEC. 509. (a) Congress expressly reserves to the United States the minimum amount of water required to carry out the purposes for which the national monument, the conservation area, and the wilderness areas are designated under this Act. The priority date of such reserved rights shall be the date of enactment of this Act. 16 USC 460uu-49.

(b) Nothing in this section shall affect any existing valid or vested water right, or applications for water rights which are pending as of the date of enactment of this Act and which are subsequently granted: *Provided*, That nothing in this subsection shall be construed to require the National Park Service to allow the drilling of ground water wells within the boundaries of the national monument.

(c) Nothing in this section shall be construed as establishing a precedent with regard to any future designations, nor shall it affect the interpretation of any other Act or any designation made pursuant thereto.

AUTHORIZATION

SEC. 510. There is authorized to be appropriated $16,500,000 for the purposes of this Act, of which $10,000,000 shall be available for land acquisition in the national monument; $1 million shall be available for development within the national monument; $4 million shall be available for land acquisition within the conservation area; $1 million shall be available for development within the conservation area; and $500,000 shall be available for planning and development of the Masau Trail. 16 USC 460uu-50.

Approved December 31, 1987.

LEGISLATIVE HISTORY—H.R. 403:

HOUSE REPORTS: No. 100-116 (Comm. on Interior and Insular Affairs).
SENATE REPORTS: No. 100-100 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD, Vol. 133 (1987):
June 1, considered and passed House.
Dec. 17, considered and passed Senate, amended.
Dec. 18, House concurred in Senate amendment.

DRAFT
JUNE 22, 1989

INTERAGENCY AGREEMENT

BETWEEN THE

NATIONAL PARK SERVICE

AND THE

BUREAU OF LAND MANAGEMENT

CONCERNING

GRAZING MANAGEMENT

AT

EL MALPAIS NATIONAL MONUMENT

GRANTS, NEW MEXICO

Whereas, Congress established El Malpais National Monument to preserve, for the benefit and enjoyment of present and future generation lava flows, archeological sites... and other significant natural and cultural resources (P.L. 100-225, 16 U.S.C. 460 UU) Congress directed the Secretary of the Interior to administer the area, through the National Park Service (hereinafter referred to as NPS), in accordance with the above purposes, as well as "the fundamental purpose of...conserving the scenery and the natural enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" (16 U.S.C. 1, cited in id.460dd-3): and

Whereas, Congress established the El Malpais National Conservation Area to protect for the benefit of future generations La Ventana Natural Arch and other unique and nationally important geological, archeological, ecological, cultural, scenic, scientific, and wilderness resources (P.L. 100-225, 16 U.S.C. 460 UU-21). Congress directed the Secretary of the Interior, acting through the Bureau of Land Management (hereafter referred to as the BLM), to manage the conservation area in accordance with P.L. 100-225, the Federal Land Management and Policy Act of 1976, and other applicable provisions of law, including those provisions related to grazing on public lands; and

Whereas, Congress authorized the continuation of existing grazing permits (or the heirs of the permittees) on the national monument which were; (1) of a fixed term of years issued or authorized by an...agency of the United States and, (2) which were scheduled for termination before December 31, 1997, to continue such grazing privileges, subject to such limitations, conditions, or regulation as the Secretary may prescribe to insure proper range management, until December 31, 1997. No grazing shall be permitted on lands within the boundaries of the Monument on or after January 1, 1998. (16 U.S.C. 460 uu-3); and

Whereas, the NPS has expertise in the management of national monuments and specifically in the management of El Malpais National Monument including the evaluation of environmental impacts from all activities which occur in the area and in determining whether any activity is consistent with the values and purposes of the monument as well as other units within the National Park System; and

Whereas, the BLM has the expertise in the management, implementation, and analysis of the effect the nine grazing allotments partially contained within the national monument has on the environment; and

Whereas, the 1984 Umbrella Memorandum of Understanding (MOU) between the BLM and the NPS relating to grazing management directed that existing and proposed agreements be reviewed to reflect the intent of the Umbrella MOU and to implement it in greater detail.

The Regional Director, Southwest Region, National Park Service (hereafter referred to as the Regional Director) and the BLM State Director of for New Mexico (hereafter referred to as the State Director) hereby enter into this agreement to conduct a program to coordinate grazing management activities on the national monument and National Conservation Area which shall be carried out by the respective BLM Area Manager of the Albuquerque District (hereafter referred to as the Area Manager) and the Superintendent of El Malpais National Monument (hereafter referred to as the Superintendent).

NOW, therefore, the NPS and BLM agree that:

1. LEGISLATIVE AND POLICY PRIORITIES: The BLM will administer all grazing by domestic livestock in the monument in accordance with the Taylor Grazing Act of 1934, 43 U.S.C. 315 et seq., the Public Rangeland Improvement Act, 43 U.S.C. 1701 et seq. and the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq. and the regulations thereunder, currently codified in 43 C.F.R. Part 4100 subject to the El Malpais National Monument enabling legislation (P.L. 100-225), the Act of August 25, 1916, the Umbrella Grazing MOU and this agreement, until the scheduled grazing termination date within the monument of December 31, 1997.

a. This agreement does not apply to the management of wildlife, watershed or vegetation management activities not directly associated with grazing management activities.

2. CONSULTATION, COOPERATION, AND COORDINATION: In the administration of grazing in the national monument, the BLM and NPS will consult, cooperate and coordinate their efforts to ensure that grazing authorizations, range improvements, allotment management plans, resource monitoring and evaluation efforts and other grazing activities do not conflict with and are in support of the enabling legislation (16 U.S.C. 460uu), the NPS Organic Act (id., 1, 2, and 4 as amended), and the approved NPS General Management Plan and Natural Resources Management Plans for El Malpais National Monument.

a. The Area Manager will keep the Superintendent informed on grazing management activities on the national conservation area which might effect the monument including any changes in grazing allotments; range improvements; range trend condition and utilization; and any other grazing activities within the National Monument.

b. The Superintendent will keep the Area Manager informed on proposed management activities including present or planned recreation developments, trail corridors, land classifications, and other similar projects which might affect livestock grazing on the national monument or national conservation area.

c. A meeting to review grazing matters to exchange information and enhance coordination will be held annually with the NPS and BLM alternating as the host. The NPS will host meetings on the even years and the BLM will host meetings on the odd years. Additional meetings, if desired by either agency, will be conducted to review grazing activities and help determine future management needs. The guest agency will be responsible for note keeping at the annual meetings and will provide the host agency with a copy of these notes as soon as possible after the meeting.

d. The BLM will provide requests for changes in grazing permits within the national monument to the Superintendent for review. The area manager and Superintendent will jointly approve any requested changes in grazing permits.

e. Copies of all changes to and/or new licenses, permits, agreements, decisions, plans and other documents pertaining to grazing on the national monument will be furnished to NPS upon issuance. The BLM will provide reasonable information to the NPS for their annual grazing report and other grazing reports will be forwarded to the NPS upon request.

f. In order to make more efficient use of personnel, either the NPS or BLM will assist the other agency when called upon if staffing, budget and workload permits.

g. The NPS and the BLM agree that the grazing fee program for allotments partially contained within the national monument will continue to be administered by the BLM Albuquerque District with all record keeping (fee collection, annual reports, establishment of annual animal unit month fee levels, etc.) remaining the responsibility of the BLM.

MANAGEMENT ACTIONS:

a. When the BLM initiates an action potentially affecting the national monument and one which requires an environmental assessment, the Area Manager, in cooperation with the Superintendent, will prepare the necessary documents. The Superintendent will sign the document to indicate his concurrence with the analysis of impacts. In that document, the Superintendent will provide, where appropriate and

possible, any terms and conditions deemed necessary for inclusion in the proposed action to ensure that the activities are compatible with the National Monument's management goals and objectives. The Superintendent will, under ordinary circumstances, provide the required response within 30 days of receipt of the completed proposal. If necessary, a longer response period will be negotiated with the appropriate Area Manager.

b. When the NPS initiates an action requiring a change in the grazing program on the national monument, and an environmental assessment is necessary, the Superintendent, in cooperation with the Area Manager, will prepare the necessary documents. The Area Manager will review and sign the environmental assessment to indicate his concurrence with the analysis of impacts. In that document, the Area Manager will provide, where appropriate and possible, any terms and conditions deemed necessary for inclusion in the proposed action to ensure that the activities are compatible with the national monuments management goals and objectives. The Area Manager will, under ordinary circumstances, provide the required response within 30 days of receipt of the completed proposal. If necessary, a longer response period will be negotiated with the Superintendent.

c. If the Superintendent or Area Manager determines that a proposed action conflicts with the goals and objectives of the national monument or national conservation area and the Area Manager and Superintendent cannot agree on the action, the matter shall be referred to the State Director and Regional Director for resolution.

4. RANGE IMPROVEMENTS:

a. The BLM and NPS agree that new range improvements are not allowed within the national monument. Nonstructural range improvements, land treatments, and supplemental feeding of harvested hay and grain are likewise not allowed on the national monument except in emergencies. In addition, existing water developments must consider the needs of wildlife and will not be maintained, or utilized in such a way as to preclude the access to that source by wildlife. The present inventory of range improvements within the national monument will be managed in keeping with their eventual removal pending the termination of grazing in the monument by December 31, 1997.

b. Maintenance of range improvements in the national monument will be the responsibility of the grazing permitees under the approval authority of the Superintendent and Area Manager. The NPS will work cooperatively with the BLM and with Range users to provide appropriate fencing between the

national monument and national conservation area where grazing is permitted

c. The NPS and BLM will cooperate to insure that motor vehicle use is restricted to authorized areas of the national monument and national conservation area only.

5. MONITORING: Both the NPS and BLM recognize that the monument and conservation area are nationally significant resources. Grazing activities shall be monitored to evaluate their effects on the natural, cultural and recreational resources of the areas through the development and implementation of approved Grazing Management Plans.

a. The BLM will continue to monitor vegetation utilization, condition, and trend, and other grazing management activities on the conservation area in accordance with current BLM policies and procedures; the results of which will be shared annually with the Superintendent.

b. The NPS will develop and implement a program to monitor the natural, cultural, and recreational resources of the national monument in accordance with NPS policy under approved resources management plans. The results of this program, will be regularly shared with the Area Manager.

c. There may be times when joint monitoring efforts would benefit both agencies. Both the BLM and NPS will keep the other informed of such opportunities and will work together as these opportunities arise.

6. TRESPASS: The NPS will report to the BLM all cases of grazing trespass which comes to its attention. The NPS will cooperate with BLM on the investigation and resolution of trespass issues on the national monument.

7. PLANNING: The NPS, in consultation with the BLM, will develop a Grazing Management Plan component of the El Malpais National Monument Natural and Cultural Resources Management Plan. The Grazing Management Plan will provide a guideline for grazing management activities until the December 31, 1997, termination date and will address specific grazing issues, as needed.

8. PREDATOR, PLANT, AND PEST CONTROL: Predator, plant, and pest control activities on the national monument will be conducted only in accordance with established NPS policies and legislative mandates.

9. STIPULATIONS: Grazing licenses or permits issued by the BLM in accordance with this agreement will carry, in addition to other stipulations of the BLM and/or NPS, the following stipulations;

"That portion of the grazing allotment located in El Malpais National Monument will be terminated from livestock use by December 31, 1997, as per the requirements of Public Law 100-225 (101 Stat. 1539) dated December 31, 1987."

BLM will continue to inform the permittees using the national monument that monument land are available to the public with free access for approved recreational uses such as photography, hiking, touring, backcountry camping, etc.

10. TERMS OF THE AGREEMENT: This agreement shall be in effect until superceded or rescinded by either party, with 60 days written notice, and it shall be reviewed every five years from the date of the final signatory.

New Mexico State Director Bureau of Land Management	Regional Director Southwest Region
Date	Date

DRAFT
OCTOBER 17, 1988

INTERAGENCY AGREEMENT

BETWEEN THE

NATIONAL PARK SERVICE

AND THE

U.S. FOREST SERVICE

CONCERNING

GRAZING MANAGEMENT

AT

EL MALPAIS NATIONAL MONUMENT

GRANTS, NEW MEXICO

Whereas, Congress established El Malpais National Monument to preserve, for the benefit and enjoyment of present and future generation lava flows, archeological sites... and other significant natural and cultural resc ces (P.L. 100-225, 16 U.S.C. 460 UU) Congress directed the Secretary of the Interior to administer the area, through the National Park Service (hereinafter referred to as NPS), in accordance with the above purposes, as well as "the fundamental purpose of...conserving the scenery and the natural enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations" (16 U.S.C. 1, cited in id.460dd-3): and

Whereas, Congress transferred (P.L. 100-225,16 U.S.C. 460 uu-1) "lands and waters and interests therein" which were under the administration jurisdiction of the Forest Service, United States Department of Agriculture to the Secretary of the Interior to be managed as part of El Malpais National Monument and adjusted the boundaries at the Cibola National Forest accordingly; and

Whereas, Congress authorized the continuation of existing grazing permits (or their heirs) on the national monument which were; (1) of a fixed term of years issued or authorized by an...agency of the United States and, (2) which were scheduled for termination before December 31, 1997 to continue such grazing privileges, subject to such limitations, conditions, or regulation as the Secretary may prescribe to insure proper range management, until December 31,1997. No grazing shall be permitted on lands within the boundaries of the monument on or after January 1, 1998. (16 U.S.C. 460 uu-3); and

Whereas, the NPS has expertise in the management of national monuments and specifically in the management of El Malpais National Monument including the evaluation of environmental impacts from all activities which occur in the area and in determining whether any activity is consistent with the values and purposes of the monument as well as other units within the National Park System; and

Whereas, the USFS has the expertise in the management, implementation, and analysis of the effect the two grazing allotments, partially contained within the national monument, has on the environment; and

Whereas the U.S. Forest Service and the National Park Service agree that the two allotments are to be managed and administered to perpetuate the status quo.

The Regional Director, Southwest Region, National Park Service (hereafter referred to as the Regional Director) and the USFS Southwest Regional Forester (hereafter referred to as the Regional Forester) hereby enter into this agreement to conduct a program to coordinate grazing management activities on the national monument which shall be carried out by the respective USFS District Ranger of the Mt. Taylor District (hereafter referred to as the District Ranger) and the Superintendent of El Malpais National Monument (hereafter referred to as the Superintendent).

NOW, therefore, the NPS and USFS agree that:

1. LEGISLATIVE AND POLICY PRIORITIES: The USFS will administer all grazing by domestic livestock on lands formerly administered by that agency but now contained within the Monument in accordance with the 43 U.S.C. 315 et seq., the Public Rangeland Improvement Act, 43 U.S.C. 1701 et seq., and the regulations thereunder, currently codified in 43 C.F.R. Part 4100 subject to the El Malpais National Monument enabling legislation (P.L. 100-225), the NPS Organic Act of August 25, 1916, and this agreement, until the scheduled grazing termination date within the monument of
December 31, 1997.

a. This agreement does not apply to the management of wildlife, watershed or vegetation management activities not directly associated with grazing management activities.

2. CONSULTATION, COOPERATION, AND COORDINATION: In the administration of the above two allotments within the national monument, the USFS and NPS will consult, cooperate and coordinate their efforts to ensure that grazing authorizations, range improvements, allotment management plans, resource monitoring and evaluation efforts and other grazing activities do not conflict with and are in support of the enabling legislation (16 U.S.C. 460uu), the NPS Organic Act (id., 1, 2, and 4 as amended), and the approved NPS General Management Plan and Natural Resources Management Plans for El Malpais National Monument.

a. The District Ranger will keep the Superintendent informed on grazing management activities within the two reference allotments in the Mt. Taylor District which might affect the monument including any changes in grazing allotments; range improvements; stock driveways; range trend condition and forage utilization programs.

b. The Superintendent will keep the District Ranger informed on NPS management activities which affect livestock grazing on the national monument within lands formerly administered by the USFS including present or planned recreation developments, trail corridors, vegetation manipulation, land classifications, and other similar projects.

c. A meeting to review grazing matters to exchange information and enhance coordination will be held annually with the NPS and the USFS. If desired by either agency, joint meetings or inspections of range conditions will be conducted to review grazing activities and help determine future management needs. A joint field inspection and inventory of range improvements will be completed every three years to determine maintenance needs.

d. Requests for a change in the kind of livestock, changes in grazing permits which are in excess of the present limitations, or outside of the existing season of use for a pasture or allotment within the national monument will be approved by the Superintendent before being implemented.

e. Copies of all changes to and/or permits, agreements, decisions, plans and other documents pertaining to grazing on the national monument will be furnished to NPS upon issuance. All information needed by the NPS for their annual grazing report and other grazing reports will be forwarded to the NPS upon request.

f. The USFS and NPS will contact one another if either party observes deviations from status quo conditions and will mutually work out a plan of action.

3. MANAGEMENT ACTIONS: Before the District Ranger approves or acts on a change in grazing permit, change in the kind of livestock, change in the season of use, reconstruction or major maintenance of existing range improvements, a new or a modified allotment management plan, a new grazing system, or new resource monitoring or evaluation efforts (not covered in an agreed upon plan for allotments affecting the national monument), he will coordinate with the Superintendent regarding the potential effects of the proposed action upon the values and purposes of the national monument.

a. The NPS and the USFS agree that the grazing fee program for allotments partially contained within the national monument will continue to be administered by the USFS, Mt. Taylor District, with all record keeping (fee collection, annual reports, establishment of annual animal unit month fee levels, etc.) remaining the responsibility of the USFS. The USFS will continue to report pertinent AUM totals, or "Head Months," to Congress as part of their normal range utilization reports.

b. If and when the NPS initiates an action requiring a change in the grazing program on the national monument, and an environmental assessment is necessary, the Superintendent, with participation from the District Ranger, will prepare the necessary documents. The District Ranger will sign the environmental assessment to indicate his concurrence with the analysis of impacts.

c. If the Superintendent determines, in writing, that a proposed action conflicts with the goals and objectives of the national monument and the District Ranger and Superintendent cannot agree on the action, the matter shall be referred to the Regional Forester and Regional Director for resolution.

4. RANGE IMPROVEMENTS:

a. The USFS and NPS agree that new range improvements are not appropriate within the national monument. Nonstructural range improvements, land treatments, and supplemental feeding of harvested feed (hay and grain) are likewise not appropriate on the national monument except in emergencies. In addition, existing water developments must consider the needs of wildlife and recreation and will not be maintained, or utilized in such a way as to preclude the access to that source by wildlife. The present inventory of range improvements within the national monument will be managed in keeping with their eventual removal pending the termination of grazing in the monument by December 31, 1997.

b. As a matter of courtesy, the USFS will attempt to keep the NPS informed concerning the routine maintenance of earthen stock tanks, metal tanks and surface lines, and fence mending. However, such routine operations will not require formal communication.

Grazing activities shall be monitored to evaluate their effects on the natural, cultural and recreational resources of the areas through the development and implementation of resource management plans.

a. The USFS will continue to monitor vegetation utilization, condition and trend, and other grazing management activities on the district in accordance with current USFS policies and procedures, the results of which will be regularly shared with the Superintendent.

b. The NPS will develop and implement a program to monitor the natural, cultural, and recreational resources of the national monument in accordance with NPS policy under the approved resources management plans. The results of that program, will be regularly shared with the USFS.

c. There may be times when joint monitoring efforts would benefit both agencies. Both the USFS and NPS will keep the other informed of such opportunities and will work together as these opportunities arise.

6. TRESPASS AND LAW ENFORCEMENT: The NPS will report to the USFS all cases of grazing trespass which comes to its attention. Conversely, the USFS will report observed violations of laws and regulations to monument personnel for action. The NPS will also cooperate with the USFS on the investigation and resolution of trespass issues on the national monument.

7. PLANNING: The NPS, in consultation with the USFS, will develop a Grazing Management Plan component of the El Malpais National Monument Natural and Cultural Resources Management Plan. The Grazing Management Plan will provide a guideline for mitigation of grazing management activities until the December 31, 1997, termination date and will address specific grazing issues, as needed.

8. PREDATOR, PLANT, AND PEST CONTROL: Predator, plant, and pest control activities on the national monument will be conducted only in accordance with established NPS policies and legislative mandates.

9. STIPULATIONS: Grazing licenses or permits issued by USFS in accordance with this agreement will carry, in addition to other stipulations of the USFS and/or the NPS, the following stipulations;

"That portion of the grazing allotment located in El Malpais National Monument will be terminated from livestock use by December 31, 1997, as per the requirements of Public Law 100-225 (101 Stat. 1539) dated December 31, 1987."

"This permit does not exempt the holder from compliance with all laws, regulations and management plans governing the public use and administration of El Malpais National Monument."

"Use of all motorized equipment in nondesignated areas is not authorized without prior approval."

a. The USFS will continue to inform the permittees on the national monument that monument lands are available to the public with free access for approved recreational uses such as photography, hiking, touring, backcountry camping, etc.

10. TERMS OF THE AGREEMENT: This agreement shall be in effect until superceded or rescinded by either party, with 60 days written notice, and it shall be reviewed every five years from the date of the final signatory.

Regional Forester Southwest Region U.S. Forest Service	Date	Regional Director Southwest Region National Park Service	Date