



MEMORANDUM

July 14, 2017

To: The Honorable Tom Udall
Attention: Stephenne Harding

From: Carol Hardy Vincent, Specialist in Natural Resources Policy, 7-8651

Subject: **Livestock Grazing in Organ Mountains-Desert Peaks National Monument**

This memorandum responds to your request for a brief memorandum addressing livestock grazing in the Organ Mountains-Desert Peaks National Monument in New Mexico. Your questions included what if any effect the establishment of the monument has had on livestock grazing on monument lands.

Information in this memorandum may be of general interest to Congress. As such, this information may be provided to other congressional requesters, and may be published by CRS in products for general distribution to Congress at a later date. Your confidentiality as a requester will be preserved in any case.

Please do not hesitate to contact me if you have additional questions.

Proclamation for the Organ Mountains-Desert Peaks National Monument. The Organ Mountains-Desert Peaks National Monument was designated by President Obama on May 21, 2014 (by Presidential Proclamation 9131).¹ The monument is managed by the Bureau of Land Management (BLM); the lands within the area were being managed by BLM prior to the establishment of the monument. With regard to livestock grazing, the proclamation establishing the monument provides that: “Laws, regulations, and policies followed by the BLM in issuing and administering grazing permits or leases on lands under its jurisdiction shall continue to apply with regard to the lands in the monument, consistent with the protection of the objects identified above.”² This provision essentially provides that authorities governing livestock grazing on BLM lands generally will continue to apply to lands within the monument. It makes explicit that the application of livestock grazing authorities is to be consistent with protection of the objects in the monument that were identified by the proclamation. In proclaiming the monument, President Obama identified a variety of objects and attributes in the area, including archaeological resources, paleontological research areas, historically significant areas, geologic features, and diverse animals and vegetative communities.

BLM Monument Management. BLM manages a total of 27 national monuments,³ including Organ Mountains-Desert Peaks, under multiple authorities. They include the Federal Land Policy and

¹ See *Presidential Proclamation—Organ Mountains-Desert Peaks National Monument*, May 21, 2014, on the White House website at <http://www.whitehouse.gov/the-press-office/2014/05/21/presidential-proclamation-organ-mountains-desert-peaks-national-monument>.

² Ibid.

³ Information on provisions of monument proclamations for selected monuments managed by BLM, including Organ Mountains-Desert Peaks, is contained in CRS Congressional Distribution Memorandum, *Livestock Grazing in BLM National Monuments*, (continued...)

Management Act of 1976 (FLPMA),⁴ the Taylor Grazing Act of 1934,⁵ the individual presidential proclamations and statutes that designated the monuments, and resource management plans. Under FLPMA, BLM lands are generally managed for sustained yield of multiple uses. However, some lands are withdrawn (restricted) from one or more uses or managed for a predominant use. Under the Taylor Grazing Act, BLM regulates and apportions livestock grazing within grazing districts. Of the 248 million total acres managed by BLM, 155 million acres were available for livestock grazing and 139 million were used for grazing in FY2015.⁶

BLM develops resource management plans governing use and protection of lands under its jurisdiction. These plans sometimes address livestock grazing, among other land uses and activities. BLM typically develops a plan for each monument under its management.

Management Plan for and Grazing in Organ Mountains-Desert Peaks National Monument. The proclamation for Organ Mountains-Desert Peaks calls for the development of a management plan for the protection and restoration of identified objects, but no management plan for the monument has been developed to date. BLM also has not issued interim guidance regarding livestock grazing within the monument. The agency has indicated that such guidance is not necessary, as livestock grazing on lands in the monument is being managed under existing authorities.⁷

To date, there have been no changes to livestock grazing on the ground as a result of the establishment of the monument, according to BLM. For instance, there have been no changes to terms and conditions of grazing leases and permits, or the number of acres grazed, as a result of the monument proclamation, according to the agency. However, BLM has asked livestock permittees to “enhance their communication” with the agency on maintenance activities that occur on linear features (e.g., pipelines) and roads.⁸

(...continued)

May 30, 2014, available from Carol Hardy Vincent. In addition, provisions of monument proclamations pertaining to livestock grazing for 21 land-based monuments under review by the Secretary of the Interior are addressed in CRS Report R44886, *Monument Proclamations Under Executive Order Review: Comparison of Selected Provisions*, by Carol Hardy Vincent and Laura A. Hanson.

⁴ 43 U.S.C. §§ 1701, et seq.

⁵ 43 U.S.C. §§ 315, et seq.

⁶ These figures are the most current that are available.

⁷ This information was conveyed by BLM to CRS on June 30, 2017.

⁸ This information was conveyed by BLM to CRS on June 30, 2017. Grazing permittees might install, use, maintain, or modify range improvements or developments on BLM lands, such as fences, pipelines, and wells, under certain terms and conditions. These improvements or developments could enhance livestock grazing as well as have other land benefits (e.g., improving resources and habitat). See the BLM regulations at 43 CFR 4120.3.
