

**INTERIM MANAGEMENT POLICY
AND GUIDELINES FOR
LANDS UNDER WILDERNESS REVIEW**

**U.S. Department of the Interior
Bureau of Land Management**

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U.S. Department of the Interior. *As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering the wisest use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interests of all our people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.*

Introduction

The Federal Land Policy and Management Act of 1976 (FLPMA) requires the Secretary of the Interior to review areas of the public lands determined to have wilderness characteristics, and to report to the President his recommendations as to the suitability or nonsuitability of each such area for preservation as wilderness. The Secretary is required to report his recommendations to the President by October 21, 1991, and the President is required to report his recommendations to Congress by October 21, 1993. During the period of this review and until Congress acts on the President's recommendations, the Secretary is required to manage such lands so as not to impair their suitability for preservation as wilderness, subject to certain exceptions and conditions.

This document describes the policy and guidelines under which the Bureau of Land Management (BLM) will manage the lands under wilderness review. This policy is referred to as the "interim" management policy because it applies to specific areas of the public lands for a limited amount of time, depending upon various stages and schedules of the review process. The purpose of the policy and guidelines is to guide BLM staff in the specific decisions that arise every day in the management of lands under wilderness review.

There are two categories of public lands to which this policy applies: (1) lands for which the wilderness inventory process has not yet been completed, and (2) wilderness study areas (WSA's). These two categories together are referred to as "lands under wilderness review."

The first category of lands to which the Interim

Management Policy (IMP) applies are lands subject to wilderness review but for which the BLM wilderness inventory process has not yet been completed. The inventory is a preliminary phase that leads to identification of wilderness study areas. Because completion of the wilderness inventory process may result in identifying lands under inventory as wilderness study areas, these lands must be managed under the IMP until a final decision in the inventory process resolves their status. The wilderness inventory in the contiguous western States is scheduled for completion in 1980.

The second category of lands, wilderness study areas, consists of lands which the BLM has determined have wilderness characteristics, as defined in the Wilderness Act of 1964. This determination is made through the wilderness inventory process described in the BLM's *Wilderness Inventory Handbook*. These wilderness study areas are being studied by the BLM to determine whether they are suitable or unsuitable for preservation as wilderness. Based on this study, the Secretary of the Interior will submit his recommendations on each wilderness study area to the President, and the President will send his recommendations to Congress. Only Congress can designate an area as wilderness and, therefore, as a unit of the National Wilderness Preservation System.

The Interim Management Policy is temporary and applies only during the time an area is under wilderness review and until Congress acts on wilderness study areas. After Congress acts on the President's recommendations for each wilderness

study area, a different policy will apply to the area, depending on whether or not Congress designates the area as wilderness. Areas designated as wilderness will be managed under a basic policy for permanent wilderness management, which will soon be drafted by the BLM and issued for public review. This policy will be amended as necessary to reflect any requirements incorporated into the law designating a wilderness area on BLM lands. Areas Congress determines not to designate as wilderness will no longer be subject to the Interim Management Policy, and will be managed under general BLM management policies.

The Interim Management Policy (IMP) obviously is not the only policy that governs the management of lands under wilderness review. The BLM has many other laws and policies to carry out which may affect whether and how an activity may take place on lands under wilderness review, even when that activity is permissible under the IMP.

Mandates from Congress

The BLM wilderness review program stems from section 603 of the Federal Land Policy and Management Act of 1976 (FLPMA). In FLPMA, Congress gave BLM its first unified, comprehensive mandate on how the public lands should be managed. The law establishes a policy of generally retaining the public lands in Federal ownership, and it directs the BLM to manage them under principles of multiple use and sustained yield. The BLM is to prepare an inventory of the public lands and their resources, including identification of areas having wilderness characteristics. Management decisions for the public lands are to be made through a land-use planning process that considers all potential uses of each land area. All public lands are to be managed so as to prevent unnecessary or undue degradation of the lands.

Under FLPMA, wilderness preservation is part of BLM's multiple-use mandate, and wilderness values are recognized as part of the spectrum of resource values and uses to be considered in the inventory and in the land-use planning process. Section 603 of FLPMA specifically directs the BLM, for the first time, to carry out a wilderness review of the public lands. (The complete text of section 603 appears in Appendix B of this document. The BLM's wilderness review program implementing section 603 is summarized in Appendix E.)

Section 603(c) of FLPMA tells the BLM how to manage the lands under wilderness review, in these words:

During the period of review of such areas and until Congress has determined otherwise, the Secretary shall continue to manage such lands according to his authority under this Act and other applicable law in a manner so as not to impair the suitability of such areas for preservation as wilderness... (emphasis added)

We will refer to this as the "nonimpairment" mandate.¹

Importantly, section 603(c) provides a special exception from the nonimpairment mandate for existing mining, grazing, and mineral leasing uses — what we will call "grandfathered" uses — in these words:

...subject, however, to the continuation of existing mining and grazing uses and mineral leasing in the manner and degree in which the same was being conducted on the date of approval of this Act...

As is obvious from this language, the continuation of these existing uses is not unrestricted. They are restricted to the same "manner and degree" as on the date FLPMA was approved (October 21, 1976).

The Secretary is also directed by section 603(c) to "take any action required to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection." This applies to these grandfathered uses and to all other activities. A similar provision in Section 302(b) concerning all public lands, even those not under wilderness review, directs the Secretary to "prevent unnecessary or undue degradation of the lands." The practical effect of these two provisions is the same. Therefore, throughout this document the shorter form used in section 302(b) will be cited.

Another provision in section 603(c) directs:

Unless previously withdrawn from appropriation under the mining laws, such lands shall continue to be subject to such appropriation during the period of review unless withdrawn by the Secretary under the procedures of section 204 of this Act for reasons other than preservation of their wilderness character.

(Section 204 spells out the conditions under which the Secretary may make a withdrawal, and the procedures for doing so.)

The BLM's responsibilities under section 603(c) are also affected by section 701(h) of FLPMA, which states:

All actions by the Secretary concerned under this Act shall be subject to valid existing rights.

These mandates in FLPMA establish as a matter of law that, while some development activities are permissible on lands under wilderness review, they are subject to important limitations and must be carefully regulated. All activities except those specifically exempt must be regulated to prevent impairment of

¹ The wilderness review required by section 603 focuses on roadless areas of 5,000 acres or more and on roadless islands. The BLM as a matter of policy has used its general management authority under sections 302 and 202 of FLPMA to include in the wilderness review some roadless areas smaller than 5,000 acres. (The criteria for such areas are spelled out on page 12 of the *Wilderness Inventory Handbook*.) The management mandate in section 603(c) does not apply to roadless areas smaller than 5,000 acres. However, as a matter of policy the BLM will use its management authority under section 302 of FLPMA to apply a modified form of interim management to these areas, as is explained in Chapter I. A. 5.

wilderness suitability. If an activity not specifically exempt cannot meet this condition, the activity cannot be permitted on lands under wilderness review.

There are five different practical effects of these provisions with respect to "interim management" of lands under wilderness review. First, the general standard for interim management is that lands under wilderness review must be managed so as not to impair their suitability for preservation as wilderness. We will refer to this as the "nonimpairment" standard. This applies to all uses and activities except those specifically exempted from this standard by FLPMA (such as grandfathered uses).

Second, those grazing, mining, and mineral leasing uses that existed on October 21, 1976 (the date FLPMA was approved), may continue in the same manner and degree as on that date, even if this would impair wilderness suitability.

Third, lands under wilderness review may not be closed to appropriation under the mining laws in order to preserve their wilderness character.

Fourth, valid existing rights must be recognized.

Fifth, the lands must be managed to prevent unnecessary or undue degradation.

Meaning of the Congressional Mandate

Determining what can take place on lands under wilderness review depends partly on what the specific language of each of these provisions means, partly on how each provision interacts with other provisions of FLPMA and with other laws, and partly on what authority the Department has under FLPMA and other laws to regulate uses of the public lands.

Nonimpairment

To determine what is permissible under the general "nonimpairment" standard, we must examine what Congress meant by *impairment of an area's suitability for preservation as wilderness*.

The term "suitability... for preservation as wilderness" originated in the Wilderness Act of 1964, which directs the Secretary of Agriculture to "review, as to its suitability or nonsuitability for preservation as wilderness" each of the national forest areas classified as "primitive." Likewise, the Wilderness Act directs the Secretary of the Interior to review certain roadless areas and islands in the National Park System and in the national wildlife refuges and game ranges and "report to the President his recommendation as to the suitability or nonsuitability of each such area or island for preservation as wilderness." The term is similarly used in section 603(a) of FLPMA, which directs the Secretary of the Interior to review certain roadless areas and islands and to "report to the President his recommendation as to the suitability or nonsuitability of each such area or island for preservation as wilderness". (Emphasis added.)

In the Wilderness Act and FLPMA, the term "suitability" implies two things. First, it implies that, at the minimum, the area satisfies the definition of wilderness in section 2(c) of the Wilderness Act:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

The Department therefore has a responsibility under the nonimpairment standard to ensure that each wilderness study area satisfies this definition at the time Congress makes a decision on the area. As a practical matter, this means that it must meet this definition by the time the Secretary reports his recommendation to the President, because the President might immediately send his recommendation to Congress, and Congress might act immediately.

The word "suitability" takes on a second meaning in the context of recommendations made by the Secretary to the President. Congress made it clear in section 603 of FLPMA that an area with all necessary wilderness characteristics defined in section 2(c) of the Wilderness Act might be found by the Secretary to be either "suitable" or "unsuitable" for preservation as wilderness. Since each area *must* have been determined to have wilderness characteristics in order to qualify for wilderness study under the mandate of FLPMA, it seems clear that the principal factor to be used by the Secretary in arriving at a suitable/unsuitable recommendation is the value of an area as wilderness compared to its value for other uses, such as commercial forest management or mineral development. The Department therefore has a responsibility to ensure that an area's existing wilderness values are not degraded so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or nonsuitability for preservation as wilderness.

Management under the nonimpairment standard, to which there are two exceptions described later, has these goals: (1) to ensure that any area that now satisfies the wilderness definition in section 2(c) of the Wilderness Act will satisfy that definition when the Secretary sends his wilderness recommendation to

the President and thereafter until Congress acts, and (2) to ensure that, by the time the Secretary sends his wilderness recommendation to the President, the area's wilderness values have not been degraded so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or nonsuitability for preservation as wilderness.

Anything that would conflict with these goals would constitute impairment of the area's suitability for preservation as wilderness.

Management to the nonimpairment standard does not mean that the lands will be managed as though they had already been designated as wilderness. For example, some uses that could not take place in a designated wilderness area may be permitted under the Interim Management Policy because they are only temporary uses that leave no physical or aesthetic impacts on the land and that can easily be terminated if Congress decides to designate the area as wilderness.

Some temporary uses can be permitted even though they cause physical or aesthetic impacts, because those impacts are temporary and will be reclaimed promptly. It is generally felt to be in the public interest, for instance, for wilderness study areas to be explored, within the nonimpairment standard, so as to learn as much as possible about all the resource values that are present.

On the other hand, some uses that were explicitly permitted by the Wilderness Act of 1964 in wilderness areas of the national forests (such as mining and mineral leasing) must be restricted under the Interim Management Policy because their impacts clearly could disqualify the area from satisfying the wilderness definition, and thus would impair wilderness suitability. During the wilderness review it is the later and more explicit FLPMA, and not the Wilderness Act, that dictates what is permissible.

The final decision on permanent wilderness designation for each wilderness study area belongs to Congress. Management under the nonimpairment standard protects Congress' right to make the designation decision by preventing actions that would pre-empt that decision.

Grandfathered Uses

To determine what uses are protected under the "grandfather" provision, we must examine what Congress meant by "continuation of existing mining and grazing uses and mineral leasing in the manner and degree in which the same was being conducted on the date of approval of this Act."

To be an "existing" use, the use clearly must have been taking place on the lands as of the date of FLPMA (October 21, 1976). An existing use might have been temporarily inactive for reasons such as bad weather or a short-term depression in market conditions, but clearly a use that had last occurred 5 or 10 years earlier

when there was no demonstrable intention of resuming immediately would not qualify, except where the use involved a long "start-up" time.

An existing use would have created actual physical impacts on the land before October 21, 1976. However, the impacts of an existing grazing use would not necessarily be noticeable on that date, because grazing, conducted under good range management practices, leaves no noticeable impacts, except those of range improvement installations.

Continuation in the same "manner and degree" implies different things for the different uses mentioned in the grandfather clause. Mineral uses generally operate by a logical progression that begins with exploration and proceeds through development of a given deposit by geographic extension until the deposit has been exhausted. By contrast, grazing use is done by grazing a given land area on a continuing basis, because range forage is a renewable resource. No change in the area of use is inherent in grazing.

In both cases, the benchmark for the "manner and degree" of an existing use is the physical and aesthetic impact that use was having on the area on October 21, 1976, because it is that impact that could affect the wilderness review.

For mineral uses, continuation in the same manner and degree implies that the use may proceed by a logical pace and progression — either a geographic extension or a change in the type of activity, so long as the impacts of the extension or of the new activity are not of a significantly different kind than the impacts existing on October 21, 1976. This may take place even if the activity impairs wilderness suitability.

For grazing uses, continuation in the same manner and degree implies that grazing may continue on the lands authorized as of October 21, 1976, so long as the impacts of that use do not increase.

Appropriation Under the Mining Laws

As it appears in section 603(c), the mandate that lands under wilderness review continue to be subject to appropriation under the mining laws is a prohibition against withdrawal of lands under wilderness review from appropriation under the mining laws for the purpose of preserving the land's wilderness character. It is not an exception to the nonimpairment mandate. Although they may still take place, activities entailed in appropriation under the mining laws — including the location of new claims, assessment work, exploration activities on claims, and the issuance of patents — must be regulated so as not to impair wilderness suitability. (Of course, mining activities covered by the grandfather provision and certain valid existing rights are exceptions to the nonimpairment mandate.)

If a mining claimant, using methods that do not impair wilderness suitability, makes a valid discovery and can show proof of that discovery to the BLM, the discovery represents a right to patent the claim. If a patent is issued, title to the land is transferred to the claimant.

At that point the claim ceases to be public land and is therefore no longer subject to wilderness review or to the Interim Management Policy.

Valid Existing Rights

The "valid existing rights" provision of FLPMA (Section 701(h)) clearly applies only to valid rights outstanding ("existing") on October 21, 1976. Those valid rights will be recognized, but they are not necessarily exempt from the nonimpairment mandate.

In cases where the Department has authority to regulate a valid existing right, the nonimpairment mandate of section 603 requires the Department to regulate it to avoid impairing wilderness suitability. This is the case with the majority of mineral leases issued before October 21, 1976. The right granted by those leases is not an absolute, uncontrolled right. It is a right conditioned on compliance by the lessee with the Department's rules, orders, and regulations in effect either on or after the date of the lease. Therefore, lessees will be required to comply with the nonimpairment mandate of FLPMA, unless the activities on the leases qualify as grandfathered uses. If a lessee proposes to conduct activities that cannot meet the nonimpairment standard and those proposed activities are denied for this reason, the lessee has the right to request a suspension of operation. The policy on lease suspensions is explained more fully in Chapter III. J. 1(d).

In cases where the Department has no such authority to regulate the valid existing rights to the nonimpairment standard, those rights may be exercised, even if this will impair wilderness suitability. This is the case with mining claims on which a valid discovery had been made before October 21, 1976. If the claimant can show evidence to the BLM that a discovery was made before that date, the operation will not be regulated to the nonimpairment standard, regardless of the kind of impacts from activities on the claim on October 21, 1976.

The valid existing rights and grandfather provisions create a significant overlap, because some mineral uses qualify under both provisions:

Mining Claims: Mining claims located before October 21, 1976, represent a valid existing right if a valid discovery had been made on the claim before October 21, 1976. Of course, if any such claims were actively being worked as of October 21, 1976, they would also qualify as grandfathered uses. But they enjoy a more liberal development standard under the valid existing rights provision, because in this case they would be able to proceed even if the activities exceeded the manner and degree that existed on October 21, 1976.

Mineral Leases: Mineral leases issued before October 21, 1976, represent a valid existing right. If they were actively being worked as of October 21, 1976, and if physical impacts had been created on the ground,

these leases would also qualify as grandfathered uses. In most if not all cases (depending upon the legal rights conveyed by the specific lease in question), the grandfather provision provides the more liberal development standard, allowing continuation in the same manner and degree as on October 21, 1976; otherwise, the nonimpairment standard would apply. If a lessee proposed to conduct activities that cannot meet the nonimpairment standard and those proposed activities were denied for this reason, the lessee would have the right to request a suspension of operation. The policy on lease suspension is explained more fully in Chapter III. J. 1(d).

Chapter I. Management Policy for Lands Under Wilderness Review

A. General Policy

1. The Department of the Interior's management policy is, except in the cases stated below, to continue resource uses on lands under wilderness review in a manner that maintains the areas' suitability for preservation as wilderness. This Interim Management Policy will be in effect until one of the following occurs:

a. In some cases the BLM wilderness inventory process will result in a determination that a wilderness inventory unit does not meet the Wilderness Act's definition of wilderness. In such cases, as soon as the BLM State Director has announced a final decision and any relevant administrative review process has been exhausted, the Interim Management Policy will no longer apply.

b. If Congress designates a wilderness study area as wilderness, the BLM will manage the area for preservation of its wilderness character. The Federal Land Policy and Management Act (FLPMA) requires that designated wilderness areas be managed under provisions of the Wilderness Act that apply to national forest wilderness. BLM will prepare a management policy to implement this mandate for any BLM areas that Congress may decide to designate as wilderness.

c. If Congress determines that a wilderness study area will not be designated as wilderness, the Interim Management Policy will no longer apply.

2. The law provides for, and the Department's policy is to allow, continuation of grazing, mining, and mineral leasing uses on lands under wilderness review in the manner and degree in which these uses were being done on October 21, 1976, so long as they do not cause unnecessary or undue degradation of the lands. These are referred to as the "grandfathered" uses.

3. The Department's policy is to allow appropriation under the mining laws; i.e., these areas, in accordance with the congressional mandate, will not be withdrawn from the operation of the mining laws for the purpose of preserving their wilderness character. Activities involved in appropriation under the mining laws — including location of new claims and the assessment work necessary to hold claims — will be allowed so long as these activities are carried

out in a manner that does not impair the area's wilderness suitability.

4. The Department's policy is to recognize valid existing rights that were outstanding on October 21, 1976. A further explanation of the policy on valid existing rights appears in section B. 7, below.

5. If a wilderness study area or inventory unit (except islands) is smaller than 5,000 acres, existing and new mining activities under the 1872 Mining Law will be regulated in that area only to prevent unnecessary or undue degradation of the lands—not to prevent impairment of wilderness suitability. All other activities will be managed under the Interim Management Policy. The *Wilderness Inventory Handbook* provides for identification of wilderness study areas under 5,000 acres under certain conditions specified on page 12 of the handbook. Although section 603 of FLPMA does not require these areas to be given interim management, the Department has the authority under section 302 of FLPMA to manage these lands similarly. The Department's policy is to manage them under the Interim Management Policy, except with respect to mining claims located under the 1872 Mining Law. The authority to regulate activities to the nonimpairment standard with respect to the mining laws only applies to the areas that meet the criteria of section 603—i.e., either islands or roadless areas of 5,000 acres or more. Section 302 provides the authority to regulate mining on all public lands to prevent unnecessary or undue degradation.

B. Specific Policy Guidance

This section tells how the Bureau of Land Management will apply the general policies set forth in section A, above.

1. **Lands under Wilderness Review.** The Bureau of Land Management is conducting a wilderness inventory under procedures described in the *Wilderness Inventory Handbook*, issued on September 27, 1978. The inventory will sort lands into two categories: (a) wilderness study areas, to which the Interim Management Policy will apply, and (b) lands that are determined not to have wilderness characteristics and therefore will not be subject to the Interim Management Policy. Lands that are being reviewed in the wilderness inventory and have not yet been dropped from the inventory by a final decision of the BLM will be subject to the Interim Management Policy because they may be identified as wilderness study areas by that final decision.

2. **Nonimpairment.** Any activity that BLM has determined does not impair the land's suitability for preservation as wilderness may be permitted on lands under wilderness review. Before approving proposed activities generally identified as nonimpairing in this document, BLM will first ensure that they conform to the existing management framework plan, if one has been prepared for the affected lands (see 43 CFR 1601.8), and will then review the proposal through an environmental assessment to determine whether, in a specific case, they will be nonimpairing and to ensure that approval of such activities will not create a situation in which the cumulative effect of existing uses and the new proposed uses would impair wilderness suitability.

Activities that protect or enhance the land's wilderness values or that provide the minimum necessary facilities for public enjoyment of the wilderness values are considered nonimpairing. For example, trails and sanitary facilities could be built for primitive recreational use.

All other activities will be considered nonimpairing if the BLM determines that they meet each of the following criteria, referred to hereafter as the "nonimpairment criteria":

a. It is temporary. This means that the use or activity may continue until the time when it must be terminated in order to meet the reclamation requirement of paragraphs (b) and (c) below. A temporary use that creates no new surface disturbance may continue unless Congress designates the area as wilderness, so long as it can easily and immediately be terminated at that time, if necessary to management of the area as wilderness.

b. Any temporary impacts caused by the activity must, at a minimum, be capable of being reclaimed to a condition of being substantially unnoticeable in the wilderness study area (or inventory unit) as a whole by the time the Secretary of the Interior is scheduled to send his recommendations on that area to the President, and the operator will be required to reclaim the impacts to that standard by that date. If the wilderness study is postponed, the reclamation deadline will be extended accordingly. If the wilderness study is accelerated, the reclamation deadline will not be changed. A full schedule of wilderness studies will be developed by the Department upon completion of the intensive wilderness inventory. In the meantime, in areas not yet scheduled for wilderness study, the reclamation will be scheduled for completion within 4 years after approval of the activity. (Obviously, if and when the Interim Management Policy ceases to apply to an inventory unit dropped from wilderness review following a final wilderness inventory decision of the BLM State Director, the reclamation deadline previously specified will cease to apply.) The Secretary's schedule for transmitting his recommendations to the President will not be changed as a result of any unexpected inability to complete the reclamation by the specified date, and such inability will not constrain the Secretary's recommendation with respect to the area's suitability or nonsuitability for preservation as wilderness.

The reclamation will, to the extent practicable, be done while the activity is in progress. Reclamation will include the complete recontouring of all cuts and fills to blend with the natural topography, the replacement of topsoil, and the restoration of plant cover at least to the point where natural succession is occurring. Plant cover will be restored by means of reseeding or replanting, using species previously occurring in the area. If necessary, irrigation will be required. The reclamation schedule will be based on conservative assumptions with regard to growing conditions, so as to ensure that the reclamation will be complete, and the impacts will be substantially unnoticeable in the area as a whole, by the time the Secretary is scheduled to send his recommendations

to the President. ("Substantially unnoticeable" is defined in Appendix F.)

c. When the activity is terminated, and after any needed reclamation is complete, the area's wilderness values must not have been degraded so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or nonsuitability for preservation as wilderness. The wilderness values to be considered are those mentioned in section 2(c) of the Wilderness Act, including naturalness, outstanding opportunities for solitude or for primitive and unconfined recreation, and ecological, geological or other features of scientific, educational, scenic, or historical value.

Any temporary impacts authorized by the BLM under these criteria will be ignored during the wilderness study; the area will be considered in its expected condition at the time reclamation is complete, as required by paragraphs (b) and (c) above.

3. **Supporting Activities.** Some activities that in themselves are nonimpairing may require supporting facilities or activities that could impair wilderness suitability. (For example: a boat launching ramp and associated parking area as supporting facilities for boating, or the cross-country use of motor vehicles to retrieve sailplanes or hang gliders.) When this is the case, the supporting activity will be limited as necessary to meet the nonimpairment criteria (see section 2, above). If the supporting activity cannot be done in a nonimpairing manner, then the principal activity will not be approved.

4. **Cumulative Impacts.** It is recognized that many minor impacts of nonimpairing activities could accumulate to a point at which the total impact would impair wilderness suitability either by creating impacts that overall are noticeable (i.e., are not substantially unnoticeable) or by degrading the area's wilderness values so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or nonsuitability for preservation as wilderness.

To prevent such cumulative impacts from impairing wilderness suitability, the BLM will monitor the cumulative impacts of ongoing activities. If those impacts are growing so great that the area's wilderness suitability could be impaired, the BLM will take steps to control that impact by adjusting the conditions of use (such as time, place, and quantity), by prohibiting the expansion of the activity, or, if necessary, by prohibiting the activity altogether on the affected lands. The BLM will also consider cumulative effects in making decisions on new proposals to conduct what individually would be nonimpairing activities; if the proposed activity will create an unacceptable additional increment of impact, it will not be approved.

5. **Existing Facilities.** Some lands under wilderness review may contain minor man-made facilities that were found in the wilderness inventory process to be substantially unnoticeable in the area. For example, these may include primitive vehicle routes ("ways")

and range improvements such as fences and spring developments. There is nothing in this Interim Management Policy that requires such facilities to be removed or shut down. On the contrary, they may remain, and they may be used as before, so long as this does not cause new impacts that would impair the area's wilderness suitability. (Grandfathered uses are, of course, exempt from the nonimpairment standard.)

6. "Grandfathered" Uses.

a. **General.** Section 603(c) of FLPMA provides a special exception to the nonimpairment standard. Grazing, mining, and mineral leasing uses that existed on the date of approval of FLPMA (October 21, 1976) may continue in lands under wilderness review in the same manner and degree as on that date, even if this impairs wilderness suitability. These are the "grandfathered" uses, protected by the "grandfather" clause of section 603. These uses must be regulated to ensure that they do not cause unnecessary or undue degradation of the lands.

Although activities on mining claims on which a valid mineral discovery was made prior to October 21, 1976, may qualify as grandfathered uses, these claims qualify for a more liberal development standard under the policy for valid existing rights (see section 7, below).

b. **Criteria.** A grandfathered use is a mineral or grazing use that was taking place on the land as of the date of approval of FLPMA (October 21, 1976). A grandfathered mineral use must have created actual physical impacts before that date.

In some circumstances, a grazing or mineral use may have been temporarily inactive on October 21, 1976, for reasons such as bad weather, natural disaster, a labor strike, or a short-term depression in the market for the product, and the operator fully intended to resume immediately upon termination of the temporary source of inactivity. In such cases, a rule of reason will be followed, but "temporarily inactive" will normally mean no more than 12 months prior to October 21, 1976. There may be unusual circumstances causing more than 12 months of temporary inactivity; these will be considered case by case, but shutdowns for market reasons longer than 12 months will not qualify. In the case of pre-FLPMA exploration activity creating actual physical impacts, such as seismic operations for oil and gas or drilling for hardrock minerals, normal industry schedules or "start-up" times will be taken into account in determining the permissible period of inactivity. Diligent pursuit and logical progression of development of the lease or mining claim must be demonstrated before these circumstances will be considered.

If a grandfathered use is acquired by a different owner, the new owner may continue the grandfathered use. But a grandfathered use is not an abstract right or privilege that can be uprooted from one land area and applied to a completely different land area; it is based on the place where it was being conducted as of October 21, 1976.

c. Manner and Degree for Mineral Uses. Continuation of a grandfathered use is limited to the same "manner and degree" as on October 21, 1976. The manner and degree of a mineral use refers to the kind of physical and aesthetic impacts the grandfathered use caused as of October 21, 1976. Continuation of a grandfathered mineral use in the same manner and degree may include a logical progression of activity — a geographic extension of the existing activity, or a change in the type of activity — if these are done at a logical pace and if the new impacts are not of a significantly different kind than the impacts existing on October 21, 1976.

This means that the quantity of on-the-ground impacts may be increased by the logical pace and progression of a grandfathered use, but that the new impacts may not be of a significantly different kind than the impacts involved with the pre-FLPMA activity. In determining whether the kind of impact is significantly different, consideration should be given to degradation of the area's wilderness characteristics (see the definition in Appendix C), including changes in natural contours and visual impacts.

For instance, if oil and gas exploration had been taking place by deep drilling, and one well had been drilled before October 21, 1976, additional wells could be drilled following a logical geographic extension at a logical pace of exploration, so long as the impacts were not of a significantly different kind than those of the first well. If those wells could then go to production without causing new impacts of a significantly different kind, that too could be permitted. For instance, this might occur if collecting pipelines, power lines, tank batteries and pumpjack were installed on already-disturbed sites and routes. It is the kind of impact, rather than the quantity of impact or the stage of development, that will be controlling in determining the manner and degree.

A grandfathered mineral use outside the boundary of an area under wilderness review may continue into the area as long as the activity follows the logical pace and progression of development and the impacts are not of a significantly different kind.

It is the use, rather than the claim or lease, that is grandfathered. A grandfathered mineral use may continue in the same manner and degree onto adjacent leases or claims held by the same person. Mineral leases unitized prior to October 21, 1976, are grandfathered as a unit.

d. Manner and Degree for Grazing Uses. The manner and degree of a grazing use refers to the nature of physical and aesthetic impacts the use caused as of October 21, 1976, including the condition of the range and the range improvements installed or under construction at that time. Continuation of a grazing use in the same manner and degree does not include any logical adjacent geographic continuation, as is provided for grandfathered mineral uses. This is because of the difference in the way grazing and mineral uses are carried out. Mineral uses inherently require a geographic extension to cover the entire

mineral deposit. Grazing uses, on the other hand, do not inherently require a geographic extension. Range forage is a renewable resource; therefore grazing utilizes a specified area on a continuing basis.

Continuation in the same manner and degree does not automatically include, nor does it automatically exclude, installation of new range improvements. In cases where a permit issued by the BLM before October 21, 1976, provided for the operator to install a series of improvements and part of that series had already been installed before October 21, 1976, that operator may complete the series after that date. Otherwise, the question as to what range improvements may be installed on lands under wilderness review is more meaningfully dealt with under the nonimpairment concept. Certain new range improvements may be installed under this concept, and existing improvements may be used and maintained, as is explained in the guidelines in Chapter III. H.

7. Valid Existing Rights. The valid existing rights of mining claimants and mineral lessees as of October 21, 1976, will be recognized. If the claimant or lessee transfers his claim or lease to another person, the same valid existing right will be recognized in the new holder. But a valid existing right is tied to a particular claim or lease, and cannot be transferred to a different claim or lease.

a. Mining Claims. Mining claimants are recognized as having a valid existing right if a valid discovery had been made on the claim before October 21, 1976. Activities for the use and development of such claims will be exempt from the nonimpairment policy and will be regulated only to prevent unnecessary or undue degradation of the lands. Before beginning operations whose impacts would impair wilderness suitability, the claimant must show evidence of his discovery to the BLM.

However, there is a narrow exception. If on-the-ground activities that would impair wilderness suitability are proposed on a pre-FLPMA claim with valid existing rights within a wilderness study area that the BLM Director has recommended to the Secretary as suitable for designation as wilderness, the proposed impairing activity may be temporarily disapproved by the Director. This is a narrow exception for extraordinary circumstances when the Secretary and the President may be expected to recommend the area as suitable for designation as wilderness and Congress may be expected to act in a short period of time. Such a disapproval would be for one year, subject to renewal, but not to exceed a total of two years. In such cases, the existing right remains, but its enjoyment may be postponed.

b. Leases. Valid existing rights for mineral leases issued prior to October 21, 1976, are dependent upon the specific terms and conditions of each lease. Those terms and conditions generally make existing mineral leases subject to regulations enacted and orders issued after issuance of the lease, to Secretarial approval of proposed development activities, and to Secretarial direction as to the rate and location of exploration and development. Those leases on which

actual physical impacts had occurred before October 21, 1976, and on which activities were being conducted as of that date, qualify as grandfathered uses and are subject to a more liberal standard of development (described in section 6 above) than is the case under valid existing rights. For the majority of pre-FLPMA leases, in accordance with the usual terms and conditions, where there were no pre-FLPMA physical impacts or where no activities were being conducted on the lease as of October 21, 1976, activities will be allowed so long as they are conducted in a manner that does not impair wilderness suitability. If activities proposed on a pre-FLPMA lease are denied because they cannot meet this standard, the lessee has the right to request a suspension of operation. The policy on lease suspension is explained more fully in Chapter III. J. 1 (d).

8. Appropriation under the Mining Laws. Lands under wilderness review will remain open to appropriation under the 1872 Mining Law except (a) lands that had been withdrawn from appropriation prior to the date of approval of FLPMA (October 21, 1976), and (b) lands withdrawn after October 21, 1976, for reasons other than preservation of their wilderness character. All mining activities, except grandfathered activities and activities on claims determined to have a pre-FLPMA discovery, will be regulated to prevent their impacts from impairing wilderness suitability. Claimants with a pre-FLPMA discovery are recognized as having valid existing rights (see section 7 above), and such operations will be regulated only to prevent unnecessary or undue degradation of the lands.

9. Maintenance. Existing structures and installations may be maintained to keep them in an effective, usable condition. Except for grandfathered uses and uses based on valid existing rights, maintenance will not be allowed to modify a structure or installation to a condition that would impair the area's suitability for wilderness designation. Measures required to carry out maintenance work will be allowed if these measures do not in themselves impair wilderness suitability. For this purpose — if necessary and only when authorized by the BLM — motor vehicles may be driven cross-country along routes designated by the BLM, without grading or blading. In such cases the operator will be required to reclaim any impacts caused by cross-country travel. In all cases, these activities must satisfy the nonimpairment criteria (see section B. 2 above).

10. Motor Vehicles and Motorized Equipment. The use of motor vehicles and motorized equipment does not necessarily impair wilderness suitability, if the use is on existing access routes or elsewhere so long as it does not cause impacts inconsistent with the reclamation requirements of the nonimpairment criteria (see section 2 above). Specific guidelines for recreation use of off-road vehicles appear in Chapter III. A.

Motor vehicles may be allowed off existing access routes when authorized by the BLM for these purposes: (a) in emergencies and search and rescue operations; (b) for maintenance, as described in section B. 9, above; (c) for construction and maintenance of approved structures mentioned

elsewhere in this document; and (d) for official purposes by the BLM and other Federal, State, and local agencies and their agents only when necessary and specifically authorized by the BLM for protection of human life, safety, and property; for protection of the lands and their resources; and for gathering essential information on resources. In emergencies, the cross-country travel will not be held to the nonimpairment standard, but in all other cases cross-country travel must satisfy the nonimpairment criteria (see section 2 above), including reclamation requirements. Except in emergencies, the route must be approved by the BLM and will be the route least destructive of wilderness values, no grading or blading will be allowed, and any impacts will promptly be reclaimed by the agency responsible to meet the reclamation requirements of the nonimpairment criteria.

Helicopters and fixed-wing aircraft may be landed on existing airstrips, heliports, and helispots, and on unimproved sites (both land and water). No new landing facilities may be built, except under the following conditions: (a) temporary facilities that satisfy the nonimpairment criteria (see section 2, above), or (b) helispots that are necessary for fire control and are either (i) part of a fire management plan developed in accordance with Chapter III. D. of this Interim Management Policy, or (ii) necessary in an emergency, under section 11, below.

11. Emergencies. In emergencies, such as fire or flood, any action necessary to prevent loss of life or property may be taken, even if the action will impair wilderness suitability. This may include search and rescue operations in cases of lost or injured persons, or removal of the deceased. To the greatest extent feasible, emergency actions will be conducted in the manner that least impairs wilderness suitability, and the resulting impacts will be reclaimed as soon as possible to meet the reclamation requirements of the nonimpairment criteria (see section 2 above). Within 7 days after the emergency action is completed, a record of the circumstances and the action taken will be placed in the WSA case file in the BLM District Office.

12. Air Quality. Under the Clean Air Act (as amended, 1977), all BLM-administered lands were given Class II air quality classification, which allows moderate deterioration associated with moderate, well-controlled industrial and population growth. The BLM will continue to manage wilderness study areas as Class II.

The Department of the Interior will not recommend reclassification to the more strict Class I in connection with future wilderness recommendations resulting from the BLM wilderness review. The two processes are separate and distinct, and are accomplished under two different laws, FLPMA and the Clean Air Act. Recommendations for wilderness designation are made by the BLM through the Secretary of the Interior and the President to Congress. Air quality reclassification is the prerogative of the States, and it must follow a process mandated by the Clean Air Act Amendments of 1977, involving a study of health, environmental, economic, social, and energy effects,

a public hearing, and a report to the Environmental Protection Agency. The Department will not recommend any change in air quality classification as part of wilderness recommendations. (The Department's preliminary recommendation of September 7, 1979, on reclassification to Class I of 10 BLM primitive areas was an action taken pursuant to the Clean Air Act Amendments of 1977, which required a study and recommendation on these primitive areas. Those recommendations are not related to the wilderness review, and no such recommendations will be made as part of the wilderness review process.)

14. Water Resource Projects. Some lands under wilderness review may contain minor water resource facilities that were found in the wilderness inventory process to be substantially unnoticeable in the area. If such structures are present, they may be maintained under the maintenance policy set forth in section 9, above, so long as the maintenance does not change the location, size, or type, or increase the storage capacity of a reservoir. Survey and investigation activities for new water resource projects may be permitted so long as these activities are nonimpairing as defined by section 2, above. Motor vehicles may be used cross-country if necessary and specifically authorized by the BLM under the policy set forth in section 10, above.

15. Pre-FLPMA Management. Some lands under wilderness review (particularly among the instant study areas) were subject to more strict protection, prior to approval of FLPMA, than the Interim Management Policy requires. (For instance, some areas were withdrawn from mineral entry.) In these cases, any use will be controlled by the more strict protection of the wilderness resource, regardless of whether that is provided by the IMP or by a pre-FLPMA withdrawal or regulation that is still in effect.

16. Contrast Rating. The Bureau's contrast rating process (BLM Manual Section 8431, and the Contrast Rating Worksheet, Form 8400-4) may be used as an aid in determining whether the impacts of a proposed activity are substantially unnoticeable. However, results of the contrast rating will not be adequate in themselves to document a conclusion; contrast rating must be used in combination with other methods.

Chapter II. Implementation of the Interim Management Policy

This chapter explains how the Bureau of Land Management (BLM) will implement the Interim Management Policy (IMP). It tells (1) how actions or activities affected by the IMP will be identified, (2) how to evaluate these actions and determine whether they are permissible under the IMP, (3) how BLM interim management decisions will be reached, (4) how the IMP will be enforced, and (5) how interim management records will be kept.

A. Activities Subject to the IMP

To determine whether a proposed activity is subject to the Interim Management Policy, the following four questions must be considered regarding the affected lands.

1. Are the affected lands exempt from any wilderness review? If so, the IMP does not apply. The proposal will be assessed through normal BLM procedures.

2. Have the affected lands been dropped from further wilderness review by a final decision in the BLM wilderness inventory? If so, the IMP does not apply once the final inventory decision has been announced and any relevant administrative review process has been exhausted. In this case, the proposal will be assessed through normal BLM procedures.

3. Does the proposal involve public lands that are subject to the wilderness inventory, but on which there has not yet been a final inventory decision? If so, the Interim Management Policy will apply at least until the final inventory decision is made. Proceed with the evaluation described in section B, below.

If the responsible BLM official concludes or has reason to believe that the proposal is not permissible under the IMP, there is another option that may be appropriate in some cases. The BLM State Director has the option of initiating a "special project inventory" using the procedures of the intensive inventory (Step 4-6 in the *Wilderness Inventory Handbook*). This accelerated inventory will sort the lands into two categories:

a. Those identified as WSA's; in this case, the IMP will apply.

b. Those that do not qualify as WSA's and therefore are no longer subject to the Interim Management Policy. The proposal will be further assessed through normal BLM procedures.

If appropriate, this inventory may be done at the same time as the evaluation described in section B, below.

4. Does the proposal involve public lands identified by the BLM as a wilderness study area? If so, the Interim Management Policy will apply. Proceed with the evaluation described in section B, below.

B. Evaluation Procedures

1. Exceptions to the Nonimpairment Standard. Determine whether the activity is covered by one of the exceptions to the "nonimpairment" standard:

a. Does the activity qualify as a grandfathered mineral or grazing use continuing in the same manner and degree as on October 21, 1976? (Consult the applicable policies in Chapter I. B. 6 and Chapter III. H and J.)

b. Is the activity part of the development of a mining claim on which a valid discovery had been made before October 21, 1976? (Consult the applicable policies in Chapter I. B. 7 and Chapter III. J. 5(b).)

c. In a wilderness study area or inventory unit smaller than 5,000 acres (except islands), is the activity a mining activity under the 1872 Mining Law?

If one of these (a, b, c) is applicable, the activity will be considered acceptable under the Interim Management Policy, and it will be processed through normal BLM procedures. The determination that an activity is acceptable under the IMP will be recorded in appropriate case files and included in any decision documents.

2. Evaluation Under the Nonimpairment Standard. BLM field officials will cooperate with applicants to help identify ways by which a proposal can be brought into compliance with the nonimpairment standard, whenever possible. A proposed activity satisfies the nonimpairment standard if the BLM determines that it meets each of the following criteria, which are referred to as the "nonimpairment criteria":

a. It is temporary. This means that the use or activity may continue until the time when it must be terminated in order to meet the reclamation requirement of paragraphs (b) and (c) below. A temporary use that creates no new surface disturbance may continue unless Congress designates the area as wilderness, so long as it can easily and immediately be terminated at that time, if necessary to management of the area as wilderness.

b. Any temporary impacts caused by the activity must, at a minimum, be capable of being reclaimed to a condition of being substantially unnoticeable in the wilderness study area (or inventory unit) as a whole by the time the Secretary of the Interior is scheduled to send his recommendations on that area to the President, and the operator will be required to reclaim the impacts to that standard by that date. If the wilderness study is postponed, the reclamation deadline will be extended accordingly. If the wilderness study is accelerated, the reclamation deadline will not be changed. A full schedule of wilderness studies will be developed by the Department upon completion of the intensive wilderness inventory. In the meantime, in areas not yet scheduled for wilderness study, the reclamation will be scheduled for completion within 4 years after approval of the project. (Obviously, if and when the Interim Management Policy ceases to apply to an inventory unit dropped from wilderness review following a final wilderness inventory decision of the BLM State Director, the reclamation deadline previously specified will cease to apply.) The Secretary's schedule for transmitting his recommendations to the President will not be changed as a result of any unexpected inability to complete the reclamation by the specified date, and such inability will not constrain the Secretary's recommendation with respect to the area's suitability or nonsuitability for preservation as wilderness.

The reclamation will, to the extent practicable, be done while the activity is in progress. Reclamation will include the complete recontouring of all cuts and fills to blend with the natural topography, the replacement of topsoil, and the restoration of plant cover at least to the point where natural succession is occurring. Plant cover will be restored by means of reseeded or replanting, using species previously occurring in the area. If necessary, irrigation will be required. The reclamation schedule will be based on conservative assumptions with regard to growing conditions, so as to ensure that the reclamation will be complete, and the impacts will be substantially unnoticeable in the area as a whole, by the time the Secretary is scheduled to send his recommendations to the President. ("Substantially unnoticeable" is defined in Appendix F.)

c. When the activity is terminated, and after any needed reclamation is complete, the area's wilderness values must not have been degraded so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or nonsuitability for preservation as wilderness. The wilderness values to be considered are those mentioned in section 2(c) of the Wilderness Act, including naturalness, outstanding opportunities for solitude or for primitive and unconfined recreation, and ecological, geological or other features of scientific, educational, scenic, or historical value.

3. Information for the Evaluation. The information needed to reach conclusions on the nonimpairment criteria cited above will be documented in the environmental assessment (EA) or environmental impact statement (EIS) that is routinely prepared for every proposed action on public lands. A normal EA or EIS determines and records whether the activity will cause unnecessary or undue degradation of the lands. For lands under wilderness review, the EA or EIS for the proposed action will also address the nonimpairment standard. It will include the following information, most of which is already required by the normal EA or EIS procedure:

a. A description of the proposal and its alternatives, including:

- Purpose and need for the action
- Exact location
- Access required, including projected use and location
- Design considerations such as size, color, and materials
- Support facilities or structures
- Construction methods, including machinery or vehicles to be used
- Maintenance schedules and procedures
- Miles and/or acres of soil and vegetation disturbance.

b. A description of the affected environment, considering both the specific site and the wilderness study area (or inventory unit) in its entirety:

- Meaningful descriptions of soils, erosion potential, vegetation, reclamation potential, topography and climate including precipitation
- Existing uses and manmade or man-caused features
- Wilderness characteristics as documented in the intensive inventory report
- Discussion of scenery characteristics, vistas, key viewing areas and visitor use areas.

c. Analysis of reclamation:

- What the particular reclamation plan will accomplish

- How the process will be implemented (type and amounts of hand and machine work)
- Vegetation to be reestablished
- Schedule
- Probability for success
- If a reclamation plan is not available or is inadequate, assess what measures would be needed to return the disturbed areas to the required reclamation level.

d. Written assessment of cumulative impacts including the following:

- If the project's impacts (after reclamation) had existed at the time of intensive inventory, would those impacts have disqualified the area from being identified as a wilderness study area?
- Will the addition of this proposal produce an aggregate effect upon the area's wilderness characteristics and values that would constrain the Secretary's recommendation with respect to the area's suitability or nonsuitability for preservation as wilderness, considering the area in its expected condition at the time the Secretary sends his recommendation to the President?
- For wilderness study areas that are pristine in character, will the addition of this proposal significantly reduce the overall wilderness quality of the WSA?

C. Decisions and Appeals

BLM decisions will continue to be made through existing procedures by those officials having delegated authority. IMP considerations will be factors in these decisions, but the decision authority, procedures and documentation will remain unchanged. The determination as to whether the project complies with the Interim Management Policy must be included in any decision documents and recorded in appropriate case files, as well as in the WSA files described in section E, below. Appeal procedures remain the same as provided by regulations governing the decision appealed. Applicants who are adversely affected by a management decision within lands under wilderness review will be informed of appeal procedures.

D. Enforcement

BLM will take all actions necessary to ensure full compliance with the Interim Management Policy. Every effort will be made to obtain voluntary compliance with the Interim Management Policy by users of the public lands. Where such efforts fail, BLM will promptly initiate additional appropriate action to achieve immediate compliance with the Interim Management Policy.

If unauthorized activities result in surface disturbance or other degradation of the area's suitability for preservation as wilderness, legal action will be

initiated as appropriate to obtain full restoration of the area. Impacts resulting from unauthorized activities will not disqualify an area from WSA status.

All action to achieve compliance with the Interim Management Policy will be initiated pursuant to existing regulations governing the noncomplying activity.

In addition to normal enforcement procedures, the following additional steps must be taken whenever a District Manager believes an activity is taking place on lands under wilderness review that is not in compliance with the Interim Management Policy:

1. Immediately contact the owner of the operation, in any manner that can be verified with documentation. Explain the situation and, depending on the situation or activity, seek the owner's assistance in bringing the operation into compliance with the IMP.
2. If this approach does not resolve the matter, notify the State Director so that additional appropriate action may be taken immediately to prevent impairment of the area's wilderness suitability. The State Director will work with the Regional Solicitor to initiate appropriate legal action, if necessary. Send a copy of the case file to the Director, Bureau of Land Management, for transmittal to the Office of the Solicitor, Division of Energy and Resources, for information.

Criminal penalties are prescribed for prohibited acts under section 303 of FLPMA (43 USC 1733) and under the following other laws and regulations relevant to the Interim Management Policy:

- Range Management
Unauthorized grazing use: 43 CFR 4140.1(b), 4150.1, 4170.2, 4210.4, 9239.2-1, 9239.3
Wild Free-Roaming Horse and Burro: 43 CFR 4760.2; 18 USC 3401
- Timber Management
Unauthorized cutting of timber — mineral and nonmineral lands and public lands in Alaska: 43 CFR 5511.1-1(f)(3), 5511.1-4(e), 5511.1-4(f), 5511.2-5, 9239.1-1, 9239.1-2; 18 USC 1852, 1853
- Recreation Management
Public property and resources: 43 CFR 8363.1-6, 8363.5
Public land closures: 43 CFR 8364.2, 9239.2-1
Special recreation permits: 43 CFR 8372.0-7; 18 USC 3401, 16 USC 460 l-6a, 16 USC 670 g-n, 16 USC 1241-1249
Off-road vehicle use: 43 CFR 8340.0-7
- Minerals Management
Coal trespass — unauthorized exploration: 43 CFR 9239.5; 18 USC 1851.

E. Record Keeping

The BLM District Office will maintain an individual file for each wilderness study area or inventory unit. In addition to the required inventory documentation, this file should be used to record all actions (including authorized access routes) that are proposed or authorized after the effective date of this policy and to

record activities believed to be in violation of FLPMA, section 603, within the WSA or inventory unit. The file should contain the following information for any individual proposal:

1. The WSA or inventory unit number.
2. A brief description of the action.
3. Accurate map notations of the proposal.
4. A description of action taken on proposed and authorized activities (approved/disapproved/pending) and on activities believed to be in violation of FLPMA.
5. A cross-reference to the pertinent case files or decision documentation and the name of staff member handling the case.
6. Comments on problems encountered and on the current status of the proposal or investigation.

Chapter III. Guidelines for Specific Activities

The guidelines in this chapter are an application of the Interim Management Policy (IMP) to some of the most common activities that take place on the public lands. It should be recognized that factors other than the IMP enter into the decisions made by the Bureau of Land Management on specific projects and activities — among them the laws, policies, and regulations governing that type of activity, and resource management plans for the affected land.

The decisions on most of these activities will be made by BLM field officials. These decisions will not be a matter of simply approving or denying proposals. BLM field officials will assist applicants to find ways, if possible, of achieving their goals by methods that are consistent with the Interim Management Policy. To be sure, activities that cause major surface disturbance are not likely to be consistent with the IMP, except in grandfathered uses and valid existing rights. But many activities can be designed and carried out in a manner that does not cause such major disturbance, and these may be able to satisfy the IMP requirements.

A. Recreation

Most recreation activities (including fishing and hunting) are permitted on lands under wilderness review. However, some activities may be prohibited or restricted because they require permanent structures or because they depend on cross-country use of motor vehicles (for example: pickup vehicles for balloons or sailplanes).

BLM will analyze the magnitude of all proposed activities to ensure that recreation use will not cause impacts that impair the area's wilderness suitability.

Most recreation uses take place under general permission from the BLM rather than under specific project applications. There is a possibility that a continuing use or an increasing use could gradually cause increased impacts and, over time, impair the area's wilderness suitability. An example might be erosion caused by increased off-road vehicle travel on trails. To prevent this type of impairment caused by

cumulative impacts, the BLM will monitor ongoing recreation uses and, if necessary, adjust the time, location, or quantity of use, or prohibit that use in the impacted area.

1. No new permanent recreational roads, structures, or installations will be permitted, except structures or installations that are the minimum necessary for human health and safety or the minimum necessary for public enjoyment of wilderness values. In these cases, facilities will be installed so that they are substantially unnoticeable and minimize surface disturbance. Temporary access routes, structures, and installations may be permitted if they meet the nonimpairment criteria.

2. Hobby collecting of mineral specimens (rock-hounding) and vegetative specimens may be permitted.

3. Recreational use of off-road vehicles (ORVs) may be permitted on existing ways and trails and within "open" areas designated prior to approval of FLPMA (October 21, 1976). The BLM will cooperate with ORV organizations to achieve the least amount of new impact on lands under wilderness review. If impacts of ORVs, either on or off existing ways and trails, threaten to impair the area's wilderness suitability, the BLM may close the affected lands to the type of ORVs causing the problem. In some cases, time or space zoning, public education, or a rest-rotation system may make a total closure unnecessary.

No lands will be designated as "closed" solely because they are under wilderness review, but if increasing impacts threaten to impair wilderness suitability, the BLM will move to control those impacts and may designate the area as "closed" to the type of vehicles causing the problem, in order to control the impacts. The Bureau also has authority under other programs to regulate ORV use to minimize damage to wildlife and other resource values.

4. Organized ORV events may be allowed to pass through areas under wilderness review on existing ways and trails, so long as the BLM has determined that such use satisfies the nonimpairment criteria. Participants and spectators using ORVs will be restricted to the designated ways and trails, which will be appropriately flagged. Assembly areas, start or finish lines, and gasoline pit stops will not be allowed. Care will be taken to ensure that the event and its impacts will not cause degradation of the area's wilderness values (including archeological and paleontological values) so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or nonsuitability for preservation as wilderness.

Based on past practice, it is expected that ORV events involving cross-country travel (off existing ways and trails) as part of the route would rarely satisfy the nonimpairment criteria. However, if the BLM determines that the event can and will be carefully controlled to ensure that it fully satisfies the nonimpairment criteria, the use of cross-country route segments may be approved. Participants and spectators using ORVs will be restricted to the

Nonimpairment Criteria

The following three criteria, previously set forth in Chapter I, B. 2 of this document, are referred to many times in this chapter as the "nonimpairment criteria." They are restated here for ready reference.

Activities will be considered nonimpairing if the BLM determines that they meet each of the following criteria:

(a) It is temporary. This means that the use or activity may continue until the time when it must be terminated in order to meet the reclamation requirement of paragraphs (b) and (c) below. A temporary use that creates no new surface disturbance may continue unless Congress designates the area as wilderness, so long as it can easily and immediately be terminated at that time, if necessary to management of the area as wilderness.

(b) Any temporary impacts caused by the activity must, at a minimum, be capable of being reclaimed to a condition of being substantially unnoticeable in the wilderness study area (or inventory unit) as a whole by the time the Secretary of the Interior is scheduled to send his recommendations on that area to the President, and the operator will be required to reclaim the impacts to that standard by that date. If the wilderness study is postponed, the reclamation deadline will be extended accordingly. If the wilderness study is accelerated, the reclamation deadline will not be changed. A full schedule of wilderness studies will be developed by the Department upon completion of the intensive wilderness inventory. In the meantime, in areas not yet scheduled for wilderness study, the reclamation will be scheduled for completion within 4 years after approval of the activity. (Obviously, if and when the Interim Management Policy ceases to apply to an inventory unit dropped from wilderness review following a final wilderness inventory decision of the BLM State Director, the reclamation deadline previously specified will cease to apply.) The Secretary's schedule for transmitting his recommendations to the President will not be changed as a result of any unexpected inability to complete the reclamation by the specified date, and such inability will not constrain the Secretary's recommendation with respect to the area's suitability or nonsuitability for preservation as wilderness.

The reclamation will, to the extent practicable, be done while the activity is in progress. Reclamation will include the complete recontouring of all cuts and fills to blend with the natural topography, the replacement of topsoil, and the restoration of plant cover at least to the point where natural succession is occurring. Plant cover will be restored by means of reseeding or replanting, using species previously occurring in the area. If necessary, irrigation will be required. The reclamation will be complete, and the impacts will be substantially unnoticeable in the area as a whole, by the time the Secretary is scheduled to send his recommendations to the President. ("Substantially unnoticeable" is defined in Appendix F.)

(c) When the activity is terminated, and after any needed reclamation is complete, the area's wilderness values must not have been degraded so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or nonsuitability for preservation as wilderness. The wilderness values to be considered are those mentioned in section 2(c) of the Wilderness Act, including naturalness, outstanding opportunities for solitude or for primitive and unconfined recreation, and ecological, geological or other features of scientific, educational, scenic, or historical value.

designated route and designated spectator zones, which will be appropriately flagged. Any impacts caused by the event must be reclaimed as specified in the nonimpairment criteria; therefore, the cross-country route segment and the spectator zones will not be open to recreational ORV use except during the event. Assembly areas, start or finish lines, and gasoline pit stops will not be allowed. Care will be taken to ensure that the event and its impacts will not cause degradation of the area's wilderness values (including archeological and paleontological values) so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or nonsuitability for preservation as wilderness.

5. Vehicles designed for travel across snow or sand dunes may be permitted cross-country in areas designated for use by snow or sand vehicles. These vehicles may also be permitted on existing ways and trails under the guidelines in sections 3 and 4 above.

6. Facilities necessary for visitors' health and safety may be provided in either of two ways: (a) permanent facilities that are the minimum necessary for public enjoyment of wilderness values (for example: vault toilets, water well with hand pump); (b) temporary facilities that meet the nonimpairment criteria (for example: portable toilets). These facilities will be installed so that they are substantially unnoticeable and minimize surface disturbance.

7. Boating may be permitted, with or without motors. The BLM does not necessarily have authority over all waters within the public lands; some are under jurisdiction of the States. Therefore, the following guidelines apply only to those waters on which the BLM has authority to regulate boating.

No waters will be closed to motorboats solely because they are in areas under wilderness review, but if increasing impacts of boating (such as shore erosion or water pollution) threaten to impair wilderness suitability, the BLM may close the affected waters to motorboats. In some cases, time or space zoning or public education may make a total closure unnecessary. The Bureau also has authority under other programs to regulate boating to minimize damage to wildlife and other resource values.

River running, with or without motors, may be permitted. Cumulative impacts on river campsites will be monitored to prevent impairment of wilderness suitability.

No permanent launching ramps or boat docks will be built. A "brow log" may be used to reduce erosion at boat landings. Temporary launching ramps and boat docks may be installed only if they satisfy the nonimpairment criteria.

8. Environmental education and interpretive programs may be conducted so long as no permanent facilities are required.

9. New trails for foot or horse travel may be built, if they are the minimum necessary for public enjoyment of wilderness values and are constructed in a manner that causes minimal surface disturbance and ensures that the trails blend into the natural setting. Motor

vehicles will not be permitted on the new foot or horse trails.

10. Camping may be permitted. Campsites for primitive recreation use may be established if they are the minimum necessary for public enjoyment of wilderness values. Otherwise, campsites and campgrounds may be installed only if they are temporary facilities that satisfy the nonimpairment criteria. Camping with recreational vehicles may occur along existing ways so long as this use satisfies the nonimpairment criteria.

11. Cross-country skiing may be permitted. Down-hill (Alpine) skiing may be permitted only if any support facilities are temporary ones that satisfy the nonimpairment criteria.

12. Aerial activities may be permitted so long as they do not require the use of motorized vehicles off ways and trails to retrieve equipment, except in areas designated as "open" before October 21, 1976. Among these are ballooning, sailplaning, hang gliding, and parachuting (sky diving).

13. Recreational gold dredging and panning, when conducted without location of a mining claim, may be permitted so long as it is done in a manner that satisfies the nonimpairment criteria. If the activity would cause significant damage to fish spawning or rearing areas lasting after the Secretary is scheduled to send his wilderness recommendation on the area to the President, it will be considered to impair wilderness suitability, and the activity will be controlled to prevent such impacts. (This activity is so regulated because it is not done on a mining claim, and therefore is not covered by the exception for "appropriation under the mining laws.") In locations where gold dredging or panning was being done as of October 21, 1976, it may qualify as a grandfathered use. (For further information on grandfathered uses see Chapter I, B. 6.)

14. Concessions will be permitted only if the use and related facilities are temporary and satisfy the nonimpairment criteria. Examples that may qualify include mobile refreshment stands, river trip outfitters, guides, and providers of pack animals and saddle horses.

B. Cultural and Paleontological Resources

Cultural and paleontological resource inventories, studies, and research involving surface examination or limited subsurface sampling may be permitted. Salvage of archeological and paleontological sites; rehabilitation, stabilization, reconstruction, and restoration work on historic structures; excavation; and extensive surface collection may be permitted if the specific project satisfies the nonimpairment criteria. Permanent physical protection, such as fences, will be limited to those measures needed to protect high-value resources, and will be substantially unnoticeable in the area as a whole.

C. Lands Actions — Disposal, Rights-of-Way, Access, and Withdrawals

1. Disposal. With the exceptions provided below, lands under wilderness review may not be disposed of through any means, including public sales, exchanges, patents under the Recreation and Public

Purposes Act, color of title classes I and II, sales under the Unintentional Trespass Act, agricultural leases, desert land entries (except where a vested right was established prior to October 21, 1976), or State selections. (Lands tentatively approved for State selection in Alaska are exempt from wilderness review and are not subject to the Interim Management Policy.)

Disposals of the following types may be permitted under normal BLM procedures: mining patents; desert land entries in which a vested right was established prior to October 21, 1976; exchanges approved prior to October 21, 1976, under authority of the Taylor Grazing Act, section 8; and homestead entries in which a vested right was established prior to October 21, 1976.

Disposals of the following types may be permitted only if BLM determines that the case in question satisfies the nonimpairment criteria: temporary use permits, and leases under the Recreation and Public Purposes Act.

Land exchanges may be made when BLM receives lands within an area under wilderness review, in exchange for public lands that are not under wilderness review.

2. **Rights-of-Way.** Existing rights-of-way may be renewed if they are still being used for their authorized purpose. If necessary for normal, routine maintenance to keep an existing pipeline in a safe and reliable condition, a temporary work area, temporary access route, or cross-country use of motor vehicles may be permitted so long as the activity is determined to satisfy the nonimpairment criteria. Emergency maintenance or emergency repairs may be made to protect human health and safety or to protect wilderness values, even if the activity impairs wilderness suitability; in such cases, the policy on emergencies, set forth in Chapter I. B. 11, must be complied with.

New rights-of-way may be approved only for temporary uses that satisfy the nonimpairment criteria.

3. **Right-of-Way Corridors.** Right-of-way corridors may be designated on lands under wilderness review. However, this will in no way interfere with the wilderness review. No new rights-of-way or expansions of existing rights-of-way will be approved except under the criteria in paragraph 2 above. A right-of-way corridor is not an authorization, but a planning tool. The need for actual rights-of-way within a designated corridor will be considered during the wilderness study, but any recommended rights-of-way inconsistent with the nonimpairment criteria will not be approved unless Congress decides not to designate the area as wilderness.

4. **Access to Mining Claims and Non-Federal Land¹.** Construction of permanent access routes will not be approved on lands under wilderness review, except in two conditions: (a) when such access qualifies as part of the same manner and degree of grandfathered mineral uses and there is no reasonable, less impairing, alternative access available, and (b) when

necessary for operations on mining claims that had a valid discovery prior to October 21, 1976, under criteria described in section J of this chapter, and there is no reasonable, less impairing, alternative access available. Temporary access routes may be approved only if they satisfy the nonimpairment criteria. The BLM will cooperate with applicants to identify reasonable alternative routes or means of access. Access by use of existing ways and trails, by air or water, by horse or pack train, or on foot are among the available methods that probably would satisfy the nonimpairment criteria. If the access constraints are unsatisfactory to the legal owners of property to which access is being sought, the BLM may consider acquiring the property either through exchange of lands or through some other agreeable method of acquisition.

5. **Withdrawals.** Existing withdrawals for military purposes or for specific purposes of agencies other than the BLM may be renewed if the withdrawal is still serving its purpose. No new withdrawals may be made for such purposes, except temporary withdrawals that satisfy the nonimpairment criteria.

Withdrawals transferring land to the U.S. Fish and Wildlife Service, U.S. Forest Service, or National Park Service may be approved if the land is part of an already-designated unit of the National Wilderness Preservation System or is part of a wilderness study area mandated by Act of Congress.

¹ **Access to State School Lands.** The law is not entirely clear on the extent to which a State (or its permittees or lessees) has a right of access to State school trust lands which are entirely surrounded by public lands. A Federal district court in Utah has recently held that the State has a right of access which is subject to regulation by BLM so long as the State may reasonably develop the State lands economically to fulfill the purpose of the State school land grant. Appeal of this decision is now under consideration by the Solicitor General of the United States. Moreover, the Attorney General of the United States is preparing an opinion, at the request of the U.S. Forest Service, on the right of access a State or private landowner has across national forest lands, and the Attorney General's opinion obviously may have implications for the BLM in the management of its lands. Finally, the Supreme Court has under consideration issues concerning the nature of the State school land grant, and the authority of the Secretary of the Interior with respect to those grants.

Because of the pendency of all these matters, the position expressed in this Interim Management Policy may be subject to change, based on further guidance the Department of the Interior may receive from the Department of Justice or the courts. It seems likely, however, that no matter how these issues are ultimately resolved, the BLM has authority to control the method and route of access, if reasonable alternative methods and routes of access are available that would not impair an area's suitability for preservation as wilderness, and therefore can exercise such regulatory authority to prevent impairment of an area's wilderness suitability. Final guidance will be issued by the BLM at a later date.

Withdrawals for purposes of resource protection may be made (except withdrawals from appropriation under the mining laws in order to preserve wilderness character), so long as the intended use satisfies the nonimpairment criteria.

D. Forestry

Those Oregon and California Grant (O & C) lands that are managed for permanent forest production (i.e., commercial timber production) are exempt from wilderness review, and therefore from the Interim Management Policy.

Commercial timber harvest is not permitted on lands under wilderness review, except where an existing contract, permit, lease, or license for timber harvest issued prior to October 21, 1976, cannot be modified to comply with the nonimpairment criteria. The BLM will reevaluate all such instruments to determine whether their terms permit BLM to revoke, cancel, or modify them so as to satisfy the nonimpairment criteria.

Clearcuts, selective cuts, thinning, and stand conversion will not be permitted. Pruning, site preparation, and reforestation will be permitted only in cases that satisfy the nonimpairment criteria. Reforestation using native species may be done following fire or other natural disaster if natural seeding is not adequate.

Salvage logging after natural disaster may be permitted if this can be done through nonimpairing methods, such as use of existing access routes or temporary access routes that satisfy the nonimpairment criteria. Motorized wheeled or track-laying logging equipment may be used in the area of salvage operations if the activity satisfies the nonimpairment criteria.

Trees may be cut when necessary as part of a mining operation on a pre-FLPMA claim with a valid pre-FLPMA discovery, or when the BLM has determined that this is necessary for insect and disease control or in emergencies such as fire.

Tree improvement (genetic selection and pollination), seed collection (climbing and squirrel cache), and pine nut gathering may be permitted. Insect and disease control by chemical means may be permitted if applied to individual trees or areas up to 5 acres, or to larger areas under emergency conditions when there is no effective alternative.

Domestic firewood gathering, conducted under BLM permits, may be allowed to continue in areas where it was being done before October 21, 1976 (including cross-country use of motor vehicles), only so long as it satisfies the nonimpairment criteria.

E. Wildlife

Hunting, fishing, and trapping are permitted on lands under wilderness review, under State regulations. The BLM will continue to cooperate with State wildlife agencies in the management of resident wildlife

species in accordance with established policies and procedures.

Stocking of wildlife and fish species native to North America may be permitted. Species such as the chukar partridge and brown trout, which are not native to North America but are now widely established in the West and elsewhere, may also be introduced. Where exotics were being stocked before October 21, 1976, the stocking may continue.

Introduction of threatened, endangered, or sensitive species native to North America may be allowed. If necessary, enclosures and related facilities may be built, so long as they satisfy the nonimpairment criteria.

Vegetative manipulation by chemical, mechanical, or biological means will not be permitted, except to maintain plantings or seedings established before October 21, 1976. Prescribed burning may also be done where it is required to maintain the natural condition of fire-dependent ecosystems. Hand or aerial seeding of native species may be done to restore natural vegetation.

State and Federal agencies may use temporary enclosures and facilities to trap or transplant wildlife so long as the nonimpairment criteria are met. Certain permanent installations may be permitted to maintain or improve conditions for wildlife and fish, if the benefiting species enhance wilderness values. Installations to protect sources of water on which native wildlife depend, such as enclosures, may be built for permanent use if they are substantially unnoticeable in the area as a whole and blend into the natural setting. Springs, wells, and guzzlers may be maintained, and new ones may be installed if they are substantially unnoticeable in the area and would not require maintenance involving motor vehicles if the area were designated as wilderness. (However, motor vehicles may be used to install and maintain these facilities while the area is under wilderness review, as is discussed below.) Construction activities must satisfy the nonimpairment criteria.

Fisheries enhancement activities may be permitted as long as their purpose is to protect natural conditions and to restore deteriorated habitat, and so long as they are substantially unnoticeable in the area as a whole. Fish traps, fish ladders, stream barriers, sediment control projects, and aerial stocking are among these permitted activities. Any new structures must not require maintenance by motor vehicles if the area is designated as wilderness. Construction activities must satisfy the nonimpairment criteria.

Helicopters may be used in fisheries and wildlife enhancement projects and in enforcement of fish and wildlife laws. Under the policy set forth in Chapter I. B. 10 of this document, the BLM may authorize State or local law enforcement officers to use patrol vehicles cross-country when necessary to protect the lands and their resources.

Motor vehicles may also be used cross-country to build or maintain structures and installations author-

ized under the above guidelines, and temporary access routes may be built for this purpose so long as they satisfy the nonimpairment criteria.

Animal damage control activities directed at individual offending animals, and not indiscriminate control of populations, may be permitted, so long as this will not jeopardize the continued presence of any species in the area.

F. Fire Management

BLM will continue all presuppression, suppression, and post-suppression fire activities under current methods of operation, using caution to avoid unnecessary impairment of an area's suitability for preservation as wilderness, until new fire management plans are developed for specific wilderness study areas. These new fire management plans, including prescribed burning and control of wild fire, will be developed promptly. Management objectives for the area must take into account the existing wilderness characteristics of the area, the need to prevent actions that would impair the suitability of the area for designation as wilderness, historic fire occurrence, natural role of fire, proposed degree of suppression, expected fire behavior, acceptable suppression techniques, adequate buffer zones, smoke management, effect on private or other agency inholdings and on adjacent landowners, the limits of acceptable fire weather, fire behavior, fire effects, and the access requirements of other agencies. Emergency fire rehabilitation measures will continue to be carried out under guidelines in Manual Section 7441 and Departmental Manual Part 910.

To hold fire to the desired level, fire management plans will rely on (1) the most effective methods of suppression that are least damaging to wilderness values, other resources, and the environment, while requiring the least expenditure of public funds to rehabilitate the area; (2) an aggressive fire prevention program; and (3) an integrated cooperative suppression program by agencies of the Department among themselves or with other qualified suppression organizations. Present suppression methods may be used, including use of tool caches, aircraft, motorboats, and motorized fire-fighting equipment. Existing fire lookout towers and helispots may be used and maintained; new ones may be approved as part of the fire management plan if they are the minimum necessary for fire suppression in the wilderness study area.

G. Watershed Management

Land treatments (e.g., trenching, ripping, pitting, terracing, plowing) will not be permitted on lands under wilderness review. Vegetative manipulation by chemical, mechanical, or biological means will not be permitted except: (1) plantings or seedings established before October 21, 1976, may be maintained, but not expanded; and (2) such activities may be approved if they qualify under the "manner and degree" provision for grandfathered grazing uses (see section H, below). (There is also a provision for vegetative manipulation for insect and disease

control, in section H. 4(e) of this chapter.) Hand or aerial seeding of native species may be done to restore natural vegetation. Structural and similar watershed rehabilitation measures will be permitted only if they satisfy the nonimpairment criteria.

Permanent snow gauges, air quality monitoring instruments, water quantity and quality measuring instruments, and hydrometeorologic devices may be established if these are the minimum necessary for determination of real or potential threats to human health, safety, or property and if they are substantially unnoticeable in the area. These must, however, use miniaturized equipment, be adequately camouflaged, and must not require access by motor vehicle if the area were designated as wilderness. Temporary monitoring devices for the same purposes may be installed without the above restrictions on use of motor vehicles if they satisfy the nonimpairment criteria.

Watershed rehabilitation work required by emergency conditions caused by fire, flood, storms, biological phenomena, landslides, or fumes may involve any treatments needed but must be conducted to the extent feasible in a manner that will not impair wilderness suitability. For example, the rehabilitation work will use the methods least damaging to the wilderness resource. To the extent feasible, reseeding and planting under emergency conditions will utilize species native to the area and will avoid cross-country use of motorized equipment. Seedings and plantings will be staggered or irregular, so as to avoid a straight-line plantation appearance. Any unavoidable impacts which cannot be reclaimed by the time specified under the nonimpairment criteria must receive intensive reclamation efforts to achieve full reclamation as soon as possible.

Rehabilitation projects will be documented according to standard BLM procedures.

H. Rangeland Management

1. **General.** In some respects, rangeland management activities are less restricted by the Interim Management Policy than other activities. This is partly because livestock grazing, at appropriate stocking levels, in itself, is compatible with maintaining wilderness suitability; it is partly because most grazing operations on the public lands qualify as grandfathered uses; and it is partly because some range improvements enhance wilderness values by better protecting the rangeland in a natural condition.

Some of the rangeland management activities involve a distinction between grazing uses that are "grandfathered" by section 603(c) of FLPMA and those that are not. The criteria for these two categories follow:

a. Grandfathered grazing use is that grazing authorized and used during the 1976 grazing fee year, including areas that were in the "rest" cycle of a grazing system.

b. Non-grandfathered grazing use is any grazing that was not authorized and used during the 1976 grazing fee year.

2. Grazing.

a. **Changes in Grazing.** In both grandfathered and non-grandfathered grazing, changes in number and kind of livestock or period of use may be permitted, so long as (1) the changes do not cause declining condition or trend of the vegetation or soil, and (2) the changes do not cause unnecessary or undue degradation of the lands.

b. **Prevention of Unnecessary or Undue Degradation.** The grandfather clause does not freeze grandfathered grazing uses at the same level as existed on October 21, 1976. The mandate, in section 603(c), to prevent unnecessary or undue degradation of the lands explicitly applies to grandfathered uses. Thus, the grandfather provision will not prevent implementation of reductions in authorized use adopted in allotment management plans.

c. **Grazing Systems.** Grazing systems in operation during the 1976 grazing fee year may continue to be used and maintained; any new range improvements must satisfy the guidelines for range improvements in section 3, below. New grazing systems may be established as long as the new range improvements needed to implement the system are permissible under the guidelines in section 3.

d. **Motor Vehicles.** Motorized access on existing access routes may be permitted. Cross-country motorized access may be authorized along routes specified by the BLM if it satisfies the nonimpairment criteria, including reclamation requirements; no grading or blading will be permitted. Temporary roads may be built if the BLM has determined that they satisfy the nonimpairment criteria.

3. **Range Improvements.** This section sets forth the general criteria that will govern the use, maintenance, and installation of range improvements. The following section 4 shows how these criteria will affect certain specific types of improvements.

a. **Pre-FLPMA Range Improvements.** Range improvements existing or under construction on October 21, 1976, may continue to be used and maintained.

b. **New, Grandfathered Range Improvements.** In a grandfathered grazing operation, if a permit between the BLM and the grazing operator, issued before October 21, 1976, provided for installation by the operator of a series or system of improvements and part of that series or system had been installed before that date, the remaining improvements of the same kind may be installed.

c. **New, Temporary Range Improvements.** Temporary range improvements may be installed if they satisfy the nonimpairment criteria.

d. **New, Permanent Range Improvements.** New, permanent range improvements not permissible under (b) above may be approved for the purpose of enhancing wilderness values by better protecting the rangeland in a natural condition. In such cases they must meet all of the following criteria:

- they would not require motorized access if the area were designated as wilderness;
- the improvements are substantially unnotice-

able in the wilderness study area (or inventory unit) as a whole;

- after any needed reclamation is complete, the area's wilderness values must not have been degraded so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or nonsuitability for preservation as wilderness.

For construction of approved range improvements, cross-country use of motor vehicles or construction of temporary access routes may be approved if BLM has determined that they satisfy the nonimpairment criteria.

4. Specific Guidelines for Range Improvements.

a. **Salting.** In both grandfathered and non-grandfathered grazing operations, salting practices may be continued. New salting locations may be established to improve the distribution of grazing use so long as motorized access is on existing ways and trails or is cross-country access determined by the BLM to satisfy the nonimpairment criteria.

b. **Supplemental Feeding.** Supplemental feeding may be continued in grandfathered grazing operations if it was part of the operation in the 1976 grazing fee year. Otherwise, in both grandfathered and non-grandfathered grazing, supplemental feeding may be done in cases where BLM has determined that it satisfies the nonimpairment criteria and under emergency conditions, such as unexpected heavy snowfall.

c. **Fences.** In both grandfathered and non-grandfathered grazing, new, permanent fences may be built and maintained if the BLM determines that they are needed to better protect the rangeland in a natural condition. Barbed wire and wood or steel fence posts may be used; the fence will be designed to blend with the landscape and topography, and must meet the criteria in section 3 (d) above.

d. **Water Developments.** In both grandfathered and non-grandfathered grazing, new, permanent water developments will be limited as follows, and must meet the criteria in section 3 (d) above:

- Springs may be developed so long as the water trough blends into the surrounding landscape, and the pipeline area is put back to original contour, and plant cover restored as specified in the nonimpairment criteria.
- Reservoirs, pits, and charcos may be developed if they are designed and constructed to blend into the surrounding landscape. They should be no larger than necessary, and not to exceed 10 acre feet in storage capacity. Borrow areas for fills will be from the impoundment area or within the high-water area.
- e. **Vegetative Manipulation.** This includes chemical, mechanical, and biological methods. In grandfathered grazing operations, if vegetative manipulation had been done on the allotment before October 21, 1976, and its impacts were noticeable to the

average visitor on that date, the improvement may be maintained by applying the same treatment again on the land previously treated. Otherwise, vegetative manipulation may be used only for control of small areas of poisonous plants or in emergencies for control of insects and disease when there is no effective alternative. Limited exceptions are specified as follows:

- Prescribed burning may also be used where necessary to maintain fire-dependent natural ecosystems.
- Reseeding may also be done by hand or aerial methods to restore natural vegetation. (There is also a provision for reseeding in emergency rehabilitation projects, described in section G of this chapter.)

5. Wild Horse and Burro Management. Temporary facilities for management of wild horses and burros may be installed if they satisfy the nonimpairment criteria. The above guidelines for grazing practices and range improvements will also apply to wild horse and burro management, where appropriate.

J. Mineral Uses.

An understanding of several concepts is necessary before reading the following text on mining and mineral leasing operations. In Chapter I we have explained the meaning of the "grandfather" concept, "manner and degree," "nonimpairment," and "valid existing rights." Definitions of "unnecessary or undue degradation" and "substantially unnoticeable" appear in Appendix F.

The meaning and intent of these key terms will guide the minerals management in wilderness study areas during the study period. Once the wilderness study is completed and if an area is designated by Congress as wilderness, minerals management will then be directed by section 4(d) of the Wilderness Act of 1964, unless the terms of particular leases allow for greater regulation than the Wilderness Act, or unless Congress provides otherwise.

All mineral activities that were existing on October 21, 1976, may continue in the same manner and degree in which they were being conducted on October 21, 1976, even if they would impair wilderness suitability. These activities fall within the grandfather concept as discussed in Chapter I. B. 6. They will, however, be regulated to prevent unnecessary or undue degradation of the lands.

On pre-FLPMA oil and gas, geothermal, and coal leases which had no surface-disturbing impacts as of October 21, 1976, if proposed activities are denied because they cannot meet the nonimpairment criteria, the lessee has the right to request a suspension of operation. The policy on lease suspension is explained more fully in section 1 (d), below.

Valid existing rights of mining claimants will be recognized. For a claim to qualify as a valid existing right, a "discovery" of a valuable mineral, the test of

which has been accepted in case law as the "prudent man test," must be demonstrated. Activities under valid existing rights may impair wilderness suitability, but they will be regulated to prevent unnecessary or undue degradation of the lands.

All leases issued on or before October 21, 1976, have valid existing rights, the extent of which is defined by the terms and conditions of each specific lease. For the majority of pre-FLPMA leases the lease rights are not absolute nor unqualified. In other words, if there were no pre-FLPMA grandfathered activities, post-FLPMA operations would not be allowed if they would impair wilderness suitability.

Activities proposed under leases, permits and mining claims which are not covered by the grandfather or valid existing rights provisions will be subject to the nonimpairment criteria as described at the beginning of Chapter III.

1. Oil and Gas and Geothermal Leasing, Exploration, and Development.

a. Pre-FLPMA Leases. All pre-FLPMA leases on which actual pre-FLPMA physical impacts had been created through such activities as seismic, thermal gradient or other exploration drilling, production drilling, or construction of production-related facilities, are grandfathered. Operations on these leases may continue even if impairing, so long as they do not exceed manner and degree as defined in the grandfather concept. As explained in Chapter I. B. 6, this may mean that pre-FLPMA activities which began outside the boundary of a wilderness study area may be continued by that lessee onto the same or other leases held by that lessee in an adjacent wilderness study area, as long as the activity follows the logical pace and progression of development and the impacts are not of a significantly different kind.

Activities on pre-FLPMA leases on which there were no pre-FLPMA impacts will be allowed if the BLM determines that the impacts satisfy the nonimpairment criteria. If proposed activities are denied because they cannot satisfy the nonimpairment criteria, the lessee has the right to request a suspension of operation. The policy on lease suspension is explained more fully in section (d), below.

b. Post-FLPMA Leases Issued Prior to the Issuance of the Interim Management Policy. Regardless of the conditions and terms under which these leases were issued, there are no grandfathered uses inherent in post-FLPMA leases. Activities on post-FLPMA leases will be subject to a special wilderness protection stipulation as stated in Appendix A. If there is already production on any lease issued in this period, it would be allowed to continue in the least impairing manner. Increases in production or production facilities would not be allowed if the resultant impacts would further impair.

c. New Leases. New leases may be issued provided the special stipulation (Appendix A) is attached. Activities may occur under these leases so long as the BLM determines that they satisfy the nonimpairment criteria.

d. Suspension of Lease Terms - Oil and Gas and Geothermal. The Secretary of the Interior has the discretionary authority to direct or assent to a suspension of the operating and producing requirements of an oil and gas or geothermal resources lease if it is in the interest of conservation to do so and when the specific circumstances involved warrant such an action.

When the U.S. Geological Survey (GS) notifies a proponent that an application to conduct operations is being denied because of the prospect for impairment of wilderness suitability of an area under study or review as to its potential for study, it should advise the proponent of the right to (1) appeal that denial, (2) request a suspension of operation, and (3) take such other actions as are deemed appropriate to protect the rights granted by the lease. It is not appropriate for the GS or BLM to speculate as to the potential for suspension since the specific circumstances involved in each case will be determining factors in any decision. However, if the lessees who are denied the right to conduct operations because of conflicts with wilderness review are to be given a reasonable opportunity to preserve their leases, it is imperative that these potential conflicts be identified as promptly as possible during the review of requests for a preliminary environmental review, applications to conduct operations, and plans of operation, and that any written recommendation for denial be provided promptly to the GS so that it may in turn promptly notify the lessee.

For leases not encumbered with wilderness protection or no-surface-occupancy stipulations and on which an application for an otherwise acceptable plan of operations was denied for wilderness or endangered species considerations, the Secretary has established a policy of assenting to a suspension of operation or production for the time necessary to complete necessary studies and consultations and, if applicable, for a decision on wilderness status to be made. The same policy would apply in cases where a discovery of oil and/or gas has been made in a nonimpairing manner on a leasehold encumbered with a wilderness protection stipulation and for which an otherwise acceptable plan of development and production operations has been denied because it would impair suitability for wilderness.

On the other hand, in instances where a lease is encumbered by a wilderness protection or no-surface-occupancy stipulation and there has been no discovery and a lessee's request for application for permit to drill has been denied, the Secretary's policy generally has been and will be to not grant relief from the terms of the stipulation by granting a suspension.

Lessees are hereby advised that in cases where wilderness review is a factor, applications for proposed operations should be filed no later than 120 days before expiration of the lease term in order to provide adequate processing time, including time for BLM to determine whether the proposed operations would impair the suitability of the area of proposed activity for preservation as wilderness.

e. Exploration. Post-FLPMA oil and gas or geothermal exploration applied for under 43 CFR 3045 or 43 CFR 3209 will continue to be approved if the BLM determines that it satisfies the nonimpairment criteria. Pre-FLPMA exploration will be allowed to continue as provided under the grandfather concept. Consistent with sections 302(b) and 603(c) of FLPMA, all oil and gas and geothermal "Notices of Intent to Conduct Exploration" must be approved by BLM prior to commencement of operations.

2. Coal. The policy for coal is more exclusive than the other leasable minerals because of the recent regulations 43 CFR 3461, which were issued on July 19, 1979. These regulations, promulgated as a result of the Surface Mining Control and Reclamation Act and FLPMA, establish criteria for identifying lands that are unsuitable for all or certain stipulated methods of coal mining. These rules, then, supplemented by section 603(c) of FLPMA, will provide the basis for coal management in wilderness study areas.

a. Pre-FLPMA Leases and Prospecting Permits. All pre-FLPMA coal leases on which actual pre-FLPMA physical impacts had been created through such activities as production or construction of production-related facilities, may continue consistent with the grandfather provision, even if this would impair wilderness suitability. As explained in Chapter I. B. 6, this may include the logical extension of grandfathered activities which began outside the boundary of a wilderness study area into an adjacent wilderness study area. Mining plans on pre-FLPMA non-producing coal leases, even leases on which pre-FLPMA exploration drilling has taken place, will not be recommended for approval by BLM if the proposed mining methods are by surface methods or if the impacts resulting from underground mining would impair the suitability of the area for preservation as wilderness.

b. Preference Right Lease Applications. The preference right lease applicant's right to adjudication of his right to a lease will be recognized. Application of the right, however, involves application of the coal unsuitability criteria, including the wilderness review criterion number 4, of 43 CFR 3461(d)(1) and the imposition of conditions in the proposed lease to prevent impairment of the area's suitability for preservation as wilderness.

The Secretary may initiate exchange proceedings for coal under 43 CFR 3430.5-4 if he determines that, among other things, the lands are unsuitable for coal mining because of wilderness considerations.

c. New Competitive Leases. The coal unsuitability criteria will be applied to all coal lands being considered in the BLM's planning system. The only BLM-administered lands that will be offered for competitive lease sale are those on which a final wilderness inventory decision has determined that the lands lack wilderness characteristics. Once the Congress has determined that a WSA will not be designated as wilderness, the area may be considered for competitive lease.

d. Exploration Licenses. Exploration licenses are issued for exploration of unleased Federal land.

Unsuitability criteria will not be applied to exploration licenses. If the activities proposed under an exploration license would create impacts that do not satisfy the nonimpairment criteria, they would not be approved.

e. **Suspension of Lease Terms.** The lease suspension policy cited in section 1(d) above will apply to coal leases. One factor in the Secretary's decisions will be the diligent development requirement that must be met by the lessee.

3. Oil Shale and Tar Sands Leasing.

a. **Pre-FLPMA Leases.** There are no pre-FLPMA leases for tar sand and only four pre-FLPMA oil shale leases. All pre-FLPMA leases on which actual pre-FLPMA physical impacts have been created through such activities as exploration drilling, production, or construction of production-related facilities, may continue in the same manner and degree under the grandfather provisions as discussed in Chapter I. B. 6, even if these activities impair wilderness suitability. Any proposed activity which would exceed that manner and degree, as determined by BLM, would be allowed only if it satisfies the nonimpairment criteria.

Activities on pre-FLPMA leases on which no pre-FLPMA impacts have taken place will be allowed if they satisfy the nonimpairment criteria. If proposed activities are denied because they cannot meet the nonimpairment criteria, the lessee has the right to request a suspension of operation. The policy on lease suspension is explained more fully in section 1(d) above.

b. **New Leases Issued After the Implementation of FLPMA.** New leases may be issued provided the special stipulation (Appendix A) is attached. Activities may occur under these leases so long as the BLM determines that they satisfy the nonimpairment criteria.

c. **Suspension of Lease Terms.** The policy cited in section 1(d) above will apply.

4. Other Leasable Minerals (Phosphate, Potash, Sodium, Sulphur, and Hardrock (Solid) Minerals on Acquired Lands, Including Uranium).

a. **Pre-FLPMA Leases and Permits.** All pre-FLPMA leases on which actual pre-FLPMA physical impacts have been created through such activities as exploration drilling, production drilling, or construction of production-related facilities, may continue consistent with the grandfather provisions. As explained in Chapter I. B. 6, this may include logical extension of grandfathered activities which began outside the boundary of a wilderness study area into an adjacent wilderness study area. These activities will continue to be regulated to prevent unnecessary or undue degradation of the lands. Activities on pre-FLPMA leases on which no pre-FLPMA impacts have taken place will be allowed if the BLM determines that they satisfy the nonimpairment criteria.

b. **Prospecting Permits.** Prospecting permits may continue to be issued in wilderness study areas (or inventory units), subject to a stipulation that no preference right lease will be issued until or unless an environmental analysis (or environmental impact statement) is completed and it is demonstrated, on the basis of the environmental analysis and a mining plan

submitted with the application for a preference right lease, that the minerals can be removed by mining methods that will not impair the area's suitability for preservation as wilderness. Each permit will also condition exploration operations by a stipulation to insure that the impact caused by the activities will not impair the area's wilderness suitability.

c. **Preference Right Lease Applications.** Existing rights to preference right leases will be recognized. However, conditions will be imposed in such leases to prevent impairment of the area's suitability for preservation as wilderness.

d. **Post-FLPMA Leases Issued Prior to the Issuance of the Interim Management Policy.** Regardless of the conditions and terms under which these leases were issued, there are no grandfathered uses inherent in post-FLPMA leases. Activities on post-FLPMA leases will be subject to the special wilderness protection stipulation as stated in Appendix A. If there is already production on any lease issued in this time frame it would be allowed to continue in the least impairing manner and so as to prevent unnecessary or undue degradation of the lands. Increases in production or in production facilities would not be allowed if the resultant impacts would further impair wilderness suitability.

e. **New Leases or Permits Issued After Implementation of FLPMA.** New leases and prospecting permits will be issued subject to the special wilderness protection stipulation (Appendix A). Activities that would impair wilderness suitability will not be allowed.

5. Mining Operations Under the 1872 Mining Law.

a. **Location, Prospecting, Exploration, and Mining.** Mining operations conducted on lands under wilderness review will be subject to the forthcoming regulations 43 CFR 3802. The regulations will not apply to areas where a final decision that the area lacks wilderness characteristics has been made through the BLM wilderness inventory process. These regulations will provide a procedure for notifying the BLM of activities being conducted or proposed to be conducted on mining claims and will also establish the standards for approval of the conduct of those operations, including reclamation.

The regulations have several purposes: (1) to prevent impairment of the wilderness suitability of areas under wilderness review; (2) to recognize valid existing rights; (3) to allow grandfathered activities to continue; (4) to allow continued location and operations under the mining laws; and (5) to prevent unnecessary or undue degradation of the lands.

b. **Valid Existing Rights.** All mining claimants who located claims on or before October 21, 1976, and are able to demonstrate a discovery as of that date, as required under the 1872 Mining Law, as amended (prudent man test — must show that the claim has a reasonable prospect of being mined at a profit), will be allowed to continue their mining operations to full development even if the operations are causing or will cause impairment. Before BLM will grant approval of such operations, the operator will be required to show evidence of such discovery. If warranted, BLM

may verify data through a field examination and, if necessary, initiate contest proceedings.

Reasonable access to pre-FLPMA valid mining claims will also be granted. Such access shall be regulated to prevent or minimize impairment of the area's wilderness suitability, to the extent possible consistent with the enjoyment of the claimant's rights. Mineral patent applications on these pre-FLPMA valid claims will continue to be processed.

Whether or not the claims have a pre-FLPMA discovery determines only whether the nonimpairment standard applies. All operations will be regulated to prevent unnecessary or undue degradation of the lands until the claims are patented. (Any claim patented in the California Desert Conservation Area will continue to be regulated to prevent unnecessary or undue degradation.) All operations will be subject to the forthcoming regulations 43 CFR 3802, which will specify in what circumstances and in what manner notification will be required.

c. **Temporary Limitation on the Exercise of Valid Existing Rights.** If impairing activities are proposed on a pre-FLPMA claim with valid existing rights, within a wilderness study area (WSA) which the BLM Director has recommended to the Secretary as suitable for preservation as wilderness, the proposed impairing activity may be temporarily disapproved by the Director of the BLM. This is a narrow exception for extraordinary circumstances when the Secretary and the President may be expected to recommend the WSA as suitable for wilderness designation and Congress may be expected to act in a short period of time. Such a disapproval would be for one year, subject to renewal, but not to exceed a total of two years.

d. **Grandfathered Activities.** Owners of unpatented mining claims located on or before October 21, 1976, who cannot establish a valid existing right by demonstrating a "discovery" on the above date will be allowed to continue in the same manner and degree as on that date, even if this impairs wilderness

suitability. (See grandfather provision in Chapter I. B. 6.) For pre-FLPMA claims which have neither valid existing rights nor grandfathered uses, further exploration work to "prove-up" a discovery will be allowed only if the BLM determines that the proposed operations satisfy the nonimpairment criteria.

e. **Assessment Work.** Assessment work will be permitted only if the BLM determines that it satisfies the nonimpairment criteria. However, assessment work on claims which qualify under valid existing rights or the grandfather concept may, in fact, impair.

f. **Deferment of Assessment Work.** If proposed assessment work would impair the area's suitability for preservation as wilderness, a deferment of annual assessment work, under 30 USC 28b, may be granted for a period not to exceed two years. At the end of that period, the mining claimant must find other ways of completing nonimpairing assessment work, such as the geological, geochemical, and geophysical work allowed by the Act of September 2, 1958 (30 USC 28-1).

g. **Mining Claims Located After October 21, 1976.** Lands under wilderness review will continue to be subject to location under the mining laws. Location methods and subsequent assessment work will be restricted to operations which the BLM determines satisfy the nonimpairment criteria. Work towards post-FLPMA discoveries may take place, but not to the extent that impairment is caused. If discoveries are made in a nonimpairing manner or claims located after October 21, 1976, patents may issue.

h. **Mining Activities in Areas Smaller Than 5,000 Acres.** If the wilderness study area (or inventory unit) is smaller than 5,000 acres, all mining activities under the 1872 Mining Law will be exempt from the nonimpairment standard, and will be regulated only to prevent unnecessary or undue degradation of the lands. (The basis for this guideline is explained in Chapter I. A. 6.)

6. **Disposal of Mineral Materials (Salable).** Sale and free use of mineral materials will be allowed so long as the operation can be conducted consistent with the nonimpairment criteria.

APPENDIX A

WILDERNESS PROTECTION STIPULATION

By accepting this lease, the lessee acknowledges that the lands contained in this lease are being inventoried or evaluated for their wilderness potential by the Bureau of Land Management (BLM) under section 603 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743 (43 USC Sec. 1782), and that exploration or production activities which are not in conformity with section 603 may never be permitted. Expenditures in leases on which exploration drilling or production are not allowed will create no additional rights in the lease, and such leases will expire in accordance with law.

Activities will be permitted under the lease so long as BLM determines they will not impair wilderness suitability. This will be the case either until the BLM wilderness inventory process has resulted in a final wilderness inventory decision that an area lacks wilderness characteristics, or in the case of a wilderness study area until Congress has decided not to designate the lands included within this lease as wilderness. Activities will be considered nonimpairing if the BLM determines that they meet each of the following three criteria:

(a) It is temporary. This means that the use or activity may continue until the time when it must be terminated in order to meet the reclamation requirement of paragraphs (b) and (c) below. A temporary use that creates no new surface disturbance may continue unless Congress designates the area as wilderness, so long as it can easily and immediately be terminated at that time, if necessary to management of the area as wilderness.

(b) Any temporary impacts caused by the activity must, at a minimum, be capable of being reclaimed to a condition of being substantially unnoticeable in the wilderness study area (or inventory unit) as a whole by the time the Secretary of the Interior is scheduled to send his recommendations on that area to the President, and the operator will be required to reclaim the impacts to that standard by that date. If the wilderness study is postponed, the reclamation deadline will be extended accordingly. If the wilderness study is accelerated, the reclamation deadline will not be changed. A full schedule of wilderness studies will be developed by the Department upon completion of the intensive wilderness inventory. In the meantime, in areas not yet scheduled for wilderness study, the reclamation will be scheduled for completion within 4 years after approval of the activity. (Obviously, if and when the Interim Management Policy ceases to apply to an inventory unit dropped from wilderness review following a final wilderness inventory decision of the BLM State Director, the reclamation deadline previously specified will cease to apply.) The Secretary's schedule for transmitting his recommendations to the President will not be changed as a result of any unexpected inability to complete the reclamation by the specified date, and such inability will not constrain the Secretary's recommendation with respect to the area's suitability or unsuitability for preservation as wilderness.

The reclamation will, to the extent practicable, be done while the activity is in progress. Reclamation will

include the complete recontouring of all cuts and fills to blend with the natural topography, the replacement of topsoil, and the restoration of plant cover at least to the point where natural succession is occurring. Plant cover will be restored by means of reseeding or replanting, using species previously occurring in the area. If necessary, irrigation will be required. The reclamation schedule will be based on conservative assumptions with regard to growing conditions, so as to ensure that the reclamation will be complete, and the impacts will be substantially unnoticeable in the area as a whole, by the time the Secretary is scheduled to send his recommendations to the President. ("Substantially unnoticeable" is defined in Appendix F of the *Interim Management Policy and Guidelines for Lands under Wilderness Review*.)

(c) When the activity is terminated, and after any needed reclamation is complete, the area's wilderness values must not have been degraded so far, compared with the area's values for other purposes, as to significantly constrain the Secretary's recommendation with respect to the area's suitability or unsuitability for preservation as wilderness. The wilderness values to be considered are those mentioned in section 2(c) of the Wilderness Act, including naturalness, outstanding opportunities for solitude or for primitive and unconfined recreation, and ecological, geological or other features of scientific, educational, scenic, or historical value.

If all or any part of the area included within the leasehold estate is formally designated by Congress as wilderness, exploration and development operations taking place or to take place on that part of the lease will remain subject to the requirements of this stipulation, except as modified by the Act of Congress designating the land as wilderness. If Congress does not specify in such act how existing leases like this one will be managed, then the provisions of the Wilderness Act of 1964 will apply, as implemented by rules and regulations promulgated by the Department of the Interior.

APPENDIX B

THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976 (P.L. 94-579)

Bureau of Land Management Wilderness Study

Sec. 603. (a) Within fifteen years after the date of approval of this Act, the Secretary shall review those roadless areas of five thousand acres or more and roadless islands of the public lands, identified during the inventory required by section 201(a) of the Act as having wilderness characteristics described in the Wilderness Act of September 3, 1964 (78 Stat. 890; 16

U.S.C. 1131 et seq.) and shall from time to time report to the President his recommendation as to the suitability or unsuitability of each such area or island for preservation as wilderness: Provided, that prior to any recommendations for the designation of an area as wilderness the Secretary shall cause mineral surveys to be conducted by the U.S. Geological Survey and

the Bureau of Mines to determine the mineral values if any, that may be present in such areas: Provided further, that the Secretary shall report to the President by July 1, 1980, his recommendations on those areas which the Secretary has prior to November 1, 1975, formally identified as natural or primitive areas. The review required by this subsection shall be conducted in accordance with the procedures specified in section 3(d) of the Wilderness Act.

(b) The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations with respect to designation as wilderness of each such area, together with a map thereof and a definition of its boundaries. Such advice by the President shall be given within two years of the receipt of each report from the Secretary. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress.

(c) During the period of review of such areas and until Congress has determined otherwise, the Secretary shall continue to manage such lands according to his authority under this Act and other applicable law in a

manner so as not to impair the suitability of such areas for preservation as wilderness, subject, however, to the continuation of existing mining and grazing uses and mineral leasing in the manner and degree in which the same was being conducted on the date of approval of this Act: Provided, that, in managing the public land the Secretary shall by regulation or otherwise take any action required to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection. Unless previously withdrawn from appropriation under the mining laws, such lands shall continue to be subject to such appropriation during the period of review unless withdrawn by the Secretary under the procedures of section 204 of this Act for reasons other than preservation of their wilderness character. Once an area has been designated for preservation as wilderness, the provisions of the Wilderness Act which apply to national forest wilderness areas shall apply with respect to the administration and use of such designated area, including mineral surveys required by section 4(d)(2) of the Wilderness Act, and mineral development, access, exchange of lands, and ingress and egress for mining claimants.

APPENDIX C

SECTION 2(c) OF THE WILDERNESS ACT OF SEPTEMBER 3, 1964 (P.L. 88-577)

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural

conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

APPENDIX D

AUTHORITY AND REGULATIONS

1. AUTHORITY

The Interim Management Policy is based on the following authorities:

- The Federal Land Policy and Management Act of 1976 (Public Law 94-579, 90 Stat. 2743, 43 USC 1701), sections 603, 302, 201, and 701, as modified by other applicable provisions of that Act and by other laws. (See Appendix B for the text of section 603.)
- The Wilderness Act of 1964 (Public Law 88-577, 78 Stat. 890, 16 USC 1131). (See Appendix C for the text of section 2(c).)

2. REGULATIONS

Requirements of the Interim Management Policy will be considered by the BLM, to the extent necessary, as part of its decisionmaking process in considering approval of any activity on the public lands pursuant to existing or new regulations.

Most of the policies in this document can and will be implemented through existing regulations covering specific activities. However, some of the policies will be implemented through the promulgation of new regulations — either proposed regulations that are now in preparation, or revisions to existing regulations.

One rulemaking now in progress concerns mining activities on lands under wilderness review:

- Exploration and Mining — Wilderness Review Program (43 CFR 3802). These regulations pertain only to locatable minerals under the 1872 Mining Law. (See Chapter III, J. 5(a) of this document.)

Two other proposed rulemakings in preparation concern mineral leasing and mining activities on all BLM-administered lands and will reflect the Interim Management Policy:

- Geophysical Exploration — Oil and Gas (43 CFR 3045).
- Surface Management of Mining Claims (43 CFR 3809). When these regulations are promulgated, they will incorporate the regulations (43 CFR 3802) for exploration and mining on lands under wilderness review.

The interim management requirements are already reflected in general terms in the following regulations, which are now in effect:

- Federal Lands Review — Unsuitability for Mining (43 CFR 3461). This covers coal mining on public lands.
- Off-Road Vehicles (43 CFR 8340).

Changes in existing regulations will also be proposed wherever this is found necessary to implement the Interim Management Policy.

APPENDIX E

THE WILDERNESS REVIEW PROGRAM

To carry out the mandate of section 603 of FLPMA, the Bureau of Land Management has developed a comprehensive wilderness review program. Key elements of the overall program include:

1. Wilderness Review. The wilderness review process has three phases: inventory, study, and reporting to Congress. Public involvement is encouraged in all phases of the process, with opportunity provided for comment, participation, and review. The wilderness review applies to all public lands administered by the BLM except:

- Lands where the United States owns the minerals but the surface is not Federally owned.
- Lands being held for the benefit of Indians, Aleuts, and Eskimos.
- Lands tentatively approved for State selection in Alaska.
- Lands on the Outer Continental Shelf.
- Oregon and California grant (O & C) lands that are managed for commercial timber production.

The phases of the wilderness review process are as follows:

a. Inventory. First, BLM does an inventory of the public lands to identify areas that meet the definition of wilderness established by Congress. Such areas are identified as wilderness study areas (WSA's). The procedures for this inventory are described in the *Wilderness Inventory Handbook*. The inventory is scheduled for completion in the contiguous Western States in 1980.

b. Study. Each WSA must be studied through the BLM land-use planning system to analyze all values, resources, and uses within the WSA. The findings of the study determine whether the area will be recommended as suitable or unsuitable for designation as wilderness.

c. Reporting. When the study has been completed, a recommendation as to whether the WSA is suitable or unsuitable for designation as wilderness is submitted through the Secretary of the Interior and the President to Congress. A mineral survey by the

U.S. Geological Survey and Bureau of Mines will accompany every "suitable" recommendation. Reports on all WSA's must reach the President no later than October 21, 1991, and reach Congress by October 21, 1993. Only Congress can designate an area as wilderness.

2. Instant Study Areas. FLPMA also requires that by July 1, 1980, the Secretary of the Interior must submit recommendations to the President on the wilderness suitability of 55 public land areas that were formally identified as "natural" or "primitive" areas prior to November 1, 1975. These are known as "instant study areas" because Congress directed study and reporting on these areas, without awaiting completion of the wilderness inventory.

3. Management of Areas under Wilderness Review. This is the Interim Management Policy which is the subject of this document. It establishes the guidelines for determining uses and activities that may occur in areas under wilderness review. It applies until Congress takes action on the President's recommendations.

APPENDIX F

DEFINITIONS

Some of the terms used in this document have specific meanings and are defined as follows:

Cross-country: Refers to travel that is not on existing access routes (ways and trails) and does not involve any surface disturbance other than that caused solely by the passage of vehicles.

Cumulative Impact: The aggregate impact of existing and proposed activities. Individual intrusions when considered by themselves may not impair wilderness suitability; however, when combined with other existing and proposed substantially unnoticeable impacts, the total effect may be sufficient to impair an area's suitability for preservation as wilderness.

FLPMA: The Federal Land Policy and Management Act of 1976 (Public Law 94-579, 90 Stat. 2743, 43 USC 1701).

Impact: The effect, influence, alteration, or imprint of an activity.

Impair: To diminish in value or excellence.

Impair Wilderness Suitability: Refers to activities that are considered to impair an area's suitability for preservation as wilderness — i.e., that do not satisfy the "nonimpairment criteria" set forth in Chapter I. B. 2 of this document.

Instant Study Area: One of the 55 primitive and natural areas formally identified by BLM through a final action published in the *Federal Register* before November 1, 1975. FLPMA requires an accelerated

wilderness review of these areas.

Multiple Use: "...the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output." (From section 103, FLPMA).

Pre-FLPMA: Before October 21, 1976, the date of approval of the Federal Land Policy and Management Act.

Primitive and Unconfined Recreation: Nonmotorized and nondeveloped types of outdoor recreational activities.

Public Lands: For the purpose of the wilderness review program, any lands and interest in lands owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except:

1. Lands where the United States owns the minerals but the surface is not Federally owned.
2. Lands being held for the benefit of Indians, Aleuts, and Eskimos.
3. Lands tentatively approved for State selection in Alaska.
4. Lands on the Outer Continental Shelf.
5. Oregon and California grant (O & C) lands that are managed for commercial timber production.

Roadless: For the purpose of the wilderness review program, this refers to the absence of roads which have been improved and maintained by mechanical means to ensure relatively regular and continuous use. A way maintained solely by the passage of vehicles does not constitute a road.

Words and phrases used in the above definition of "roadless" are defined as follows:

1. Improved and maintained: Actions taken physically by man to keep the road open to vehicular traffic. "Improved" does not necessarily mean formal construction. "Maintained" does not necessarily mean annual maintenance.
2. Mechanical means: Use of hand or power machinery or tools.
3. Relatively regular and continuous use: Vehicular use which has occurred and will continue to occur on a relatively regular basis. Examples are: Access roads for equipment to maintain a stock water tank or other established water sources; access roads to maintained recreation sites or facilities; or access roads to mining claims.

Solitude: 1. The state of being alone or remote from habitations; isolation. 2. A lonely, unfrequented, or secluded place.

Substantially Unnoticeable: Refers to something that either is so insignificant as to be only a very minor feature of the overall area or is not distinctly recognizable by the average visitor as being manmade

or man-caused because of age, weathering, or biological change. An example of the first would be a few minor dams or abandoned mine buildings that are widely scattered over a large area, so that they are an inconspicuous part of the scene. Serious intrusions of this kind, or many of them, may preclude inclusion of the land in a wilderness study area. (See also "Cumulative Impact," above.) An example of the second would be an old juniper control project that has grown up to a natural appearance, the old fallen trees largely decomposed.

Unnecessary or Undue Degradation: Impacts greater than those that would normally be expected from an activity being accomplished in compliance with current standards and regulations and based on sound practices, including use of the best reasonably available technology.

Wilderness: The definition contained in section 2(c) of the Wilderness Act of 1964 (78 Stat. 891). (See Appendix C for its full text.)

Wilderness Area: An area formally designated by Congress as part of the National Wilderness Preservation System.

Wilderness Characteristics: The definition contained in section 2(c) of the Wilderness Act of 1964 (78 Stat. 891). (See Appendix C for its full text.)

Wilderness Inventory: An evaluation of the public lands in the form of a written description and map showing those lands that meet the wilderness criteria as established under section 603(a) of FLPMA and section 2(c) of the Wilderness Act, which will be referred to as wilderness study areas (WSA's). (See *Wilderness Inventory Handbook*, dated September 27, 1978.)

Wilderness Review Program: The term used to cover the entire process of wilderness inventory, study, and reporting for the wilderness resource, culminating in recommendations submitted through the Secretary of the Interior and the President to Congress as to the suitability or unsuitability of each wilderness study area for inclusion in the National Wilderness Preservation System. (For a summary of the program, see Appendix E.)

Wilderness Study Area (WSA): A roadless area or island that has been inventoried and found to have wilderness characteristics as described in section 603 of FLPMA and section 2(c) of the Wilderness Act of 1964 (78 Stat. 891).

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WILDERNESS INVENTORY HANDBOOK

POLICY, DIRECTION,
PROCEDURES, AND
GUIDANCE FOR CONDUCTING
WILDERNESS INVENTORY
ON THE PUBLIC LANDS

September 27, 1978



U. S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management

WILDERNESS INVENTORY HANDBOOK

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PREFACE

On February 27, 1978, the Bureau of Land Management issued draft Wilderness Policy and Review Procedures for conducting the review required by the Federal Land Policy and Management Act. That document was intensively reviewed by the public. It was discussed at more than 60 meetings held throughout the western states, in the lake states, and in Washington, D.C. Some 5,000 letters and written comments were sent to BLM on the proposed review procedures.

This sincere expression of public interest has contributed a great deal to the development of the procedures.

One result of that effort is the issuance of this handbook to guide BLM in its wilderness inventory process. As noted in this handbook, wilderness inventory is only the first step in wilderness review. Interim management policies will be covered in a separate document.

Other parts of the wilderness program, including the study of wilderness resources in comparison with other resource values to determine what areas should be recommended to Congress for wilderness designation, and interim management to protect potential wilderness values, were also commented on extensively in the public review of the proposed procedures. Those comments will be used in developing and issuing procedures for other parts of the wilderness program.

Four major issues of significance to the inventory process were raised during the public review period and show the usefulness of the public review process.

Definition of a "Road"—Of all the issues raised by the public, the road definition received the most comment. There were strongly stated points of view in opposition to the definition. In addition, it was pointed out that the definition did not follow what Congress had said in developing the law. Therefore, this handbook now uses the one definition found in the legislative history, exactly. This is, however, a relatively minor change from the definition BLM proposed. Given any definition, the interpretation of that definition on the ground is what is important and this leads to the second major issue raised.

Public Involvement—Many people felt that public participation in the wilderness review process was not adequate, particularly because the inventory deals with such subjective judgments: "What is or is not a road?" "What is solitude?" "What is outstanding?" "What is naturalness?" and so on. BLM agrees and believes that the best way to arrive at these subjective judgments is to provide the opportunity for the fullest possible public involvement in the process, including direct participation in the inventory and thorough public review. These concepts are incorporated in this handbook.

Environmental Values—One concern expressed was that non-wilderness environmental values, such as wildlife habitat and archaeological resources, would not be protected if they weren't included in wilderness areas. This is not the case. BLM has many management programs for protecting these important resources of the public lands, including the identification of Areas of Critical Environmental Concern as required by the Federal Land Policy and Management Act. References to these other environmental management programs are included in this handbook.

Impact on Non-Wilderness Areas—There was a fear that BLM's wilderness program would prevent other uses from continuing for an extended period, even on lands that had no wilderness values. This handbook provides procedures for quickly identifying those public lands that clearly and obviously do not meet the criteria for wilderness designation, and, through public review and confirmation, removing the restrictions imposed by Section 603 of the Federal Land Policy and Management Act from those lands.

Other public comments have been used throughout this handbook, and were important in the decision to issue separate guidance for each part of the wilderness review process.

The wilderness program on the public lands will depend on continuing the close relationship and public participation that has been developed in the review of this first step in the program. We in BLM will do everything possible to help make that happen, as evenly, openly, and objectively as we can.

Frank Gregg
Director
Bureau of Land Management

AN INTRODUCTION TO BLM'S WILDERNESS PROGRAM

THE PURPOSE OF THIS HANDBOOK—This handbook contains Bureau of Land Management policy, direction, procedures, and guidance for the inventory portion of the wilderness program. To understand this important process, it is necessary to explain briefly the Bureau's involvement in wilderness and its overall program elements.

THE LAW—The Federal Land Policy and Management Act of 1976 (Public Law 94-579) or FLPMA is Congress' basic guidance to the Bureau on how to manage the 470 million acres of public lands under its jurisdiction. One portion of that law (Section 603) directs the Secretary of the Interior and the Bureau to review all public land roadless areas of 5,000 acres or more and roadless islands having wilderness characteristics; determine their suitability or non-suitability for wilderness designation; and report these suitability recommendations to the President no later than October 21, 1991. The President must then report his final recommendations to Congress within two years and Congress will decide if any area becomes wilderness or not.

The law also directs the Interior Secretary to report to the President by July 1, 1980, his recommendations on 55 existing primitive and natural areas.

In determining these wilderness values, the law directs the Bureau to use the criteria given by Congress in the Wilderness Act of 1964. In Section 2(c) of that Act, Congress states that wilderness is essentially an area of undeveloped Federal land in a natural condition, without permanent improvements or human habitation, which has outstanding opportunities for solitude or a primitive and unconfined type of recreation. The area may contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

THE PROGRAM—To accomplish the mandate of Section 603 of FLPMA, the Bureau has developed a framework for the wilderness program covering the following elements:

1. **Wilderness Review**—The wilderness review process has three phases: inventory, study, and reporting to Congress.

a. **Inventory**—The inventory phase involves looking at the public lands to determine and locate the existence of areas containing

wilderness resources that meet the criteria established by Congress. Such areas are identified as Wilderness Study Areas.

b. **Study**—The study phase involves the process of determining, through careful analysis, which wilderness study areas will be recommended as suitable for wilderness designation and which will be recommended as non-suitable. These determinations, made through the BLM's land use planning system, consider all values, resources, and uses of the public lands.

c. **Reporting**—The reporting phase consists of actually forwarding or reporting these suitable and non-suitable recommendations through the Secretary of the Interior and the President to Congress. Mineral surveys required by the law, environmental statements and other data are also submitted with these recommendations.

2. **Instant Study Areas**—The law states that wilderness recommendations on all public land areas which were formally designated as natural or primitive areas prior to November 1, 1975, will be reported to the President by July 1, 1980. There are 55 such areas on the public lands.

3. **Interim Management**—Congress also requires that BLM will manage lands which meet the criteria in the law for identification as Wilderness Study Areas in such a way, and in accordance with the law, as not to impair their suitability for wilderness designation by Congress until Congress designates such areas as Wilderness or denies wilderness designation for such areas by legislative action.

4. **Long-term Wilderness Management**—Congress makes the final determination on whether any Wilderness Study Area is or isn't designated a Wilderness. Once designated, these additions to the National Wilderness Preservation System are managed by BLM according to provisions of the 1964 Wilderness Act and the 1976 Federal Land Policy and Management Act.

** NOTE **

This handbook is for the wilderness inventory process. Guidelines for the other aspects of the BLM wilderness program will be provided in separate documents.

OBJECTIVES FOR WILDERNESS INVENTORY

The objectives for wilderness inventory are, as quickly as possible within the next two years, to:

- A. Determine and locate areas of public lands that have wilderness resources which meet criteria established in Section 603 of FLPMA and identify them as Wilderness Study Areas.
- B. Identify the public lands that do not qualify as Wilderness Study Areas under those criteria, on which restrictions imposed by Section 603 of FLPMA will no longer apply.
- C. Document in narrative and map form, the inventory consideration of all public lands administered by the BLM.
- D. Fully involve the public in the inventory process, by providing for public participation and comment, and consideration of such input, throughout the inventory process.

POLICY AND DIRECTION FOR WILDERNESS INVENTORY

This section of the handbook briefly covers the policy and direction that BLM will use for doing the wilderness inventory.

Part 1—**Responsibility and Deadlines**—tells where and when the inventory will be conducted.

Part 2—**Public Involvement**—explains how the public will be involved in the inventory process.

Part 3—**Major Elements**—explains the road definition to be used in the inventory and summarizes key features to be considered in looking for wilderness characteristics.

Part 4—**Other Resource Uses and Values**—defines wilderness inventory policy in relation to: (a) other BLM programs for protection of environmental values; (b) other aspects of multiple use resource management and land use planning; and, (c) interim management of Wilderness Study Areas.

PART 1—RESPONSIBILITY AND DEADLINES

In accordance with FLPMA and the policies and procedures in this handbook, BLM State Directors will inventory the public lands under their jurisdiction for wilderness values and identify Wilderness Study Areas by September 30, 1980, or sooner, if possible within limits of manpower and funding.

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Early in the inventory effort the procedures in this handbook provide for the removal of restrictions imposed by Section 603 of FLPMA from lands that clearly and obviously do not meet the roadless and wilderness criteria, through a process of public review and confirmation.

Priorities for Inventory

State Directors should give strong consideration to conducting the wilderness inventory on all the public lands under their jurisdiction at one time. However, the inventory can be conducted on a smaller, regional basis if necessary. In determining priorities for the wilderness inventory, BLM will be guided by the following:

1. The need to make an evaluation quickly regarding the potential of areas for wilderness designation if those areas are currently involved in decisions which relate to national issues such as energy, minerals, or renewable resource needs.
2. The need to evaluate those areas of high wilderness potential which are immediately in danger of impacts which could adversely affect their designation as wilderness.
3. The need to minimize the impact of delay on ongoing multiple use management and sustained yield of resources from the public lands.

Alaska

On lands administered by the BLM in Alaska, the wilderness review will be deferred until authorized in writing by the Director, BLM.

On all projects in Alaska that require an environmental analysis, the environmental assessment record (EAR) or environmental statement (ES) will include an inventory determination pursuant to Section 201(a) of FLPMA (where such determination has not previously been made) as to whether the affected area is or is not a roadless area of 5000 acres or more, or a roadless island of public land having wilderness characteristics.

Lands Excepted from Wilderness Inventory

The wilderness inventory will be conducted on all public lands administered by the Bureau of Land Management except for lands:

- a. where the United States owns the minerals but the surface is not Federally owned.
- b. being held for the benefit of Indians, Aleuts, and Eskimos.
- c. tentatively approved for State selection in Alaska.
- d. on the Outer Continental Shelf.
- e. which are identified by BLM as commercial timber areas on the revested Oregon and California (O&C) grant lands.

Wilderness Inventory for Special Projects

Prior to the time that this bureauwide wilderness inventory is complete, there will be a need to make decisions on special projects which must include consideration of wilderness resources to meet the requirements of Section 603 of FLPMA. Where special project instructions to initiate a wilderness inventory

have previously been issued by the Director, BLM, those instructions will remain in effect, e.g., instructions issued for a Pacific Power and Light transmission line right-of-way, and for the California Desert Conservation Area Plan.

For special projects that require wilderness inventory prior to the completion of the statewide inventory where such instructions have not been issued, the procedures outlined in this handbook will be used in the environmental analysis of the project unless alternative procedures are approved in writing by the Director, BLM.

PART 2—PUBLIC INVOLVEMENT IN WILDERNESS INVENTORY

The wilderness inventory process requires full public involvement. These guidelines provide for public involvement at all stages of the process with opportunity for comment, participation, and review. The guidelines also require the full documentation, analysis, and use of public input in the process.

Close coordination is required with local, state, and other federal agencies, particularly agencies with lands that have been formally identified as having wilderness potential.

This is particularly important because the criteria in the wilderness inventory process call for judgments that can be highly subjective. In recognition of that fact, the BLM wilderness inventory process will be conducted as openly as possible with the broadest opportunity for input from all concerned, in order to arrive at a sound decision.

It is not assumed that a consensus will be reached, but rather that BLM will evenly seek out, record, and consider all points of view.

During the wilderness inventory process, all inputs—written and oral comments, news clippings, study reports, etc.—will be accepted and considered in the decision making process.

PART 3—MAJOR ELEMENTS OF WILDERNESS INVENTORY

Definition of a "Road"

For the purposes of the BLM's wilderness inventory, the following definition is adopted:

"The word 'roadless' refers to the absence of roads which have been improved and maintained by mechanical means to insure relatively regular and continuous use. A way maintained solely by the passage of vehicles does not constitute a road."

This language is quoted exactly from the legislative history of FLPMA, the House of Representatives Report 94-1163, page 17, May 15, 1976. It is the only statement regarding the definition of a road in the law or legislative history.

This definition is slightly different than the one that was included in the proposed wilderness review guidelines issued by the BLM in February 1978.

For a variety of reasons, and from a number of different points of view, the road definition generated the most public comment and concern. Some people felt the definition should require formal construction, such as graded and graveled roads, while many on the other hand, felt that any vehicle track or trail, would be more appropriate. One question that was asked, "why not use some other definition, such as the one used by the Forest Service or the Park Service?"

From the language in FLPMA's legislative history, it appears that Congress specifically intended the BLM to follow the definition in the House Report.

Under these circumstances, the BLM has adopted and will use the road definition quoted from FLPMA's legislative history.

Unfortunately, that definition itself is subject to a variety of somewhat contradictory interpretations, all of which were pointed out during the public review period.

Therefore, the BLM has adopted and will use the following sub-definitions of certain words and phrases in the BLM road definition stated above:

"Improved and maintained"—Actions taken physically by man to keep the road open to vehicular traffic. "Improved" does not necessarily mean formal construction. "Maintained" does not necessarily mean annual maintenance.

"Mechanical means"—Use of hand or power machinery or tools.

"Relatively regular and continuous use"—Vehicular use which has occurred and will continue to occur on a relatively regular basis. Examples are: access roads for equipment to maintain a stock water tank or other established water sources; access roads to maintained recreation sites or facilities; or access roads to mining claims.

Again, these sub-definitions have been changed somewhat from those originally proposed. There were numerous public comments which pointed out deficiencies in the earlier version. Therefore, these sub-definitions were revised to reduce ambiguity and to make them conform, as nearly as possible, to the intent of Congress in developing the language of the law.

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In adopting this definition it is recognized that there will still be a wide range of opinions as to what constitutes a "road." Therefore, in determining "roadlessness," the BLM will be guided by the following principles:

The widest possible range of public opinion from diverse points of view will be sought in looking for the presence or absence of "roads." Good judgment based on common sense and a balanced and objective analysis of what people say and how they feel is the best guide that can be given.

Knowing that some cases will be hard to judge, State Directors and District Managers will remember that it is the purpose of the wilderness inventory to find those places on the public lands which, by their very nature, truly have the attributes and the character of wilderness, so that the American people will have the opportunity through the process of study, recommendation, and determination by Congress to choose which of these places should become part of the National Wilderness Preservation System. That is certainly the intent of the law.

Wise, unbiased, and careful use of the road definition as adopted, with full public involvement, will insure that this intent will be achieved.

Key Factors of Wilderness Characteristics

In the inventory process to identify roadless areas with wilderness characteristics, the key factors to be used:

1. Size. At least 5,000 contiguous roadless acres of public land.
2. Naturalness. The imprint of man's work must be substantially unnoticeable.
3. Either:
 - a. An outstanding opportunity for solitude, or
 - b. An outstanding opportunity for a primitive and unconfined type of recreation.

To qualify for wilderness study identification an area of public land must be shown to meet both factors 2 and 3. An island may be of any size. For an area of public land of less than 5,000 contiguous roadless acres to be considered for Wilderness Study Area identification, it must, in addition to possessing factors 2 and 3, be either:

1. Contiguous with land managed by another agency which has been formally determined to have wilderness or potential wilderness values, or
2. Contiguous with an area of less than 5,000 acres of other Federal lands administered by an agency with authority to study and preserve wilderness lands, and the combined total is 5,000 acres or more, or
3. Subject to strong public support for such identification and it is clearly and obviously of sufficient size as to make practicable its preservation and use in an unimpaired condition, and of a size suitable for wilderness management.

These factors are described in detail with examples in the inventory procedures section of this handbook.

PART 4—OTHER RESOURCE USES AND VALUES

Protecting Environmental Values Other Than Wilderness

Wilderness protection is but one of many methods available to BLM to protect and manage environmental values. Wilderness designation will not be used as a substitute for these other management methods.

Under FLPMA, the Bureau will identify Areas of Critical Environmental Concern, and provide for their appropriate protection. This includes management for cultural and historical resources, endangered species, critical wildlife habitat, environmental education areas, outstanding and research natural areas, and the like.

Information regarding critical environmental values which does not relate specifically to wilderness characteristics criteria may be obtained during the wilderness inventory. This information is important and will be used in making management decisions to provide the most appropriate protection for the critical environmental resources identified. This will be done as part of BLM's ongoing land use planning and multiple use resource management program.

However, Wilderness Study Areas must be identified only on the basis of the roadless and wilderness characteristics criteria in Section 603 of FLPMA.

Multiple Use Resource Management and Wilderness Inventory

The comparison of wilderness values with other resource values is not part of the wilderness inventory process. The wilderness inventory is only for the purpose of determining the presence of roadless areas with wilderness characteristics. It is on that basis that Wilderness Study Areas are identified.

Wilderness is one of the many public lands resources to be given equal consideration in land use management decisions. The relationship between all resources and uses is considered in the process of arriving at management decisions through the Bureau Planning System. Thus, Wilderness Study Areas are considered as one resource inventory input, and weighed against other resource values, uses, and needs in the planning process. In this way, BLM will determine which Wilderness Study Areas will be recommended as suitable, and which non-suitable for wilderness designations. The wilderness study guidelines, as part of the Bureau's planning process, will be covered in separate instructions.

Interim Management and Wilderness Inventory
Management of the public lands during the wilderness review process is being covered under an Interim Management Policy which is not included as part of this handbook. However, it is important to note here two key features of the Secretary's general policy on interim management:

1. BLM will manage the public lands so that other resource use activities may continue with minimum interruption during the wilderness review process.
2. Lands identified as meeting the roadless and wilderness characteristics criteria will be managed in accordance with the law to prevent their impairment for potential wilderness designation. The guiding principle of this management is that it is the impact an activity has on the land's potential for wilderness designation, and not a particular activity itself, that will be measured to determine if the activity will be allowed or regulated.

With this in mind, if it is found in the wilderness inventory evaluation that man-made features or activities have not impacted the land enough to eliminate it from Wilderness Study Area identification, these features and activities are likely to be allowed to continue on Wilderness Study Areas during the interim management period subject to appropriate regulation.

WILDERNESS INVENTORY PROCEDURES

Introduction

These procedures establish the sequence of actions BLM will follow in conducting the wilderness inventory.

Before starting the wilderness inventory process on the public lands, each BLM State Director is responsible for developing public information/involvement plans that will establish guidelines to be followed in his area of jurisdiction. The level and extent of these activities will vary, depending on the areas involved and the amount of public interest. However, these plans will, at a minimum, cover the sequences outlined in the following procedures and summarized in Appendix 2.

Accurate and complete documentation of all inventory data and findings is important not only for record-keeping, but also to insure the public easy access to BLM wilderness inventory information for review. In addition to resource information and field data, public input will be carefully documented to show (1) where public involvement was requested, (2) where, how, and what information was received from the public, and (3) how that information was analyzed. In addition, the record must show how this data was used in the decisionmaking process. Finally, a record of how BLM provided response to those who participated must also be included.

Summary

To begin the wilderness inventory process, each BLM State Director will determine whether to inventory all of the public land under his jurisdiction at once or to inventory on a smaller, regional basis. He will determine priorities for inventory as required and he will prepare a public information/involvement plan for the inventory process. He will then publicly announce the beginning of the inventory and instruct each District Manager involved to start the inventory work.

Each District Manager will, on the basis of readily available existing information, set down in map form the location of public lands and what is currently known about the existence of roads. From this information the land will be divided into inventory units and numbered so that specific information obtained in later inventory can be documented and located. These units will be established to meet the needs appropriate to each area. The District Manager will then compile existing information for each inventory unit on existing uses, structures, and physical description in a standard format called a Situation Evaluation. On the basis of the existing information, each District Manager will recommend to the State Director those public lands that (1) have

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the possibility of meeting wilderness criteria, or, (2) clearly and obviously do not meet the wilderness criteria.

The State Director will review this information and formally announce, with a map, his proposal for all public lands being inventoried.

The proposal for the lands will state:

1. That they clearly and obviously do not meet the criteria for identification as Wilderness Study Areas, or,
2. That they may possibly meet the criteria and they will receive more intensive inventory. (He will instruct the District Managers to begin the intensive inventory at this time.)

After a 90-day public comment period, with such meetings and contacts as are appropriate, the State Director will determine, based on public input, if any lands identified as not meeting wilderness criteria should be returned to the District for intensive inventory. On the remaining public lands that clearly and obviously do not meet wilderness criteria (following the public review and confirmation), restrictions imposed by Section 603 of FLPMA will no longer apply. The State Director will formally announce his decision.

The District Managers will conduct the intensive inventory on the public lands identified for intensive inventory during the initial inventory process. This will include gathering information on the ground, preparing a fully documented file for each inventory unit, and securing the greatest possible public involvement. Direct participation in inventories, meetings, workshops, mailings, and even draft map review periods may all be used to develop the information on roadlessness and wilderness characteristics. Identification of Wilderness Study Areas is determined by this information.

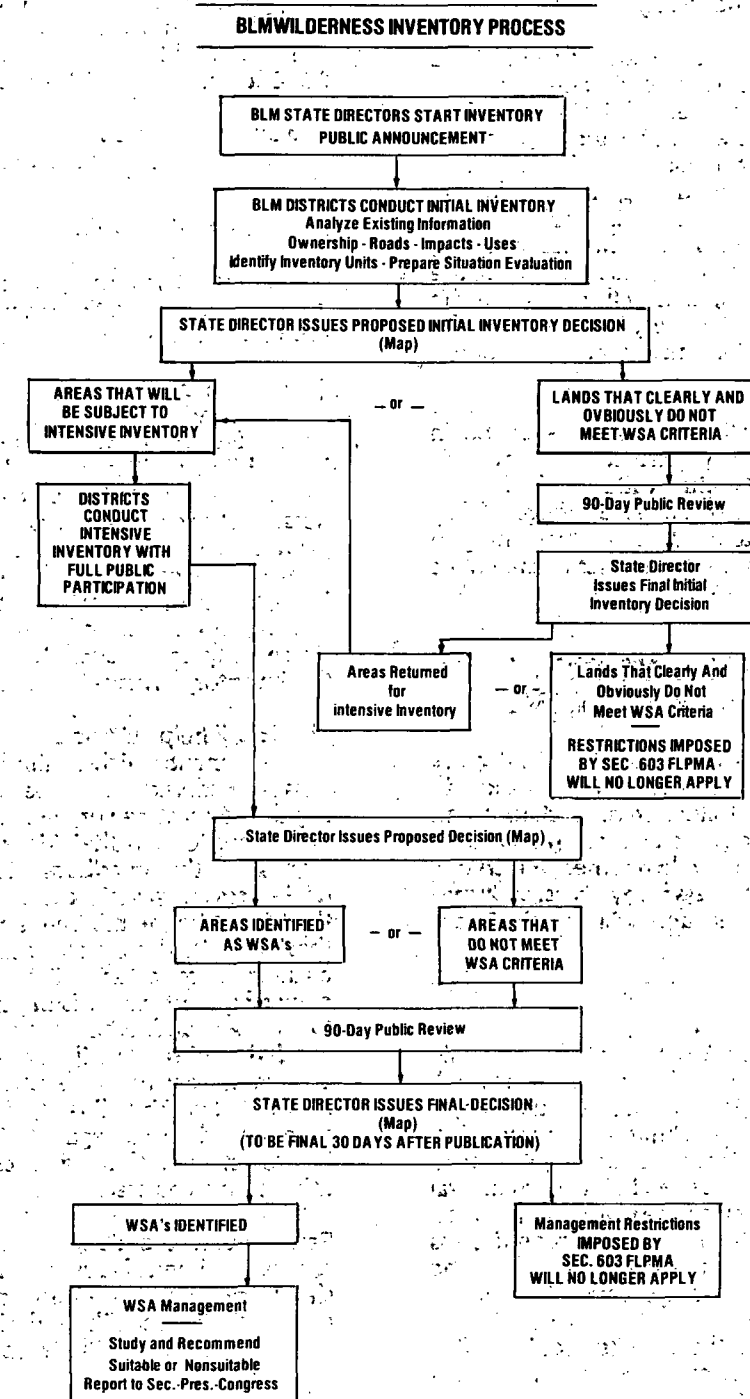
Upon completing this wilderness inventory, each District Manager will make his recommendations to the State Director.

The State Director will compile that information and formally announce his proposed decision for public review. In that decision all identified Wilderness Study Areas on the public lands inventoried will be shown on a map and a 90-day public comment period will be initiated. Announcement of the proposed decision will include releases, mailings, workshops, meetings, etc., as appropriate and as identified in the public involvement plan. The public comments will be considered by each District Manager in making his final recommendations to the State Director.

The State Director will consider the District Manager's recommendations and the public comments and will formally announce his final decision identifying all Wilderness Study Areas on the public lands inventoried. The State Director's decision will become effective 30 days following publication in the *Federal Register*. At this time the restrictions imposed by Section 603 of FLPMA will no longer apply on any public lands not identified as Wilderness Study Areas.

The State Director may amend his decision based upon new information received as a result of its publication in the *Federal Register*. Any amendment will become final 30 days after its publication.

This Wilderness Inventory Summary is illustrated by the following flow chart:



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STEP 1 PUBLIC INVOLVEMENT PLAN, START AND ANNOUNCE INVENTORY

As the first step in the wilderness inventory process, each BLM State Director will determine whether to inventory all the public lands under his jurisdiction at once, or on a smaller, regional basis. He should strongly consider conducting the inventory on a statewide basis. Based upon policies set forth in this handbook, he will determine priorities for this wilderness inventory as necessary.

A public information/involvement plan will be prepared covering the wilderness inventory process on lands within the State Director's jurisdiction. This plan will identify interested or affected publics, and outline all public information and involvement activities that will occur during the wilderness inventory process. These activities could include public meetings, workshops, open houses, mailings, on-the-ground tours, progress news releases, feature stories, media tours, etc., that will help keep the public informed of the inventory progress and the opportunity to provide information and data for use in the inventory.

After instructing the District Managers to begin inventory work, the State Director will publicly announce through formal publication in the *Federal Register*, news releases, mailings, briefings of key officials and publics, etc., that BLM is beginning to inventory the wilderness characteristics of the public lands.

STEP 2 INITIAL INVENTORY AND RECOMMENDATIONS

Each District Manager will conduct an initial inventory to identify wilderness inventory units, make an evaluation of the current situation on each unit, and recommend to the State Director those public lands that (1) clearly and obviously do not meet the criteria for identification as Wilderness Study Areas, or (2) may possibly meet the criteria and will require more intensive inventory.

Identify Inventory Units

This will be done with existing or readily available information. Identification of inventory units will require combining existing land status and available road inventory data. The resulting "inventory units" will be roadless areas or islands, bounded by either a road, non-public lands; or water, in islands or coastal situations. Inventory units may be divided or grouped to accommodate local circumstances or conditions as long as all of the qualifying area is inventoried and the wilderness integrity is not compromised.

The method by which these units are identified should be documented. These inventory units are the

areas and islands that will be inventoried for wilderness characteristics.

The scale of maps to be used in identifying units should accommodate on-the-ground boundary locations for the convenience of both the public and BLM employees.

Each inventory unit should receive a number for reference. Numbering should be by State, District, and inventory unit codes in consecutive order. For example, inventory unit one of Socorro District, New Mexico, would be NM-020-001 (NM=New Mexico; 020=Socorro District; 001=inventory unit one).

It would be appropriate at this time to initiate a permanent file on each inventory unit (See Appendix 3).

Prepare Situation Evaluation

Once inventory units are identified, BLM personnel will conduct a "Situation Evaluation" on each unit or group of units as appropriate.

A situation evaluation (SE) is a description of the general condition and present situation of a unit. It will be developed from existing knowledge and data. Limited field verification might be needed in certain cases. The knowledge and experience of District personnel and current information on hand will be principal source of data. At this point, the District Manager will contact special interest groups or other interested publics which may be able to help identify existing information and data on the units considered. These early contacts will be extremely important as the inventory process proceeds.

The SE will help BLM personnel in three ways: First, it will document which of the units obviously do not possess wilderness characteristics. Persons conducting the SE must be very familiar with the wilderness characteristics and their definitions as described in Step 4 of this handbook. However, the level of wilderness characteristic description documented on the SE will be the minimum necessary to determine that a unit does not, clearly, meet wilderness characteristics criteria. Second, it will document ownership patterns, existing uses, permanent structures, size, and other descriptions of the unit as needed. Third, it will provide an efficient and consistent way to display BLM findings for public review. The SE will not, however, be used to recommend for or against Wilderness Study Area identification on the basis of competing demands for other resource uses.

Based upon the SE's, the District Manager will formulate his initial recommendations on which areas should or obviously should not undergo intensive inventory. These SE's and the District Manager's recommendations will be forwarded to the State Director for review.

STEP 3 PUBLIC REVIEW OF INITIAL INVENTORY AND DECISION

The State Director will review recommendations of the District Managers and prepare a proposed initial inventory decision for the statewide or regional area being inventoried.

The decision will be prepared in map and narrative form covering all the public lands in the area being inventoried, to give reviewers a wider perspective on what is being proposed. Therefore, release of decisions on a single district basis should be avoided.

The decision will make one of two findings regarding each inventory unit, or groups of units:

1. That they clearly and obviously do not meet the criteria for identification of Wilderness Study Areas. This will be based on solidly documented findings in the inventory unit files; or
2. That they may possibly meet the criteria and should receive more intensive inventory. The State Director will notify the District Manager of areas so identified and the District Manager will start the intensive inventory (Step 4).

The State Director will formally and publicly announce his proposed decision and initiate a 90-day public review period. Public meetings, news releases, mailings, and all other methods set out in this public information/involvement will be used to insure a thorough review. The public will be given an opportunity to review BLM's initial findings, the data on which they are based, verify or supplement information, and comment on the proposals made.

Every effort will be made to insure the public has access to BLM for comment. Night, weekend, and local area meetings may be appropriate. Information on the entire area inventoried will be available at all meetings, although the discussion at the meeting may concentrate on local areas.

After the 90-day period the State Director will analyze the public comments and, based upon public confirmation, will make a final decision as to which areas clearly and obviously do not meet the criteria for Wilderness Study Area identification. If valid doubts or questions are raised about areas so identified, and the State Director agrees, these areas will be returned to the District Manager for intensive inventory.

The State Director will formally publish and announce this decision and the restrictions imposed by Section 603 of FLPMA will no longer apply to the lands identified in the final decision as not meeting the criteria for Wilderness Study Area identification.

STEP 4 INTENSIVE INVENTORY WITH PUBLIC INVOLVEMENT AND WILDERNESS STUDY AREA RECOMMENDATION

The District Managers will conduct the intensive inventory on the public lands.

This step will require the greatest possible public involvement throughout, including direct participation in inventories, meetings, mailings, and other methods as appropriate such as issuing interim maps for public review and comment or workshop presentations.

Its purpose is to obtain the information necessary to make a determination for each inventory unit included in the intensive inventory as to whether all (or part of them) have or don't have the roadless and wilderness characteristic criteria required for Wilderness Study Area identification. This information will be the basis for recommendations on each unit made to the State Director. The intensive inventories will involve gathering information in the field and preparing a fully documented file for each involved inventory unit.

Color prints, slides, and maps should be used to document each inventory unit. These should illustrate representative as well as unusual characteristics of the area. Such characteristics may include roads, ways, topographic and vegetative features, recreational attractions, human impacts, developments and facilities, supplemental values, and any other natural or man-made features which are important in assessing the presence or absence of roads and wilderness characteristics. Photos should always be keyed to a large-scale map indicating the date the picture was taken, location of photo points, and the direction the camera was facing.

In addition to record-keeping purposes, these photographs and maps will be important in illustrating to the public how the wilderness characteristics determinations are made. To summarize findings and facilitate easy review, a wilderness summary sheet will be completed for each inventory unit (See Appendix 6).

Wilderness Characteristics

In addition to determining the existence of areas containing over 5,000 contiguous roadless acres of public land, the inventory will assess wilderness characteristics as cited in Section 2(c) of the Wilderness Act of 1964, which states:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an

area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

The following guidelines are provided to assist in assessing and documenting the key characteristics of Section 2(c).

The judgments required will often be subjective in nature and there may be strongly held feelings on all sides. A calm, open and evenhanded approach and a willingness to work hard to involve a broad cross section of people interested in the public lands in work on the wilderness inventory will be the only successful approach.

The characteristics that need to be assessed are:

- Size
- Naturalness
- Solitude
- Primitive or Unconfined Type of Recreation
- Supplemental Values
- Possibility of Returning to a Natural Condition

The intensive inventory will generate new information on the presence of roads or wilderness characteristics. This new information must be assessed periodically throughout the inventory since it may affect other factors, particularly the "size" criteria.

Size

Determine if the inventory unit "... has at least 5,000 acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition." NOTE: An initial size determination was made in Step 2 - Initial Inventory and Recommendations. However, more intensive inventory work in this step will generate additional data on roads and characteristics which may reduce the original size of the inventory unit. Whenever the size of a unit changes, the size characteristic determination must be re-assessed. Specifically, the size criteria will be satisfied for inventory units in the following situations and circumstances:

- a. Roadless areas with over 5,000 acres of contiguous public lands. State or private lands are not included in making this acreage determination.

- b. Any roadless island of the public lands of less than 5,000 acres.

c. Roadless areas of less than 5,000 acres of contiguous public lands where any one of the following apply:

- 1) They are contiguous with lands managed by another agency which have been formally determined to have wilderness or potential wilderness values, or
- 2) The public has indicated strong support for study of a particular area of less than 5,000 acres and it is demonstrated that it is clearly and obviously of sufficient size as to make practicable its preservation and use in an unimpaired condition, and of a size suitable for wilderness management, or
- 3) They are contiguous with an area of less than 5,000 acres of other Federal lands administered by an agency with authority to study and preserve wilderness lands, and the combined total is 5,000 acres or more.

Naturalness

Determine if the area or island "... generally appears to have been affected primarily by the forces of nature with the imprint of man's work substantially unnoticeable."

To do that, it must be possible to observe the area as being generally natural. As quoted, it must appear to have been affected primarily by the forces of nature, and man's work must be substantially unnoticeable. It must retain its "primeval character." It should be an area where the earth and its community of life are untrammelled by man and his activities. Trammel means anything that impedes or hinders free action.

Those parts of the inventory unit where the imprint of man's work is substantially noticeable will be eliminated unless the area meets all the other qualifications required and could, under certain conditions, be returned to a natural state. This instance is described later on in these procedures.

Therefore, to qualify as wilderness, an area may include some imprints of man's work provided they are substantially unnoticeable.

House Report 95-540 cited specific examples of impacts on naturalness that may be allowed, in certain cases, in a designated wilderness area, and, therefore, in a Wilderness Study Area: trails, trail signs, bridges, fire towers, fire breaks, fire suppression facilities, pit toilets, fisheries enhancement facilities (such as fish traps and stream barriers), fire rings, hitching posts, snow gauges, water quantity and quality measuring devices, and other scientific devices.

Based on this guidance, there are similar examples found on public lands that could also be allowed. These include research monitoring markers and devices, wildlife enhancement facilities, radio repeater sites, air quality monitoring devices, fencing, and spring development.

Imprints of man's work within the inventory unit must be described. Only significant imprints that will influence the decision as to the area's degree of naturalness should be documented. If several minor impacts exist, summarize their cumulative effect on the area's degree of naturalness.

Imprints of man outside the inventory unit will not normally be considered in assessing naturalness of a unit. However, if an outside impact of major significance exists, it should be at least noted in the overall inventory unit description and evaluated for its direct effects on the land under study. Imprints of man outside the area will not automatically disqualify an area for consideration.

The number, size, and distribution of the imprints of man's work to the overall size of the unit should be considered in making the final naturalness determination. For example, in larger roadless areas, more or greater impacts may be more acceptable than in smaller areas.

After all impacts are considered, a determination must be made as to whether their overall impact on the landscape is or is not substantially unnoticeable. Photographs supporting impact descriptions and evaluations will be beneficial.

Significant man-caused hazards, when considered unsafe for public use, such as the existence of unexploded bombs and shells from military activity and radioactive contaminated sites would probably disqualify an area from further consideration.

Solitude or a Primitive and Unconfined Type of Recreation

Determine if the area or island "... has outstanding opportunities for solitude or a primitive and unconfined type of recreation ..." The word "or" in this sentence means an area does not have to possess outstanding opportunities for both elements; it only has to possess one or the other.

The Act does not specifically state what Congress intended by "solitude or a primitive and unconfined type of recreation." In most cases, the two opportunities could be expected to go hand-in-hand. However, the outstanding opportunity for solitude may be present in an area offering only limited primitive recreation potential. Also, an area may be so attractive for recreation use that it would be difficult to maintain opportunity for solitude. Examples are around lakes or other bodies of water. In summary, an inventory unit must provide and be managed to maintain an outstanding opportunity for an individual

to experience either solitude or a nonmotorized and nondeveloped type of recreation.

Dictionaries define "solitude," "outstanding," and "opportunity," as follows:

- Solitude: The state of being alone or remote from others; isolation. A lonely or secluded place.
- Outstanding: Standing out among others of its kind; conspicuous; prominent. Superior to others of its kind; distinguished; excellent.
- Opportunity: An appropriate or favorable time or occasion. A situation, or condition favorable for attainment of a goal.

Given the constraints of the Wilderness Act concerning motorized and mechanical transportation, "primitive and unconfined recreation" is defined by the BLM as "nonmotorized and nondeveloped types of recreation activities."

With these definitions as a basis, specific procedures for evaluating these qualities are outlined below:

a. **Solitude**—Determine whether or not the area has outstanding opportunities for solitude. This is not an easy determination to make and good judgments will be required. In making this determination, consider factors which influence solitude only as they affect a person's opportunity to avoid the sights, sounds, and evidence of other people in the inventory unit.

Factors or elements influencing solitude may include size, natural screening, and ability of the user to find a secluded spot. It is the combination of these and similar elements upon which an overall solitude determination will be made.

It may be difficult, for example, to avoid the sights and sounds of people in a flat open area unless it is relatively large. A small area, however, may provide opportunities for solitude if, due to topography or vegetation, visitors can screen themselves from one another.

b. **Primitive and Unconfined Recreation**—Determine whether or not the area offers an outstanding opportunity for a primitive and unconfined type of recreation. In making this determination, consider those activities that provide dispersed, undeveloped recreation which do not require facilities or motorized equipment.

Some examples of primitive and unconfined types of recreation are: hiking, backpacking, fishing, hunting, spelunking, horseback riding, mountain or rock climbing, river running, cross country skiing, snowshoeing, dog sledding, photography, bird watching, canoeing, kayaking, sailing, and sight seeing for botanical, zoological, or geological features.

An area may possess outstanding opportunities for a primitive and unconfined type of recreation either through the diversity in the number of primitive and unconfined recreational activities possible in the inventory unit or the outstanding quality of one opportunity.

c. Supplemental Values—Determine if the inventory unit contains "... ecological, geological, or other features of scientific, educational, scenic, or historical value." The Wilderness Act states a Wilderness "may also contain" these values. That is, they are not required for wilderness but it is important that their presence be noted and considered in assessing the wilderness potential of a unit. Therefore, a description of the relative quantity and quality of the scientific, educational, scenic, and historic values of the following supplemental features should be included: ecological, geological, and other features such as anthropological, rare and endangered species, and heritage.

Lacking all or any of the supplemental values will probably not drop an inventory unit from consideration. However, the presence of these values will enhance an area's wilderness quality. This information will be especially useful during the later "study" phase.

d. Possibility of the Area Returning to a Natural Condition—An inventory unit or portion of an inventory unit in which the imprint of man's work is substantially noticeable, but which otherwise contains wilderness characteristics, may be further considered for designation as a Wilderness Study Area when it is reasonable to expect the imprint of man's work to return or be returned to a *substantially unnoticeable* level either by natural processes or by hand labor. An example could be an abandoned railroad bed. Lands where imprints of man require artificial rehabilitation by the use of power machinery to return them to a natural condition, except litter collection and removal, will not be considered as meeting wilderness characteristic criteria.

STEP 5 PUBLIC REVIEW OF WILDERNESS STUDY AREA RECOMMENDATIONS

The State Director will review the District's recommendations and determine proposed Wilderness Study Areas for the lands being inventoried. These proposed Wilderness Study Areas may include more than one unit or a portion thereof.

These proposed Wilderness Study Area recommendations will be based on specific District recommendations for each wilderness inventory unit, information acquired during the District staff's evaluation of the inventory unit, and any pertinent information offered by the public.

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Every effort should be made to aid the public in understanding the location of areas under consideration and the features and evaluation that led to their selection or rejection as Wilderness Study Areas. Use of maps and photographs is encouraged.

Each recommendation will be accompanied by a concise narrative describing those features and values used in determining the presence of wilderness characteristics. When appropriate, the narrative will also cover the possibility of the area returning to a natural condition that was described earlier. A map illustrating the location of proposed Wilderness Study Area boundaries will also be included with the recommendation.

For those areas inventoried, whether statewide or regional, a list of all proposed Wilderness Study Areas together with a map will be prepared. A notice will be placed in the *Federal Register* initiating a formal 90-day public review period. An announcement will also be made through local and regional news media, mailings, briefings, etc. Paid advertisements might also be appropriate.

Public involvement in this step will be guided by the comprehensive public involvement plan for each State. The basic elements of this plan are outlined in Appendix 2.

All public comments will be recorded, analyzed, and evaluated for permanent reference. The public should be encouraged to comment specifically on whether the information gathered is correct and the way in which the criteria were applied to determine the existence or value of wilderness characteristics and roads. Other comments received will be noted for use in the later study or report phases.

The State Director is responsible for analyzing all public comments gathered. The analysis of these comments will be used by the District Managers in preparing their final Wilderness Study Area recommendations.

The District Managers will make their final recommendations as to which inventory units they propose for Wilderness Study Areas.

STEP 6 FINAL WILDERNESS STUDY AREA DECISION

The State Director will consider the District Manager's recommendations and the public comment received. He will then prepare his final decision identifying Wilderness Study Areas on the public lands. This decision will be in map form, with narrative, and will include a list of all Wilderness Study Areas and their acreage.

The State Director's decision will become final 30 days following publication in the *Federal Register* unless formally and publicly amended and published by the State Director, based upon new information received as a result of final publication. Management limitations imposed by Section 603 of FLPMA will remain in effect on all inventory units undergoing intensive inventory until the end of this 30-day period. At this time the limitations would no longer apply on those units not declared to be Wilderness Study Areas.

Any amendment by the State Director will become final 30 days following its publication. This 30-day extension will apply only to the amendment. If an amendment results in the State Director's identification of a new study area for intensive inventory, interim management policy will take effect immediately on the new area.

All information used to make the decision will be permanently filed in the District office and will remain available for public inspection at all times.

GLOSSARY OF TERMS

Terms used in the wilderness inventory handbook are defined as follows:

- A -

areas of critical environmental concern (ACEC): areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.

- C -

contiguous: lands or legal subdivisions having a common boundary; lands having only a common corner are not contiguous.

- F -

formally identified primitive or natural areas: those areas that have had a final action published in the *Federal Register* with a stated purpose, objective, and/or title identifying or designating them as primitive or natural areas.

- I -

instant study area: one of the primitive or natural areas formally identified prior to November 1, 1975.

inventory unit: area(s) or island(s) of public land indexed for easy reference at the start of the wilderness inventory.

- M -

multiple use: "... the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide

sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output." (Section 103, Federal Land Policy Management Act of 1976)

- O -

outstanding: 1. Standing out among others of its kind; conspicuous; prominent; 2. superior to others of its kind; distinguished; excellent.

- P -

primitive and unconfined recreation: nonmotorized and nondeveloped types of outdoor recreational activities.

public lands: any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except:

- lands located on the Outer Continental Shelf;
- lands held for the benefit of Indians, Aleuts, and Eskimos; and
- lands where the United States retains the minerals but surface is private.

public land island: a body of land above the ordinary high-water elevation of any meanderable body of water, except those islands formed in navigable bodies of water after the date of admission of the State into the Union. Public land islands include the off-shore islands along the coastal areas.

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**THE WILDERNESS PROVISION
OF THE
FEDERAL LAND POLICY AND MANAGEMENT ACT**

BUREAU OF LAND MANAGEMENT WILDERNESS STUDY

SEC. 603. (a) Within fifteen years after the date of approval of this Act, the Secretary shall review those roadless areas of five thousand acres or more and roadless islands of the public lands, identified during the inventory required by section 201(a) of this Act as having wilderness characteristics described in the Wilderness Act of September 3, 1964 (78 Stat. 890; 16 U.S.C. 1131 et seq.) and shall from time to time report to the President his recommendation as to the suitability or nonsuitability of each such area or island for preservation as wilderness: *Provided*, That prior to any recommendations for the designation of an area as wilderness the Secretary shall cause mineral surveys to be conducted by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present in such areas: *Provided further*, That the Secretary shall report to the President by July 1, 1980, his recommendations on those areas which the Secretary has prior to November 1, 1975, formally identified as natural or primitive areas. The review required by this subsection shall be conducted in accordance with the procedure specified in section 3(d) of the Wilderness Act.

(b) The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations with respect to designation as wilderness of each such area, together with a map thereof and a definition of its boundaries. Such advice by the President shall be given within two years of the receipt of each report from the Secretary. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress.

(c) During the period of review of such areas and until Congress has determined otherwise, the Secretary shall continue to manage such lands according to his authority under this Act and other applicable law in a manner so as not to impair the suitability of such areas for preservation as wilderness, subject, however, to the continuation of existing mining and grazing uses and mineral leasing in the manner and degree in which the same was being conducted on the date of approval of this Act: *Provided*, That, in managing the public lands the Secretary shall by regulation or otherwise take any action required to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection. Unless previously withdrawn from appropriation under the mining laws, such lands shall continue to be subject to such appropriation during the period of review unless withdrawn by the Secretary under the procedures of section 204 of this Act for reasons other than preservation of their wilderness character. Once an area has been designated for preservation as wilderness, the provisions of the Wilderness Act which apply to national forest wilderness areas shall apply with respect to the administration and use of such designated area, including mineral surveys required by section 4(d)(2) of the Wilderness Act, and mineral development, access, exchange of lands, and ingress and egress for mining claimants and occupants.

Review;
report to
President.
43 USC 1782.

Report to
President.

Recommendations
to President
of the Senate
and Speaker
of the House.

Regulation.

Ante, p. 2751.

16 USC 1131
note.

16 USC 1133.

-R-

region: an area of land or grouping of islands that is easily or frequently referred to by the public as separate and distinguishable from adjoining areas, such as eastern and western Montana.

roadless: refers to the absence of roads which have been improved and maintained by mechanical means to insure relatively regular and continuous use. A way maintained solely by the passage of vehicles does not constitute a road.

roadless area: that area bounded by a road using the edge of the physical change that creates the road or the adjacent edge of the right-of-way, other ownership, or water, as a boundary.

-S-

solitude: 1. the state of being alone or remote from habitations; isolation. 2. a lonely, unfrequented, or secluded place.

-W-

wilderness: the definition contained in Section 2(c) of the Wilderness Act of 1964 (78 Stat. 891).

wilderness area: an area formally designated by Congress as part of the National Wilderness Preservation System.

wilderness inventory: an evaluation of the public lands in the form of a written description and map showing those lands that meet the wilderness criteria as established under Section 603(a) of FLPMA and Section 2(c) of the Wilderness Act which will be referred to as Wilderness Study Areas (WSA).

wilderness program: term used to describe all wilderness activities of the Bureau including identification, management, and administrative functions.

wilderness reporting: the process of preparing the report on each wilderness study area and submitting that report to the President and Congress through the Department of the Interior.

wilderness review: the term used to cover the entire wilderness inventory, study, and reporting phases of the wilderness program of the Bureau.

wilderness study: the process of analysing and planning wilderness preservation opportunities along with other resource opportunities within the Bureau's Planning System.

PUBLIC INVOLVEMENT SUMMARY

Public involvement is a critical ingredient of the BLM wilderness review process. To be effective the public involvement effort must be emphasized at the State and District office levels. As explained in the handbook, each State Director is responsible for developing a comprehensive public information and involvement plan for wilderness inventory in his area of jurisdiction. These plans will undoubtedly vary from State-to-State to adapt to local conditions and circumstances. However, it is important to remember that wilderness inventory is a very visible Bureau-wide program. For this reason the following guidance is provided to promote some consistency within the BLM regarding public involvement in the wilderness inventory.

The BLM expects numerous comments in the wilderness inventory. A good plan and some advanced preparation will help accommodate receipt of numerous comments and help expedite their analysis.

At a minimum, the following public information/involvement activities will be accomplished:

1. Each State Director will publicly announce the beginning of the inventory process through news releases, briefings of key State and local officials, mailings, etc. This announcement will include an invitation for the public to participate in the initial inventory phase.
2. The District Managers, who are responsible for conducting the inventory, will contact interested and affected publics and seek out all public data that could be useful in the inventory process.
3. The State Director will publicly announce the results of the initial inventory and his proposal for lands that will be included in the intensive inventory and lands that will be dropped from further wilderness consideration. He will announce a 90-day public review period, and hold meetings and make the contacts necessary to obtain the widest possible public review of his proposals. After evaluating and considering the public comments received, he will formally announce his initial wilderness decisions.
4. The District Managers, who are responsible for conducting the intensive inventory, will directly involve the public in this process through meetings, workshops, mailings, and even draft map review periods.

5. The State Director will publicly announce his proposals for Wilderness Study Areas. He will also announce a 90-day public comment period and obtain public review through meetings, workshops,

mailings, news releases, etc., as appropriate. He is responsible for analyzing these public comments and making this analysis available to the District Managers for use.

6. The State Director will consider the District Manager's recommendations and the public comments and publicly announce his final decisions identifying Wilderness Study Areas on the public lands inventoried. The State Director's decision will become final 30 days following publication in the *Federal Register* unless formally and publicly amended by the State Director based on any new information received as a result of final publication. Any amendment will become final 30 days after this public announcement.

7. The public involvement plan should clearly identify the issues to be addressed by the public during the process. This is an important step and greatly helps identify the best input gathering and analysis techniques to be used.

8. The plan should clarify that all inputs, written and oral comments, news clippings, study reports, petitions, etc., will be accepted and considered in the decisionmaking process. Oral comments received at meetings, over the telephone or in personal contacts should be documented in some way to insure their consideration and inclusion in the record. Transcriptions of oral comments where feasible, such as meetings, are advised. The plan should identify how these inputs will be solicited and gathered, e.g., meetings, workshops, letters, mail out forms, and open houses. At least one meeting will be held to explain recommendations, answer questions, and accept comments.

9. The plan should identify the method by which the public inputs will be analyzed. Some form of the Content Analysis method should be used, resulting in a report which is an objective and comprehensive display of what the inputs said, e.g., the balance of opinions expressed and their supporting reasons.

PERMANENT DOCUMENTATION FILE

A permanent documentation file will be developed for each inventory unit and retained in each District Office.

The file will cover the following:

1. Situation Evaluation: Narrative and map showing wilderness inventory unit and existing situation (one for each inventory unit).

2. Road Inventory: Copy of reference to road inventory or copy of case folder used for the road analysis record in those instances where a District Manager's decision was needed.

3. Wilderness Intensive Inventory Analysis: Wilderness characteristics analysis and wilderness-summary sheets, photo documentation, and maps and records of any study area boundary adjustments, with enclosed narrative rationale.

4. Public Information/Involvement Plan: The plan for obtaining inventory information and comments from the public. One copy of the plan will suffice for each District set of files covering all its inventory units.

Public announcements, news releases, copies of articles and *Federal Register* notices will be kept with the public information/involvement plan.

5. Public Input Evaluation: Evaluation of public input, including analysis of comments received and documentation of methodology used during the entire inventory process. One copy of the evaluations will suffice for the entire set of permanent files.

6. District Preliminary Recommendations: A District list and map of preliminary recommendations on Wilderness Study Areas, and State Director's review comments.

7. Final Recommendations: Final recommendations from the District Manager to the State Director on Wilderness Study Area designation, and State Director's review comments, including maps and narrative on any changes made and response to major public comments not adopted.

8. State Director's Approval: A copy of the State Director's decision on Wilderness Study Area designation and final map.

WILDERNESS INVENTORY
SITUATION EVALUATION

I. WILDERNESS UNIT IDENTIFICATION

Area/Island Name (if available): _____

Inventory Unit No.: _____

State _____ District _____

II. UNIT ANALYSIS

Describe the following applicable factors in a concise narrative; use additional sheets if necessary; supplement with photographs.

- A. Ownership
- B. Size of unit or number and size estimates of multiple units
- C. Easements
- D. Leases
- E. Mining claims
- F. Permanent improvements
- G. Existing uses
- H. Human activity
- I. Land treatment/manipulations
- J. General vegetation and topographic features
- K. Contiguous lands

III. UNIT EVALUATION

A. Select one of the following:

- 1. The area appears to have potential for further wilderness consideration.
- 2. The area obviously and clearly does not have potential for wilderness.

Explain your rationale for selection.

B. Is area or island of sufficient size?

C. Is there enough public support for intensive wilderness inventory of the area or island or any part?

IV. UNIT RECOMMENDATION (Check appropriate block.)

- A. Area or island (or groupings) is recommended for intensive wilderness inventory.
- B. Area or island (or groupings) is recommended as not qualifying for further inventory and should be dropped from the wilderness review process.

STAFF SIGNATURE DATE

V. APPROVAL

DISTRICT MANAGER DATE

WILDERNESS INTENSIVE INVENTORY

UNIT NO. _____

NAME OF AREA _____

Explain by a concise narrative the following essential wilderness characteristics (for guidance see text in the Wilderness Inventory Handbook):

1. SIZE

Narrative:

Summary: 1. Does the area have at least 5,000 acres of contiguous land and is it of sufficient size to make practicable its preservation and use in an unimpaired condition?

YES NO (circle one)

2. Does the island have sufficient size to make practicable its preservation and use in an unimpaired condition?

YES NO (circle one)

SIGNATURE: _____
(Who did analysis and when)

DATE: _____

UNIT NO. _____

2. NATURALNESS

Narrative:

Summary: Does the area or island generally appear to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable?

YES NO (circle one)

SIGNATURE: _____ DATE: _____

UNIT NO. _____

3. OUTSTANDING OPPORTUNITY FOR SOLITUDE OR A PRIMITIVE AND UNCONFINED RECREATION ANALYSIS

A. SOLITUDE

Narrative:

Summary: Does the area have outstanding opportunities for solitude?

YES NO (circle one)

SIGNATURE: _____ DATE: _____

UNIT NO. _____

B. PRIMITIVE AND UNCONFINED RECREATION

Narrative:

Summary: Does the area have outstanding opportunities for a primitive and unconfined type of recreation?

YES NO (circle one)

SIGNATURE: _____ DATE: _____

UNIT NO. _____

4. SUPPLEMENTAL VALUES

Narrative:

Summary: Does the area contain ecological, geological, or other features of scientific, educational, scenic, or historical value?

YES NO (circle one)

SIGNATURE: _____ DATE: _____

UNIT NO. _____

5. POSSIBILITY OF CERTAIN AREAS RETURNING TO A NATURAL CONDITION

Narrative:

Summary: If the area or island were to become a wilderness area, could the imprint of man's work be reduced by either natural processes or by hand labor to a level judged to be substantially unnoticeable?

YES NO (circle one)

SIGNATURE: _____ DATE: _____

UNIT NO. _____

6. MAP DOCUMENTATION

Attach a map depicting the following: (1) inventory unit boundary and number, wilderness study area boundary, (2) areas with possibility of returning to a natural state, and (3) photo points.

UNIT NO. _____

7. PHOTO LOG

Attach, key to map, and describe each photo that visually explains any of the points covered in the narrative. (Reference list to a photo index as an appendix or companion photo-case envelope is acceptable.)

WILDERNESS INVENTORY
WILDERNESS SUMMARY SHEET

I. LOCATION

Inventory unit No. (area or island, grouping of areas or islands): _____

Areas/Island name: _____

District: _____ State: _____

II. SUMMARY:

A. Results of wilderness characteristics analysis.

- 1. Does the area or island appear to be natural? ___yes ___no
- 2. Does the area or island offer outstanding opportunities for solitude or a primitive and unconfined type recreation? ___yes ___no
- 3. Does the area meet any of the size requirements? ___yes ___no
- 4. Does the area or island have supplemental values? ___yes ___no

B. Resulting map.

Attach a map showing inventory unit, roads, area with possibility of returning to a natural state, recommended boundary of wilderness study area (WSA).

III. RECOMMENDATION

Check one:

- Area or island should be approved as a WSA.
- Area or island does not qualify for wilderness study.
- A portion of the area(s) or island(s) should be approved as a WSA for further study and reported to the President. The restrictions imposed by Section 603 will no longer apply (reference to map) on the remainder of the area.

IV. APPROVAL

A. District Manager: _____

Date: _____

B. State Director: _____

Date: _____

6100070

D. Foley

**INTERIM MANAGEMENT POLICY
AND GUIDELINES FOR
WILDERNESS STUDY AREAS**

DRAFT

**U.S. Department of the Interior
Bureau of Land Management**

January 12, 1979

INTERIM MANAGEMENT POLICY AND GUIDELINES FOR WILDERNESS STUDY AREAS

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CHAPTER I. OVERVIEW

This document describes policies and guidelines for managing the use of lands and islands administered by the Bureau of Land Management which have been identified as wilderness study areas (WSA's). These WSA's are areas that have wilderness characteristics and are being reviewed by the BLM to determine whether they are suitable or unsuitable for designation as wilderness. The BLM's recommendations will be submitted through the Secretary of the Interior to the President, and the President will send his recommendations to Congress.

The policies and guidelines in this document also apply to BLM-administered lands and islands that are subject to the wilderness review but have not yet been dropped from the inventory or been identified as wilderness study areas. Such lands must be considered potential WSA's, and will be managed under the Interim Management Policy until BLM has resolved their status.

The BLM wilderness review program stems from section 603 of the Federal Land Policy and Management Act of 1976 (FLPMA). In FLPMA, Congress gave BLM its first clear-cut, comprehensive mandate on how the public lands should be managed. The law establishes a policy of keeping the public lands in Federal ownership, and it directs BLM to manage them under principles of multiple use and sustained yield. Management decisions are to be made through a land-use planning process that considers all potential uses of each land area. Under FLPMA, wilderness preservation is part of BLM's multiple-use mandate. The specific responsibility for the wilderness review program appears in section 603. (The complete text of section 603 is shown in Appendix E of this document.)

Section 603(c) tells BLM how to manage the lands that are being reviewed, in these words:

During the period of review of such areas and until Congress has determined otherwise, the Secretary shall continue to manage such lands according to his authority under this Act and other applicable law in a manner so as not to impair the suitability of such areas for preservation as wilderness ... (emphasis added).

A grandfather clause in section 603(c) lays out more specific instructions for existing mining, grazing, and mineral leasing—what will be called "grandfathered" uses—in these words:

... subject, however, to the continuation of existing mining and grazing uses and mineral leasing in the manner and degree in which the same was being conducted on the date of approval of this Act

However, these uses are not completely unrestricted. The Secretary is also directed by section 603(c) to "take any action required to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection." This applies not only to these grandfathered uses, but to all activities.

These mandates establish as a matter of policy that, while some development activities may continue or be permitted in a WSA, they must be carefully regulated. All activities except the grandfathered uses must be regulated to prevent impairment of wilderness suitability, and in some circumstances development may be prohibited where impairment cannot be prevented or where the impacts will not be rehabilitated. To the extent that activities and their imprint on wilderness are temporary and can be carried on in a manner that minimizes interference with wilderness potential, these activities pose less of a threat to an area's suitability for wilderness designation than do activities with long-term impact and low rehabilitation potential.

There are two different practical effects of these "interim management" mandates in FLPMA. First, those grazing, mining, and mineral leasing uses which existed on October 21, 1976 (the date FLPMA was enacted), may continue in the same manner and degree as on that date, even if they do impair wilderness suitability, so long as they do not cause unnecessary or undue degradation of the lands and their resources.

Second, uses and activities other than the grandfathered uses may be permitted in WSA's so long as they can take place without impairing the suitability of the area for preservation as wilderness. Obviously, the question of what causes "impairment" is the key to determining what can take place in a WSA.

A yardstick for answering this question is the definition of wilderness in section 2(c) of the Wilderness Act of 1964:

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

This definition is based on the physical and esthetic character of the land, not on how the land is being used.

Another criterion for "impairment," applicable to new mineral activities (including oil and gas), stems from the management provisions in section 4(d) of the Wilderness Act. These provisions allow carefully controlled mining and mineral leasing in designated wilderness areas of the national forests. Almost by

definition these activities could adversely affect wilderness character to some degree, yet by enacting these provisions Congress decided that mining and mineral leasing may be compatible with an area's suitability for preservation as wilderness. Therefore, oil and gas and mining activities whose impacts are only temporary are considered not to impair wilderness suitability.

The goal of interim management is to ensure that any area that now satisfies the wilderness definition in section 2(c) of the Wilderness Act will still satisfy this definition when Congress acts on the President's recommendations as to whether that area should be designated permanently as wilderness. Anything that would cause the land not to meet this definition would constitute impairment of its suitability for designation as wilderness. The final decision belongs to Congress. The Interim Management Policy protects Congress's right to make that decision by preventing actions that would preempt that decision.

However, there are two exceptions. First, the congressional decision might be preempted by impairment resulting from the grandfathered mining, mineral leasing, and grazing uses. That is a risk Congress chose to take when it approved FLPMA.

Second, new mining and mineral leasing activities might cause temporary impacts that would be rehabilitated within 5 years after Congress designates the area as wilderness.

The question will arise, why does the BLM allow activities in WSA's that are prohibited in designated wilderness areas? (An example is operation of motor vehicles.) The answer is that section 603(c) of FLPMA gave BLM no authority to impose such prohibitions; some activities that are prohibited in wilderness areas do not inherently impair a WSA's wilderness potential. The BLM's mandate is to protect the physical and esthetic features that make an area suitable for designation as wilderness so that Congress can make the decision on whether or not to designate it as wilderness. The mandate is *not* to prohibit any and all activity in the area.

Most activities will fall in one of the following categories:

1. There are some activities that may occur in WSA's that are also allowed in designated wilderness areas. (For example: hunting.)
2. There are some acts that may occur in WSA's even though they are not allowed in designated wilderness areas, because these activities do not cause physical changes that would impair the area's wilderness suitability. (For example: driving motor vehicles on existing ways and trails.)
3. There are other activities that may occur in WSA's, even though they cause temporary impact on wilderness suitability, because the impact can and will be rehabilitated within a reasonable time. (For example: building a temporary road to install a water source for cattle.)
4. The most difficult questions arise with activities

that have longlasting impacts, so that the area will not be suitable for wilderness designation for many years. Such activities will not be allowed, unless they are necessary to conduct grandfathered mineral or grazing uses.

The purpose of the policies and guidelines in this document is to guide BLM staff in the specific decisions that arise every day in the management of land uses in WSA's.

A. Objectives. The objectives of interim management are:

1. To manage "so as not to impair the suitability... for preservation as wilderness" of those areas and islands that meet the criteria of section 2(c) of the Wilderness Act of 1964.

2. To manage existing mineral and grazing uses continuing in the manner and degree in which the same were being conducted on October 21, 1976, so as to prevent undue or unnecessary degradation of the lands and their resources and to afford environmental protection.

3. To manage so that, to the extent possible, resource uses may continue with minimum interruption while a wilderness review program is being conducted.

B. Authority.

1. The WSA interim management policy is based on the following authorities:

- a. The Federal Land Policy and Management Act of 1976, Public Law 94-579, section 603, hereafter referred to as "FLPMA." (See Appendix D for the text of section 603.)

- b. The Wilderness Act of September 3, 1964, Public Law 88-577. (See Appendix E for the text of section 2(c).)

C. The Wilderness Program. To carry out the mandate of FLPMA, the Bureau has developed a wilderness program with these four elements:

1. **Wilderness Review.** The wilderness review process has three phases: inventory, study, and submission of a report to Congress. Public involvement is provided for all phases of the process, with opportunity for comment, participation, and review. The review applies to most public lands administered by BLM, except those Oregon and California Grant (O&C) lands which are managed for commercial timber production.

- a. **Inventory.** First, BLM does an inventory of the public lands to identify areas that meet the definition of wilderness established by Congress. Such areas are identified as wilderness study areas (WSA's).

- b. **Study.** Next, BLM studies each WSA, using the BLM land-use planning system to analyze all values, resources, and uses within the WSA. The findings of the study determine whether the area will be recommended as suitable or unsuitable for designation as wilderness.

- c. **Reporting.** When the study has been completed, a recommendation as to whether the WSA is suitable or unsuitable for designation as wilderness is submitted through the Secretary of the Interior and the President to Congress. Reports on all WSA's must reach the President by October 21, 1991, and reach Congress by October 21, 1993.

2. **Instant Study Areas.** FLPMA also requires wilderness recommendations to be reported to the President by July 1, 1980, on 55 public land areas which were formally designated as "natural" or "primitive" areas prior to November 1, 1975. These are known as the "instant study areas" because they are already identified, and need not go through the inventory process.

3. **Management of WSA's.** In a WSA, the BLM must not permit actions which would impair the area's suitability for preservation as wilderness. Existing mining, mineral leasing, and grazing uses may continue in the same manner and degree as they were being done when FLPMA was enacted on October 21, 1976, but will be regulated to afford environmental protection and prevent undue and unnecessary degradation of the land and resources.

4. **Management During Wilderness Inventory.** The wilderness inventory work began in 1978 and will be completed by September 30, 1980. While the inventory is in progress, the Bureau has an obligation to protect the wilderness suitability of any lands that may be identified as WSA's by the final inventory decisions. This does not mean that all public lands will be covered by the interim management policy. It does mean that during the inventory period, BLM-administered lands that have not yet been dropped from the inventory will be regarded as potential WSA's, and will be governed by the Interim Management Policy. Before WSA's have been identified, the Bureau will approve activities on BLM-administered land under any of these four conditions:

- a. If a "special project inventory" or the initial inventory, supported by public comments, shows that the land clearly and obviously does not meet the wilderness definition, and therefore will not be identified as a WSA, the activity may be approved by normal BLM procedures.

- b. If a special project inventory or the initial inventory, supported by public comments, shows that the land appears to meet the wilderness definition, and therefore is likely to be identified as a WSA, then the question must be addressed in the EAR/ES process: Will the activity impair the area's wilderness suitability? If the answer is "no," the activity may be approved.

- c. If the activity is necessary to an existing grazing, mining, or mineral-leasing use being conducted in the same manner and degree as on October 21, 1976, it may be approved without any inventory.

- d. If the activity is something that the BLM has determined, as a rule, does not impair wilderness suitability (such as reforestation, or camping), it may be approved without any inventory. (See Appendix A for examples.)

D. Definitions.

Some of the terms used in this document have particular and specific meanings and are defined as follows:

Cumulative Impact: The total impact caused by a proposed activity combined with the impacts of existing substantially unnoticeable intrusions in an area or island that were not previously sufficient to preclude the land from WSA designation.

Impair: To diminish in value, excellence, etc. (Distinguished from impacts; see "temporary impacts.")

Instant Study Area: One of the 55 primitive and natural areas formally identified through a final action published in the *Federal Register* prior to November 1, 1975. FLPMA requires a wilderness review of these areas.

Multiple Use: "... the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output." (From section 103, FLPMA.)

Outstanding: 1. Standing out among others of its kind; conspicuous; prominent. 2. Superior to others of its kind; distinguished; excellent.

Permanent Roads, Structures, or Facilities: Those which cause impacts that cannot be practically and economically rehabilitated in a reasonable period of time.

Potential Wilderness Study Area: Any area of the public lands that is subject to the wilderness inventory, but has not yet been dropped from the inventory or been identified as a wilderness study area.

Primitive and Unconfined Recreation: Recreational activities that do not use motorized equipment and do not require manmade structures.

Public Lands: For the purpose of the wilderness review program, any lands and interest in lands owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except:

1. Land located on the Outer Continental Shelf; and
2. Lands held for the benefit of Indians, Aleuts, and Eskimos; and
3. Lands where the United States retains the minerals, but the surface is in other ownership.

Roadless: Refers to the absence of roads which have been improved and maintained by mechanical means to insure relatively regular and continuous use. A way maintained solely by the passage of vehicles does not constitute a road.

Words and phrases used in the above definition of "roadless" are defined as follows:

1. Improved and maintained: Actions taken physically by man to keep the road open to vehicular traffic. "Improved" does not necessarily mean formal construction. "Maintained" does not necessarily mean annual maintenance.

2. Mechanical means: Use of hand or power machinery or tools.

3. Relatively regular and continuous use: Vehicular use which has occurred and will continue to occur on a relatively regular basis. Examples are: Access roads for equipment to maintain a stock water tank or other established water sources; access roads to maintained recreation sites or facilities; or access roads to mining claims.

Roadless Area or Roadless Island: An area or island bounded by non-Bureau administered land, water, or a road, using the edge of the physical change that created the road or the adjacent edge of the right-of-way as the boundary. Applies only to areas identified and indexed as such through the roadless area inventory of the wilderness inventory process.

Solitude: 1. The state of being alone or remote from habitations; isolation. 2. A lonely, unfrequented, or secluded place.

Substantially Unnoticeable: Refers to something that is not immediately recognizable as manmade or man-caused because of age, weathering, or biological change, or because the thing is so insignificant as to be only a very minor feature of the overall area. An example of the first would be an old juniper control project that has grown up to a natural appearance, the old fallen trees largely decomposed. An example of the latter would be one or a few minor dams or abandoned mine buildings that are widely scattered over a large area, so that they are an inconspicuous part of the scene. Serious intrusions of this kind, or many of them, may preclude inclusion of the land in a wilderness study area.

Temporary Impacts: Impacts which the BLM has determined to be temporary on grounds that rehabilitation will be practically and economically accomplished by the time of congressional designation of the area as wilderness or, in the case of new mineral activities, no later than 5 years after congressional designation. The BLM will determine in advance the plan and schedule for rehabilitation measures. The effects of the activity must be rehabilitated to the point of being substantially unnoticeable, and the damaged environmental systems must be capable of being rehabilitated to essentially the condition which existed on the date the activity was approved by BLM.

Undue Degradation: Detrimental impacts from a proposed or ongoing action resulting in unnecessary damage to lands or their resources. These usually occur when an operator is not using or does not propose to use the best available management or operating practices which are technically, economically, and legally feasible.

Wilderness: The definition contained in section 2(c) of the Wilderness Act of 1964 (78 Stat. 891). (See Appendix E for its full text.)

Wilderness Area: An area formally designated by Congress as a part of the National Wilderness Preservation System.

Wilderness Characteristics: The definition contained in section 2(c) of the Wilderness Act of 1964 (78 Stat. 891).

Wilderness Inventory: An evaluation of the public lands in the form of a written description and map showing those lands that meet the wilderness criteria as established under section 603(a) of the FLPMA and section 2(c) of the Wilderness Act, which will be referred to as wilderness study areas (WSA's). (See Wilderness Inventory Handbook, dated September 27, 1978.)

Wilderness Review Program: The process covering the entire wilderness inventory, study, and reporting for the wilderness resource and culminating in recommendations to the Secretary, the President, and Congress as to the suitability or nonsuitability of WSA's for inclusion in the National Wilderness Preservation System.

Wilderness Study Area: A roadless area or island which has been inventoried and found to have wilderness characteristics as described in section 603 of the FLPMA and section 2(c) of the Wilderness Act of 1964 (78 Stat. 891).

E. Implementing Regulations. Some of the policies in this document will be implemented through regulations. These particular policies will be reflected in proposed regulations that are now in preparation. One rulemaking concerns mining activities in WSA's and potential WSA's:

- Exploration and Mining—Wilderness Review Program (43 CFR 3802). These regulations will be effective upon final rulemaking until the Surface Management (43 CFR 3809) regulations are promulgated. They will then be incorporated into the 3809 regulations.

Two other rulemakings concern mineral leasing and mining activities on all BLM-administered lands:

- Geophysical Exploration—Oil and Gas (43 CFR 3045).
- Surface Management (43 CFR 3809).

A rulemaking is also in preparation concerning use of off-road vehicles on all BLM-administered lands:

- Off-Road Vehicles (43 CFR 6290). Upon publication of final rulemaking in the *Federal Register*, the number will be changed to 43 CFR 8340.

Changes in existing regulations will also be proposed wherever this is found necessary to implement the Interim Management Policy.

Chapter II. Management Policy for Wilderness Study Areas

A. General Policy. The Department of the Interior's management policy is to continue resource uses in wilderness study areas in a manner that preserves the areas' suitability for designation as wilderness until one of the following occurs:

1. If a BLM wilderness inventory determines that an

area does not meet the Wilderness Act's definition of wilderness, the interim management policies will no longer apply.

2. If Congress designates the area as wilderness, the BLM will manage the area for preservation of its wilderness character. FLPMA requires that designated wilderness areas be managed under provisions of the Wilderness Act which apply to national forest wilderness. BLM is preparing a management policy to implement this mandate.

3. If Congress declares the area nonsuitable for designation as wilderness, the interim management policies will no longer apply.

The Department's policy is also to continue grazing, mining, and mineral leasing activities in wilderness study areas in the manner and degree in which these activities were being done on October 21, 1976, so long as they do not cause unnecessary or undue degradation of the lands and their resources and so long as environmental protection is afforded.

The Department's policy is also to allow new mineral activities in wilderness study areas, so long as they cause only temporary impacts that will be rehabilitated within 5 years after Congress designates the area as wilderness.

B. Specific Policy Guidance.

1. Wilderness Inventory. The Bureau of Land Management is doing the wilderness inventory under procedures described in the *Wilderness Inventory Handbook*, approved on September 27, 1978. The inventory will sort lands into two categories: (a) Wilderness study areas, to which these interim management policies will apply, and (b) lands that are not wilderness study areas and will not be affected by the interim management policies.

2. Special Project Inventory. The BLM Washington Office has directed special project inventories to be done in connection with certain proposed projects. (These are listed in Appendix C.) Other special project inventories may be initiated by BLM State Directors, following procedures in the *Wilderness Inventory Handbook*. A special project inventory sorts lands into these two categories:

a. Lands that clearly and obviously do not satisfy the definition of wilderness and therefore are not affected by the interim management policies.

b. Land that appear to satisfy the definition of wilderness. These areas must be given an intensive inventory to determine whether they do indeed satisfy the definition and therefore will be identified as wilderness study areas. The interim management policies will apply to these lands.

3. Non-Impairing Activities. Any activity that BLM has determined does not impair the land's suitability for designation as wilderness may be done in a wilderness study area. (Later in this document, the "Guidelines for Managing Specific Uses" and Appendix A identify some of these activities.)

4. Supporting Activities. However, some nonimpairing activities require supporting facilities or activities that could impair wilderness suitability. (For example: A ski lift, a boat launching ramp and associated parking area, the use of vehicles off trails to retrieve sailplanes or hang gliders.) When this is the

case, the supporting activity will be limited to prevent impairment. (For example: A rope tow may be used instead of a permanent ski lift.) If the supporting activity cannot be done in a nonimpairing manner, then the proposed activity will not be approved.

5. Variable Activities. There are some activities that in certain cases would impair wilderness suitability, but in other cases would not do so, because of differences in size or degree. (For instance, small stock ponds generally are acceptable, but large ones could impair wilderness suitability.) When one of these activities is proposed in a WSA, the BLM will consider the impairment question in the environmental assessment record (EAR) or environmental statement (ES). If the EAR or ES finds that the activity in this case will not impair wilderness suitability, then the activity may be approved.

In some cases, an activity may be modified to preserve wilderness suitability. Sometimes a special design can make something acceptable. Sometimes a different location within the WSA will make an activity more acceptable; some lands are more fragile than others. Sometimes an activity can be limited to a particular season when it will have little impact, or limited to a short period of time.

6. Temporary Activities. Some activities would impair wilderness suitability if they were permanent, but will not do so if their impact is only temporary. Temporary impacts are defined as impacts which the BLM has determined to be temporary on grounds that rehabilitation will be practically and economically accomplished by the time of congressional designation of the area as wilderness or, in the case of new mineral activities, no later than 5 years after congressional designation. The BLM will determine in advance the plan and schedule for rehabilitation measures. The effects of the activity must be rehabilitated to the point of being substantially unnoticeable, and the damaged environmental systems must be capable of being rehabilitated to essentially the condition which existed on the date the activity was approved by BLM.

For instance, a permanent road would make an area nonsuitable for wilderness designation, but a temporary access route that is built for a specific purpose and whose impact will be rehabilitated by regrading and reseeding may be allowed.

The Bureau's contrast rating process (BLM Manual Section 8431, and Form 8400-4) may be used to help determine whether the results of a rehabilitation project will be substantially unnoticeable. A rating of no more than 10 points for any one individual feature (i.e., land/water surface, vegetation, structure) may indicate a satisfactory condition. The definition of "substantially unnoticeable" appears in Chapter I.D of this document.

7. Prohibited Activities. No permanent roads, permanent structures, or permanent installations will be built in WSA's. No public land disposals will be approved in WSA's; however, the question of state selections is unresolved as a result of the *Utah v. Kleppe* litigation.

8. Grazing and Mineral Activities. Grazing, mining, and mineral leasing uses that existed on the date of enactment of FLPMA (October 21, 1978) may continue in WSA's in the same manner and degree as

on that date, even if this impairs wilderness suitability. These activities will be regulated to ensure that they do not cause unnecessary or undue degradation of the lands and their resources.

Grazing, mining, and mineral leasing uses that are new, or that are different in manner and degree from those existing on October 21, 1976, must meet the test of not impairing wilderness suitability, because these are not covered by the grandfather clause in FLPMA section 603. In the case of new mineral uses, temporary impacts are permissible within 5 years after Congress designates the area as wilderness.

9. Maintenance. Existing structures and installations may be maintained to keep them in an effective, usable condition. Except as provided below for grandfathered activities, maintenance will not be allowed to improve a structure or installation to a condition that would impair the area's suitability for wilderness designation. Measures required to do maintenance activities, such as building temporary access routes, will be allowed only if these measures do not in themselves impair wilderness suitability.

Maintenance in connection with grazing, mining, and mineral leasing activities conducted in the same manner and degree as on October 21, 1976, will be subject to regulations described in subsection 8, above.

10. Emergencies. In emergencies, such as drought, fire, or flood, any action necessary to prevent loss of life or property may be taken, even if the action will impair wilderness suitability. Within 2 days of the action, circumstances and action will be documented and filed in the BLM District Office.

11. Oil and Gas Leases. BLM will advise oil and gas lessees to file Applications for Permit to Drill no later than 120 days before expiration of the lease, to allow time for the U.S. Geological Survey and the BLM to consider the APD in light of these interim management policies and to work with the applicant to seek solutions where conflicts appear. Exploration and development activities may be allowed if these activities (including access routes) cause only temporary impacts that will be rehabilitated within 5 years after Congress designates the area as wilderness.

12. Air Quality. Under the Clean Air Act Amendments of 1977, all BLM-administered lands were designated as Class II, under that law's provision concerning prevention of significant degradation. The BLM will continue to manage wilderness study areas as Class II, unless Congress or a state redesignates them as Class I.

Chapter III. How to Evaluate Proposed Activities

There are two different procedures for evaluating proposed activities under the interim management policies. One will be used on lands for which no wilderness inventory has yet been completed. Another will be used for lands identified by an inventory as wilderness study areas.

A. Lands Not Yet Inventoried.

1. When the proposed activity involves lands for which no wilderness inventory has been completed,

start by asking these three questions:

a. Is the proposed activity located in an area that an initial inventory (Step 2 in the *Wilderness Inventory Handbook*) has found clearly and obviously not to meet the criteria for identification as a wilderness study area?

b. Is the proposed activity something that BLM has determined, as a rule, does not impair wilderness suitability (such as the activities listed in Appendix A as "Class A"), and is there no evidence that the activity is an exception to the general rule?

c. Is the activity necessary to an existing grazing, mining, or mineral leasing use being conducted in the same manner and degree as on October 21, 1976, and does it afford environmental protection and cause no unnecessary or undue degradation of the lands and their resources?

If the answer to any one of these questions is "yes," then the proposal will be considered acceptable under the interim management policy, and it may be analyzed under normal BLM procedures.

2. If the answer to all three questions is "no," BLM will consider the proposal in either of two ways:

a. Conduct a "special project inventory" using the procedures of the intensive inventory (Step 4 in the *Wilderness Inventory Handbook*), and simultaneously prepare the EAR/ES. This inventory will sort the lands into two categories: (1) those identified as WSA's, and (2) those that do not qualify as WSA's and therefore are no longer subject to the interim management policy. If the proposal involves lands identified by this inventory as a WSA, the EAR/ES must analyze the individual and cumulative impacts of the proposed action on the area's wilderness suitability. If the EAR/ES analysis shows that the activity will not impair wilderness suitability, then the proposal may be approved through normal BLM procedures.

b. If the decision has to be made before a special project inventory can be completed, then the affected lands must be considered a potential WSA and the proposed action must be evaluated as though the land were in a WSA.

B. Lands in Wilderness Study Areas.

1. When the proposed activity involves lands identified as a wilderness study area, start by preparing an EAR/ES that analyzes the impacts of the activity on the wilderness suitability of the WSA.

If the activity is necessary to existing grazing, mining, or mineral leasing uses conducted in the same manner and degree as on October 21, 1976, the EAR/ES will determine whether it will cause unnecessary and undue degradation of the lands and their resources.

2. In the EAR/ES analysis, it is the physical, ecological, and esthetic impact of a proposed activity that determines whether that activity will impair an area's wilderness suitability. Cumulative impacts must also be taken into account, since a gradual accumulation of minor impacts may add up to an impairment of wilderness suitability.

3. If the analysis shows that the activity will not impair the area's wilderness suitability, it may be approved through normal BLM procedures.

In the case of grazing, mining, and mineral leasing covered by the grandfather clause, if the activity will

not cause unnecessary and undue degradation of the lands and their resources, it may be approved through normal BLM procedures.

C. Monitoring. In WSA's and in areas not yet inventoried:

1. The construction of any temporary access route, including routes to mining claims or mineral leases, must be recorded in a District Transportation Plan.

2. Each BLM District Office will keep a log of all proposed and authorized actions (including the construction of temporary access routes) and actions believed to be in violation of FLPMA, section 603. This log will consist of the following information.

a. A description of the proposed or ongoing action.

b. The WSA identification number or location description.

c. A cross-reference to the pertinent case files or decision documentation, and the name of the staff member handling the case.

d. Action taken on proposed and authorized activities (approved/disapproved/pending) and on violations of the Act that are under investigation.

e. Comments on problems encountered or on the current status of the proposal or investigation.

Chapter IV. Guidelines for Specific Activities

A. Recreation. Generally, most recreation activities (including hunting and fishing) are permitted within WSA's, in some cases with restrictions. However, in all cases the magnitude of use must be analyzed to ensure that recreation use will not cause impacts that impair the wilderness suitability of the WSA.

1. In recreation, as with all activities under the Interim Management Policy, no new permanent structures, roads, or facilities will be allowed in a WSA. Temporary installations having minimal visual and environmental impacts may be permitted if the State Director determines that they are necessary to protect the natural environment or to provide acceptable levels of visitor health and safety.

2. Hobby collecting of mineral and vegetative specimens may be allowed unless it is determined to impair the suitability for wilderness designation.

3. ORV use may continue in WSA's on existing ways and trails. Vehicles designed to travel across snow or sand dunes may be allowed in areas designated for these uses, so long as they do not cause physical or esthetic impacts that would impair the suitability of the area for designation as wilderness. For ORV competitive events, assembly areas and start and finish lines shall not be allowed in WSA's. No lands will be classified as "closed" solely because they are in a WSA.

4. Environmental education programs may be continued and teaching stations may be established in a manner that will not impair wilderness suitability.

5. River running may be allowed in a manner that will not impair wilderness suitability.

6. Other recreational use designations may be established so long as they will not cause impacts that would impair a WSA's wilderness suitability.

B. Cultural and Paleontological. Cultural and paleontological resource inventories, studies, and research involving only surface examination or limited subsurface sampling are permitted. Generally, no cultural resource restoration or reconstruction work may be conducted in a WSA. Cultural or paleontological work involving extensive surface collection, excavation, or stabilization may be allowed so long as such work does not impair wilderness suitability. Such work must be monitored, and must include appropriate rehabilitation measures. Physical protection (such as fences) will be limited to those measures needed to reduce impacts and to protect high value resources.

C. Lands Actions. If a proposed land action is determined through the EAR/ES process to be compatible with wilderness preservation, or will result only in a temporary impact on the suitability of the lands for wilderness designation, the action may be permitted.

Appendix A includes a list of the major land actions which will be affected by the Interim Management Policy, and describes some of the restrictions that apply to these actions. It is not intended to be a complete listing, as variations will occur which will have to be considered on a case-by-case basis. However, land transfers cannot be approved within a WSA.

D. Forestry. Except for those Oregon and California (O&C) Grant lands which are managed for commercial timber production, timber management activities on all other forest lands within WSA's are subject to the provisions of the Act. They are guided by the following procedures and by the guidance in Appendix A.

Timber management operations (e.g. road construction, clearcutting, partial cutting, site preparation, and other harvesting activities) authorized prior to October 21, 1976, by timber sale contracts, permits, leases, or licenses must be reevaluated to determine whether the operations within a WSA do or do not impair the area's suitability for wilderness preservation. If the operation is determined to be impairing, BLM will determine whether the contract, permit, lease, or license should be amended, if its terms permit, to prevent impairment of the WSA's suitability for preservation as wilderness.

Timber management activities, as with all activities, will be managed on the basis of the intensity of their impacts, not on the basis of the activity itself.

Activities that cause major impacts (such as timber sale, road construction, clearcut, shelterwood cut, partial cut, commercial thinning, and stand conversion) would not be permitted in WSA's.

Generally, activities such as precommercial thinning, site preparation, reforestation, insect and disease control, domestic firewood gathering, and small salvage logging operations, cause only moderate impacts or can be rehabilitated so that wilderness suitability will not be impaired. Motorized wheeled or tracked logging equipment will be permitted in the area of operation on existing ways and on new temporary access routes or ways, but impacts caused

by vehicles must be rehabilitated to a substantially unnoticeable condition.

Activities such as pruning, tree improvement (genetic selection and pollination), and seed collection (climbing and squirrel cache) cause only minor impacts. Activities of this kind may proceed, observing the constraints stated in the "Comments" column of Appendix A.

E. Wildlife. Habitat management projects are allowed so long as they do not impair the area's wilderness potential. Projects that alter natural vegetation in a major way may be approved if BLM determines that they will not impair wilderness potential. Projects which seed or plant exotics are not permitted. Most other wildlife-related activities are permitted if they are conducted so as not to impair wilderness suitability.

The BLM will continue to cooperate with State wildlife agencies in the management of resident wildlife species in accordance with established policies and procedures.

Stocking of wildlife species not indigenous to North America is not permitted in WSA's. Introduction of threatened, endangered, and sensitive species which were native to an area is allowed if there is a reasonable chance for the animals or birds to become established. Temporary enclosures and related facilities may be built, and any means of transportation which does not impair wilderness potential may be used to transplant or reintroduce such species. When endangered, threatened, or sensitive species do not respond to the management measures mentioned above, exceptions for more intensive management may be granted on a case-by-case basis.

F. Fire Management. BLM will continue all presuppression, suppression, and post-suppression fire activities under current methods of operation, using caution to avoid unnecessary impairment of an area's suitability for preservation as wilderness, until new fire management plans for each WSA are developed. These fire management plans, including prescribed burning and controlled wild fire, will be developed promptly. Management objectives for the area must take into account the existing wilderness characteristics of the WSA, the need to prevent actions that would impair the suitability of the area for designation as wilderness, historic fire occurrence, natural role of fire, proposed degree of suppression, expected fire behavior, acceptable suppression techniques, adequate buffer zones, smoke management, effect on private or other agency inholdings and on adjacent landowners, the limits of acceptable fire weather, fire behavior, and fire effects, and the access requirements of other agencies. Emergency fire rehabilitation measures will continue to be carried out under guidelines in Manual Section 7441 and Departmental Manual Part 910.

To hold fire damage to the minimum, fire management plans will rely on (1) the most effective methods of suppression that are least damaging to resources and the environment and that involve the

least expenditure of public funds to rehabilitate the area; (2) an aggressive fire prevention program; and (3) an integrated cooperative suppression program by agencies of the Department among themselves or with other qualified suppression organizations.

G. Watershed. Land treatments (e.g., trenching, ripping, pitting, terracing, plowing) and vegetative manipulation by biological, mechanical, or chemical means are permitted in WSA's if a given project is determined not to impair the area's wilderness suitability. Temporary structural measures may also be permitted. Permanent structures will not be built. However, gauges for air and water monitoring will be considered to be nonimpairing and may be established if these are the minimum necessary for determination of real and potential threats to human health and property or if no other areas are available to collect base line data. Activities needed to alleviate, rehabilitate, or contain damage from existing or potential natural hazards may be accomplished within limits established by a case-by-case review. Hazards caused by fire, storms, biological phenomena, landslides, and fumes may need emergency project work; this emergency work will be conducted in a manner that does not impair the area's wilderness suitability. More intensive measures may be authorized after careful analysis by the State Director. Fire damage will be rehabilitated under the same policy with emphasis on the seeding of species native to the area and on management practices. Permanent structural or similar rehabilitation measures which are not in accord with wilderness preservation should be deemphasized.

Rehabilitation projects will be documented according to standard BLM procedures.

Threatened, endangered, and sensitive plant species as well as paleontological resources (see IV.B—Cultural) may also require emergency protection measures to prevent degradation.

H. Range Management.

1. Grazing. The Act provides for the continuation of existing grazing uses in the same manner and degree in which they were conducted on October 21, 1976, but these must cause no unnecessary or undue degradation of the lands and their resources, and they must afford environmental protection. It is clear that the "manner and degree" in which an "existing" grazing use was being conducted on that date established as a benchmark the physical and esthetic impact that activity was having on the area in question.

Therefore, if an existing grazing use can be expanded without increasing the physical impact on wilderness suitability, it may be allowed. (This might occur, for example, if the range condition has improved, or if ephemeral forage is available.)

New grazing uses, and grazing uses different in manner and degree from those existing on October 21, 1976, may be allowed so long as the activity is regulated to prevent impairment of the area's suitability for designation as wilderness. Expansion or curtailment of grazing use and changes in numbers, seasons of use, and class of livestock may be allowed so long as wilderness suitability is not impaired. This

would include implementation of grazing systems and changes in grazing systems.

2. Range Improvements. Use and maintenance of existing range improvements is allowed so long as this does not cause undue or unnecessary degradation. In some cases, maintenance can make an installation less obtrusive and therefore more compatible with Interim Management objectives. New range improvements needed to support and facilitate grazing use and management may be installed and maintained so long as the activities and structures do not impair the area's wilderness suitability. Appropriate location and design can make some range improvements acceptable that would otherwise be considered to impair wilderness suitability.

a. BLM may permit new fences, cattleguards, corrals, and trails to be built if their impacts will not impair wilderness suitability. Motor vehicles may be used in existing ways and trails. New water developments may be built if the surface disturbance is not great and can be rehabilitated in a reasonable period of time, and if the above-ground facilities are discreetly designed to blend with the natural surroundings or are readily removable. Examples that do not require permanent surface disturbance are spring developments with a short pipe and removable trough on the surface, above-ground temporary pipelines, buried pipelines where surface features can be restored, small stock ponds, and artificial catchments requiring minimal surface disturbance.

b. Vegetation manipulation (land treatment) projects will be allowed under controls to assure that wilderness suitability is not impaired.

(1) Projects involving biological, chemical, or mechanical control of undesirable, noxious, and poisonous plants may be approved on a case-by-case basis if the actions do not impair the area's wilderness suitability and the affected acreage is small.

(2) Control by fire—either prescribed burning or controlled wild fire—will be done under conditions specified under the fire management guidelines. These practices are generally allowed, so long as each project does not involve road construction or other land disturbances that would impair wilderness suitability.

(3) Plant species that now occur in the WSA may be reseeded to restore a site to its natural conditions. Seeding should be done only by aerial application or surface broadcasting where these are practical, or by mechanical drilling where this practice is shown to be less destructive of wilderness characteristics than other methods.

3. Wild Horse and Burro Management. Activities may be allowed, and temporary facilities for holding and transporting horses and burros may be located and designed, in a manner that will not impair the suitability of the area for designation as wilderness.

I. Minerals.

1. All Mining and Leasing Activities.

a. All existing mining and mineral leasing activities may continue in the manner and degree in which they were being conducted on October 21, 1976, but these activities will be regulated to prevent unnecessary or undue degradation of the lands and their resources and to afford environmental protection.

b. In determining the manner and degree of existing operations, a rule of reason will be employed. Existing operations will be defined geographically by the area of active development and the logical adjacent (not necessarily contiguous) continuation of the existing activity, and not necessarily by the boundary of a particular claim or lease. It will also be recognized that operations are not always conducted at precisely the same degree at all times. For instance, operations may have been curtailed for economic reasons from one year to the next and may have been temporarily suspended on October 21, 1976. However, the significant measure for these activities is still the impact they are having on the wilderness potential of an area. It is the actual use of the area, and not the existence of an entitlement for use, which is the controlling factor. In other words, an existing activity may continue to be expanded in an area over time so long as the additional impacts caused by the expansion do not cause impairment of wilderness suitability beyond that caused by the existing activity.

c. All new mining and mineral leasing operations that began after October 21, 1976, and any change in existing operations that exceed the manner and degree occurring on that date, will not be allowed to impair the area's wilderness suitability.

3. Oil and Gas Leasing and Development.

a. **Leasing.** Leasing may continue in WSA's with the addition of the enclosed wilderness protection stipulation (see Appendix B-1) which will be attached to all oil and gas leases. During the wilderness inventory, it will also be attached to leases in potential WSA's, but it will not be attached to leases covering lands which are determined through the initial inventory (Step 2 in the Wilderness Inventory Handbook) as clearly and obviously not meeting the criteria for identification as WSA's. The stipulation becomes inoperative if the intensive inventory (Step 4 in the Wilderness Inventory Handbook) determines that the land in the lease does not meet the criteria for a WSA; it remains in effect if the area is identified as a WSA.

The protection stipulation remains in effect in WSA's unless Congress acts to declare an area nonsuitable for preservation as wilderness.

b. **Notice of Intent to Conduct Oil and Gas Exploration Operations.** Most operations proposed in a notice usually cause only temporary impacts.

c. **Application for Permit to Drill.** The BLM should advise all lessees to file an APD no later than 120 days before expiration of the lease in order to allow adequate time to determine if the area is within a WSA or if the action will impair the area's suitability for wilderness. Any lease issued after October 21, 1976, is subject to conditions to protect the suitability of such lands for preservation as wilderness. Because it is possible that impacts of oil and gas exploration operations (including initial investigation, "wildcat" drilling, and construction of temporary access routes) may be successfully removed through rehabilitation in some areas within 5 years after Congress designates an area as wilderness, it is probable that some such operations can be approved in WSA's. Similarly, if the impacts of some oil and gas production activities can be successfully rehabilitated within 5 years after

designation, a recommendation of approval of such an operation by BLM to the U.S. Geological Survey may be made. In addition, some production activities (small delivery pipelines, well-control equipment, etc.) may, if put in place so that the impact is substantially unnoticeable, be allowed without being restricted by the requirement to complete rehabilitation within 5 years after designation. However, extensive production activities (major field development) will probably be substantially noticeable and not be capable of practical rehabilitation within 5 years after designation and will not, therefore, be allowed. But it is clearly contemplated that some oil and gas exploration and development activities as determined on a case-by-case basis may be permitted in WSA's.

In areas that clearly and obviously do not qualify as WSA's because they are less than 5,000 acres, roaded, or extremely impacted by existing intrusions (such as drilling rigs, wells, or pipelines), the length of the associated public comment period may be, on a case-by-case determination by the State Director, set for less than 30 days, so long as the public comment period includes adequate publicity in the local news media, and includes at least one public meeting if the State Director determines that a public meeting is appropriate.

d. Suspension of Lease Terms. If commencement of operations is going to be delayed or postponed by BLM beyond the end of the primary term of a lease either because of WSA inventory or review or until Congress decides whether the area will be designated as wilderness, BLM will recommend that the lessee file an application for suspension of operations and production. It will be recommended to the Secretary that such suspension is to begin on the date an acceptable application for suspension of operations and production is filed in the proper U.S. Geological Survey office.

4. Geothermal Resources.

a. Leasing. Prior to the identification of WSA's, leasing (both competitive and noncompetitive) may continue with the addition of the enclosed wilderness protection stipulation (see Appendix B-2) which will be attached to all geothermal leases in potential WSA's. It will not be attached to leases covering lands which clearly do not have potential for wilderness. The stipulation becomes inoperative if the BLM State Director formally determines that the land in the lease does not meet the criteria for a WSA. It remains in effect if the area is designated as a WSA. It prohibits utilization of the leased area for development or production of geothermal resources for the purposes of electrical power development or production until and unless Congress removes the management restrictions of section 603 of the Act. It does provide for use of the surface for limited exploration operations subject to regulation to prevent impairment of the suitability of the area for preservation as wilderness.

After all WSA's are identified, it will be attached to all subsequently issued geothermal leases in those areas and remain in effect until Congress removes the management restrictions of section 603 of the Act.

b. Notice of Intent to Conduct Geothermal Exploration Operations. Because most operations proposed in a notice usually cause only temporary impacts, most may be approved.

c. Action on Plans of Operation (filed under 30 CFR 270.34 or 43 CFR 3203.6). Because of the substantial impact that is caused by construction and operation of power-generating facilities and related facilities on producing geothermal leases, the stipulation that is included in all new geothermal leases prohibits such activities until the wilderness potential of the area has been determined. However, other developmental operations for nonelectrical purposes and the drilling of deep exploration wells may be permitted upon a case-by-case determination if they have only temporary impacts or the impacts are substantially unnoticeable.

d. Suspension of Lease Terms. If BLM delays or postpones approval of exploration operations that are necessary to comply with diligence requirements of the lease because of the possible effect such operations will have on the wilderness potential of an area, BLM will recommend to the U.S. Geological Survey that the terms of the lease be suspended until the wilderness potential of the area is settled. The suspension will be effective from the date of the BLM recommendation.

5. Coal.

a. Leasing.

(1) New Competitive Leases. Criteria to determine which lands are unsuitable for coal mining have been promulgated under authority of the Federal Land Policy and Management Act and the Surface Mining Control and Reclamation Act. These criteria are used to determine whether to lease coal. The criterion for WSA's is: Federal lands designated as WSA's shall be considered unsuitable for coal leasing while under review by the Administration and Congress for possible wilderness designation unless the coal will be mined by underground mining methods which produce no surface effects on the WSA. Surface effects include surface occupancy, subsidence, fire, and other environmental impacts of underground mining which are manifested on the surface.

(2) Existing Noncompetitive (Preference Right) Lease Applications. Existing rights to preference right leases will be recognized. In all cases leases shall be conditioned so that operations will not cause undue or unnecessary degradation of the lands. In addition, leases shall be conditioned to prevent impairment of the suitability of the lands for preservation as wilderness. These conditions may include terms which specify areas that cannot be mined and exceed the current technological capability of the particular lease applicant.

(3) Mining Plans. The same criterion applied to coal leasing will be applied to new permits to mine filed on existing leases. It will be recommended that permits be disapproved unless it can be demonstrated that underground mining methods which have no surface effects on the WSA will be used.

b. Exploration. Exploration for Federal coal can occur either under terms of a coal exploration license or permit issued to a private party or by the Federal Government (U.S. Geological Survey) as part of its

normal exploration program. Exploration authority, if granted, is subject to prior environmental analysis of the proposal and in accordance with stipulations determined necessary to avoid, lessen, or mitigate adverse environmental impacts. Because the effects of coal exploration are temporary in nature and can be successfully rehabilitated, they should normally be approved in WSA's.

6. Oil Shale Leasing and Development. Leasing and development of oil shale will be conducted in a manner consistent with section 603(c) of the FLPMA.

7. Other Leasable Minerals (Phosphate, Potash, Sodium, Sulphur, and Hardrock (Solid) Minerals on Acquired Lands).

a. Leases and Prospecting Permits.

(1) Prospecting Permits. Prospecting permits shall continue to be issued in WSA's or areas on which the inventory has not been completed, subject to a stipulation that no preference right leases will be issued until and unless an environmental analysis (or environmental statement) is completed and it is demonstrated (on the basis on the environmental analysis and a mining plan submitted with the application for a preference right lease) that the minerals can be removed by mining methods (including the surface impacts of such mining operations) which will not impair the suitability of the area for preservation as wilderness. The stipulation shall become inoperative under the same conditions as those for oil and gas and geothermal leases and will be included in all leases covering lands which are not clearly in areas without wilderness potential. Each permit will also condition exploration operations by a stipulation to insure that the impact caused by the activities will not impair the area's wilderness suitability.

(2) Noncompetitive Preference Right Leases. Existing rights to preference right leases will be recognized. However, conditions will be imposed in such leases to prevent impairment of the suitability of the area for preservation as wilderness. These conditions may include terms which specify areas which may not be mined and/or which exceed the current technological capability of the particular lease applicant.

(3) Competitive and "Fringe-Acreage" Leases. All other leases may be issued in WSA's only if it can be demonstrated that the mineral deposit can be removed by mining methods that will not impair the suitability of the area for wilderness preservation.

b. Exploration and Mining Plans. Exploration and mining plans may be approved in accordance with the terms included in the permit or lease to prevent impairment of the suitability of the permit or lease areas for preservation as wilderness. When the effects of exploration are temporary in nature and can be successfully rehabilitated, they may be approved in WSA's. However, the impacts of mining (especially surface mining operations or underground mining which has surface effects on the WSA) will have to be assessed on a case-by-case basis to determine if they are temporary.

8. Disposal of Mineral Materials (Salable). Salable and free use of mineral materials in WSA's will be assessed on a case-by-case basis. The impacts of small sand and gravel pits and other mineral material sites

can be temporary. Because successful reclamation can be done in some areas, it may be possible to approve mineral material sales or free use of these materials in WSA's.

9. Mining Claims Located Under the 1872 Mining Law.

a. Prospecting, Exploration, and Mining. Mining operations conducted in potential and identified WSA's will be subject to regulations to be published simultaneously with this document as proposed rulemaking (43 CFR 3802, copy enclosed). The regulations will not apply to areas that BLM has determined, through the wilderness inventory process, clearly and obviously to have no wilderness potential. These regulations will provide a procedure for notifying the BLM of activities being conducted or proposed to be conducted on mining claims and will also establish the standards for approval of the conduct of those operations, including reclamation. Certain activities will not require approval by the BLM. (See section 3802.1-1 of the enclosed regulations.)

Operations proposed in potential WSA's will be evaluated to determine whether or not they will impair the area's wilderness suitability, with the exception of existing operations which are being conducted in the same manner and degree as they were on October 21, 1976, and are not causing undue or unnecessary degradation of the area.

Operations that began after October 21, 1976, will be regulated to prevent impairment of the suitability of the area for preservation as wilderness. Those causing impairment will not be allowed to continue. However, all work which is reasonable and the minimum necessary to hold the claim under the mining law will be approved subject to conditions to prevent unnecessary or undue degradation and afford environmental protection. When the effects of exploration operations are temporary and can be rehabilitated, they may be approved in WSA's. However, the impacts of mining (especially surface mining operations or underground mining which has surface effects on the WSA) will have to be assessed on a case-by-case basis to determine if they are temporary.

b. Location, Discovery, and Assessment Work. Public land within WSA's will continue to be subject to location under the mining law. Discovery work (which is required in some states to locate a claim) and assessment work may be done in order to locate the claim and comply with state law, but these activities will be regulated to prevent impairment of the area's suitability for preservation as wilderness. Discovery and assessment work which are both necessary and reasonable to locate or to hold a claim will not be totally prohibited.

c. Patents. Patents to mining claims will continue to be processed and issued in WSA's.

Chapter V. Enforcement Procedures

Regulations now in effect will be relied upon to enforce management policies and procedures established for WSA's. Necessary trespass actions will be handled in accordance with the appropriate lands, range, or forestry regulations.

However, the following additional steps must be taken whenever a District Manager believes that an activity taking place in an identified WSA is in violation of FLPMA:

A. Enter the activity under investigation in the log described in Chapter III, section C. Update the information in parts c, d, and e when needed as the case progresses.

B. Contact the owner of the operation, informally or in writing (certified mail, return receipt requested). Explain the situation and, depending on the situation or activity, attempt to secure his or her cooperation in (1) conditioning the continued activity to eliminate impairment of the suitability for wilderness preservation or (2) restricting such activity in the case of existing grazing or mineral uses to the manner and degree established on October 21, 1976, and preventing unnecessary or undue degradation.

C. If the operator will not cooperate, decide whether immediate action is needed to prevent the impairment of the potential of the area for wilderness designation. If so, the State Director should contact the Regional Solicitor and request that he work with the U.S. Attorney's Office to seek a temporary restraining order and injunction, if appropriate, from the local U.S. District Court. Send a copy of the case file to the Director, Bureau of Land Management, for transmittal to the Office of the Solicitor, Division of Energy and Resources, for information.

D. If the operator will not cooperate and the situation is not an emergency, send the case file directly to the State Director for appropriate action. Be sure to include the name and telephone number of a BLM employee who is familiar with the matter. Also, send copies of pertinent information to the Director, Bureau of Land Management, to distribute to each division affected. At the State Director's discretion, he may contact the Regional Solicitor for his opinion on the appropriate course of action to be taken.

E. **Appeal Procedures.** Appeal procedures will be provided by the regulations governing the decision being appealed. Applicants who are adversely affected by a management decision within a WSA will be informed of appeal procedures.

APPENDIX A

SPECIFIC ACTIVITY GUIDANCE TABLES

The guidance is intended only to provide general, optional assistance to resource managers in evaluating a few of the many activities on public lands. Decisions must be made on a case-by-case basis through careful analysis and where appropriate, with the assistance of the following guidelines:

TABLE KEY

1. Class A Activities: Activities may proceed without initiating a wilderness inventory for the affected area, if they meet the qualifications in the "Comments" column. They will not impair the area's suitability for preservation as wilderness. However, supporting

activities and facilities (such as access routes, ski lifts, or the use of vehicles off existing ways and trails) will be assessed as Class B activities.

2. Class B Activities: Those that may or may not impair an area's suitability for wilderness preservation. When a project is considered, the wilderness issue must be addressed through a wilderness inventory and an evaluation of the proposed action as described in chapter III, section A.

3. The "Comments" Column: Addresses qualifications on allowable activities as well as those activities that more than likely will impair an area's suitability for preservation as wilderness. When a project is considered, the wilderness issue must be addressed through a wilderness inventory and an evaluation of the proposed action as described in chapter III, section A.

RECREATION ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|---|---------|---------|---|
| Recreation Development | | X | Temporary structures may be allowed, if wilderness potential is not impaired. Permanent structures are not allowed. |
| Concessions | | X | Temporary structures and mobile facilities may be allowed, with rehabilitation stipulations, when necessary, but no permanent facilities. |
| The following activities are allowed in wilderness study areas. No permanent structures or facilities to support these activities may be built in the WSA's, but temporary structures and mobile facilities may be used so long as they do not impair the area's suitability for designation as wilderness. | | | |
| Fishing, Hunting, Trapping, Winter Sports, Water-skiing, Float Boating, Vegetative Collecting, Rockhounding, Spelunking, Ballooning, Sailplaning, (Sandsailers), Sky Diving, Hang Gliding, Recreational Gold Dredging, Gold Panning, Camping | X | | |
| Special Recreation | X | | |

RECREATION ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|------------------------------|---------|---------|---|
| Power Boating | X | | No permanent launching ramps or dock facilities may be built in WSA's. |
| Sailboating | X | | No permanent launching or docking facilities may be built in WSA's. |
| Motor-Aircraft | X | | No permanent runways or airport structures may be built in WSA's. |
| Trap Shooting and Skeet | X | | No permanent facilities may be built, but temporary facilities are allowed, with rehabilitation stipulations, if necessary. |
| Interpretation | X | | Facilities are limited to temporary ones. |
| National Recreational Trails | | X | New trails for foot and horse travel may be built, but not for use by motor vehicles. |
| National Scenic Trails | X | | |
| Natural History Areas | | | |
| Research Natural | X | | Research activities must avoid large-scale manipulation that might impair the area's wilderness suitability. |
| Experimental Ecological | | X | |
| Reserves | | | |

RECREATION ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|---------------------------|---------|---------|---|
| Natural History Inventory | X | | |
| Recreation Areas | | | |
| Natural | X | | |
| Scenic | X | | |
| Cultural Recreation | | X | |
| Recreation Lands | | X | |
| ORV | | X | Allowed on existing ways and trails. Snow and sand vehicles are allowed off these routes in designated areas. |

CULTURAL ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|---|---------|---------|-------------------------------------|
| Socio-Cultural Areas | X | | |
| Research Actions within Research Cultural Areas | | X | May require rehabilitation efforts. |
| Cultural Conservation Areas | X | | |
| Cultural Inventories | X | | |

LANDS ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|-----------------------|---------|---------|---|
| Public Sales | | X | Sales will not be allowed in a WSA. |
| Exchanges | | X | Lands to be disposed of cannot be within WSA. |
| State Selections | | X | Must be suspended pending further instructions from the Director as a result of the <i>Utah v. Kleppe</i> litigation (except Alaska). |
| R&PP | | | |
| (a) Patent | | X | No R&PP patents will be issued in WSA's. |
| (b) Lease | | X | 1) Only temporary improvements. 2) Short-term lease. 3) Rehabilitation stipulations. 4) No permanent road construction. 5) Revocable upon wilderness designation. |
| Color of Title | | | |
| (a) Class I | | X | Must meet the requirement of the Act (occupation and/or cultivation); therefore, the land will not meet wilderness criteria. |
| (b) Class II | | X | Potential land disposal action; therefore, the action must be suspended. |

LANDS ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|-------------------------------|---------|---------|---|
| Temporary Use Permit | | X | 1) Must be able to restore lands to pre-authorization conditions. 2) No permanent road construction. |
| Withdrawals | | | |
| (a) Preservation or emergency | X | | |
| (b) Military (renewal) | | X | Evaluate for health and safety hazards and decontamination potential prior to inclusion into a WSA. |
| (c) Other specific uses | | X | 1) No permanent development. 2) No permanent road construction. 3) Rehabilitation stipulations. |
| Revocation & Restoration | | X | Section 603 will have no effect on these actions. |

LANDS ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|---|---------|---------|---|
| Desert Land Entry | | X | 1) Potential land disposal action; therefore, this must be held up pending action by Congress on wilderness designation. 2) Patent may be issued where vested right was established prior to October 21, 1976. |
| Rights-of-Way (new) | | | |
| (a) Linear & ancillary facilities | | X | 1) No permanent road construction. 2) Only temporary facilities permitted. 3) Rehabilitation stipulations. |
| (b) Communication sites | | X | 4) Early review with applicants to alert them of wilderness considerations. 5) Short-term authorizations. |
| Rights-of-Way | | | |
| (a) Renewal & authorizations for existing use | | X | Will be evaluated during renewal. |
| (b) Joint use of existing facility | X | | |

The wilderness provisions of the FLPMA are not intended to stop land uses; however, until Congress has indicated which lands will become a part of the Wilderness System, we must carefully consider the degree of permanency and the extent of development requested in all land-use applications.

FORESTRY ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|---|---------|---------|--|
| O&C Lands, Western Oregon | X | | O&C lands designated through BPS as being available and used for continuous timber production are exempt from section 603 of FLPMA. All other western Oregon lands are subject to the wilderness provisions. |
| Permits, leases, licenses, and Contracts Authorized Prior to October 21, 1976 | | X | The documents must be reevaluated to determine if they impair wilderness suitability. If so, consider amending the document, if the terms permit and the contractor is willing. |
| Actions after October 21, 1976 | | | In general, no timber harvest is allowed in WSA's, and no permanent road construction for timber harvest. These activities will be deferred while an area is in WSA status: Clearcut Shelterwood Cut Seedtree Cut Partial Cut (Includes Commercial Thinning) Stand Conversion |
| a) Precommercial Thinning | | X | Power saws; axes; and chemical means may be used. No wheeled or track logging equipment. Access by helicopter, existing roads, or ways, and-or foot travel. |

FORESTRY ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|---|---------|---------|--|
| b) Pruning | X | | |
| c) Seed Collection Felling Trees | X | | Trees must be well scattered (300 feet or more apart). |
| Climbing Squirrel Cache | X X | | |
| d) Tree Improvement | X | | Genetic selection; pollination. |
| e) Site Preparation Scarification | X | | Hand methods. No motorized wheeled or track logging equipment. Access by helicopter, existing road or way, and/or foot travel. |
| Brush Control | X | | Axes, chemicals, hand tools in general. No motorized wheeled or track logging equipment. Access by helicopter, existing road or way, and/or foot travel. |
| Burning | X | | Only after evaluation to insure that adequate fire protection measures can be implemented. No motorized wheeled or track logging equipment. |
| f) Reforestation | X | | Hand planting or seeding, or aerial seeding. Access by helicopter, existing road or way, and/or foot travel. Use native species. |
| g) Insect/Disease Control Major | | X | Corrective measures must be approved by State Director. |
| Minor | X | | Felling or chemical treatment of small patches or individual trees. Access by helicopter, existing road or way, and/or foot travel. |
| h) Salvage Log Major Minor | | X | Corrective measures must be approved by S.D. Activities must be assessed on a case-by-case basis. |
| 1) Firewood; Christmas trees, pine nuts, etc. | X | | These are noncommercial citizen uses, and they will be confined to small areas. Access by existing road or way and/or foot travel. |

WILDLIFE ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|--|---------|---------|--|
| Vegetation Manipulations | | | |
| (a) Mechanical | | X | Major projects with long-term detrimental visual impact will not be allowed. Use only plant species found within the WSA. |
| (b) Nonmechanical Plantings and Seedings | X | | Hand plantings and seedings may continue if they do not impair wilderness suitability and if they use native plant species. |
| Prescribed fire | | X | May be allowed, so long as no major surface disturbance is necessary in building fire lines. |
| Land-Water Treatment | X | | In the case of disease outbreaks, water land sources may have to be treated; no permanent impacts allowed. |
| Water Facilities | X | | Stream and sediment control should use natural materials; springs, wells, and artificial structures can be developed with minimum disturbance and visual intrusions. |
| Fences | X | | Materials used and location will result in a visual impact which is substantially unnoticeable. |

WILDLIFE ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|---|---------|---------|---|
| Introductions and Transplants | | | |
| (a) Exotic Animals | | | No exotics may be introduced. |
| (b) Native Animals | X | | Species native to North America may be reintroduced or transplanted, using temporary enclosures and facilities if necessary. |
| (c) Threatened and Endangered (T/E) Animals | X | | T/E transplants are allowed if the species is or has been native to the region in which they are proposed to be introduced or reintroduced. |

FIRE MANAGEMENT ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|------------------|---------|---------|--|
| Presuppression | X | | All fire activities will continue as usual until new fire management plans are developed for each WSA. |
| Suppression | X | | |
| Post-suppression | X | | |

WATERSHED ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|---|---------|---------|---|
| Fire Rehabilitation | X | | Fire rehabilitation seeding is allowable under current method of operation, using native species. |
| Water Facilities | X | | Only temporary structures. |
| Fences | X | | To protect critical soil and vegetation. Natural material preferred. No fenceline blading. Location and materials cause minimum visual impact. |
| Monitoring | | | |
| (a) Water | X | | New structures must be minimum necessary to determine threats to human health and property. Monitors for upstream tributary pollution affecting aquatic habitat and aesthetics will be allowed. |
| (b) Air | X | | |
| Soil Survey | X | | Rehabilitation of soil pits will be required. |
| Emergency Project Work | X | | Will be documented under standard BLM procedures. |
| Land Treatment | | X | Major projects with long term detrimental visual impact will not be allowed. Only treatment for the purpose of preservation of soil productivity will be allowed. |
| Trenching, Ripping, Pitting, Terracing, Plowing | | X | |

WATERSHED ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|--------------------------------|---------|---------|---|
| Vegetation Manipulation | | | |
| (a) Biological | | X | New projects must be the minimum necessary to protect soil productivity or downstream private property. Long term detrimental visual impact will not be allowed. |
| (b) Mechanical, chemical | | X | |
| Brush Conversions | | X | Only allowed if it provides protection of human health or property or to restore site to original condition. |
| Structural Measures | | X | New structures, other than those required under emergency conditions, will not be allowed unless they are within critical community watersheds. Structures allowed must relate to water supplies needed to protect human health and property. |
| Detention, Retention Dams | | X | |

RANGE MANAGEMENT ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|---------------------------------|---------|---------|---|
| Range Management | | | |
| 1. Livestock Grazing | | | |
| a. Change in Numbers | X | | These changes generally may be allowed so long as grazing is still in the manner and degree it was being conducted on October 21, 1976. |
| b. Change in Season of Use | X | | |
| c. Change in Class of Livestock | X | | |
| d. Grazing Systems | X | | |
| e. Supplemental Feeding | | X | Existing practice may be continued. New supplemental feeding may be initiated if it will not cause impairment of wilderness potential. |
| f. Salting Grounds | X | | Existing practice may be continued. New salting station may be initiated to improve distribution of grazing use. |

RANGE MANAGEMENT ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|--|---------|---------|--|
| 2. Range Improvements | | | |
| a. Facilitating Livestock Grazing and Management | | | |
| 1) Fencing | X | | Prevent surface disturbance. Use materials with minimum visual impacts. |
| 2) Cattleguards | X | | Temporary installation. |
| 3) New Water Developments | | | |
| a) Wells and Springs | X | | Prevent undue damage to vegetation and soil. Above surface facilities must be unobtrusive or removable. No constructed access for motorized equipment, but temporary roads may be built. |
| b) Artificial Catchments | X | | Temporary above ground facilities. Little surface disturbance. |

RANGE MANAGEMENT ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|----------------------------------|---------|---------|---|
| c) Supplemental Water Facilities | X | | Temporary surface pipelines allowed. Buried pipelines allowed if installed without undue surface disturbance and rehabilitation to natural condition within 1 or 2 years. Watering troughs of material blending with natural surroundings and/or removable. |
| d) Earthen Reservoirs | | X | Small stock ponds may be approved, but larger reservoirs and associated construction activities could permanently impair wilderness potential. |
| 4) Livestock Handling Facilities | | | |
| a) New Corrals | X | | Temporary structure of materials which blend with natural surroundings. |
| b) New Trails | X | | Locate and design so as not to impair wilderness potential. |

RANGE MANAGEMENT ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|--|---------|---------|--|
| c) New Camps | X | | Temporary camps, such as sheep camps, may be allowed. |
| d) New Roads | X | | Temporary roads may be allowed, with rehabilitation stipulations. |
| b. Maintenance of Existing Improvements | X | | Limited to that necessary to return facility to original constructed condition without causing impairment of wilderness characteristics. Cross country access by motorized equipment may be allowed. |
| c. Vegetation Manipulation (Site Conversion) | | | |
| (1) Control of Undesirable, Noxious and Poisonous Plants | | | |
| (a) Chemical | | X | Major projects with long-term detrimental visual impact will not be allowed. Exceptions for small areas or individual plants subject to environmental assessment and approval by the State Director. |
| (b) Mechanical | | X | |
| (c) Burning | | X | May be done through carefully designed prescribed burning or controlled natural fire with same restrictions as in the WSA fire management plan, so long as no major disturbance is necessary in building fire lines. |
| (2) Reseeding | X | | Allowed only to restore site to its natural condition. Use of species native to the site. |
| (3) Livestock grazing management systems. | X | | May be implemented to maintain or improve ecologic conditions. Subject to restrictions on construction of supporting facilities. |
| Wild Horse and Burro Management | | | |
| 1. Gathering | X | | As conducted under current guidelines and policies. |
| 2. Handling Facilities | | | |
| a. Corrals and holdings pens | X | | Temporary structure. |
| b. Transportation (roads or trails) | X | | Cross country access on existing ways or trails by motorized vehicles. No constructed roads. |

MINERALS ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|---|---------|---------|---|
| All Existing Mining and Mineral Activities (as of October 21, 1976) | X | | These activities are allowed provided they are conducted in the manner and degree in which the same were being conducted on October 21, 1976, and they cause no undue or unnecessary degradation. |
| All New Activities and Those Existing Activities Exceeding the Manner and Degree Established on October 21, 1976 | | | |
| Oil and Gas | | | |
| Leasing | X | | Requires stipulation (see Appendix B-1). Subject to conditions. |
| APD | | X | |
| Notice of Intent to Conduct Exploration | | X | Subject to conditions. |
| Geothermal | | | |
| Leasing | X | | Requires stipulation (see Appendix B-2). Electrical power development excluded and other development and exploration may be allowed. |
| Plans of Operation | | X | |
| Coal | | | |
| Leasing | | X | Not suitable for coal mining while in WSA, unless underground mining with no surface effects. |
| Development | | X | |
| Oil Shale | | X | Subject to Federal Oil Shale Prototype Program. |
| Other Leasables | | | |
| Prospecting | | X | Subject to stipulation that no preference right lease will issue until further environmental evaluation. |

MINERALS ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|---------------------------------------|---------|---------|--|
| Non-Competitive Leases | | X | Existing rights to preference right leases will be recognized. |
| Competitive Leases | | X | Issued only if mineral removal will not impair. |
| Exploration | | X | Subject to non-impairment controls. |
| Mining Plans | | X | |
| Salable Minerals | | X | Sales by case-by-case basis only. |
| 1872 Mining Claims | | | |
| Prospecting, Location, and Assessment | | X | Subject to surface protection regulations. |

MINERALS ACTIONS WITHIN WILDERNESS STUDY AREAS

| ACTIVITY | CLASS A | CLASS B | COMMENTS |
|---|---------|---------|---|
| Exploration Search for and Occasional Removal of Small Amounts of Mineral for Sample or Specimen | X | X | Governed by surface protection regulations. Activities must not increase the size of the access facility. |
| Mining Patent | X | X | Governed by surface protection regulations. |
| Temporary Road Construction Existing Roads, Trails, Bridges, Landing Strips, or Other Access Facilities Maintenance | X | X | Permanent roads are prohibited. As provided in 3802.1-1(d) of Title 43. |

Appendix B-1

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

WILDERNESS PROTECTION STIPULATIONS—OIL AND GAS

By accepting this lease, the lessee acknowledges that the lands contained in this lease are being inventoried or evaluated for their wilderness potential by the Bureau of Land Management (BLM) under section 603 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, 2785 43 U.S.C. Sec. 1782).

Until the BLM determines that the lands covered by this lease do not meet the criteria for a wilderness study area as set forth in section 603, or until Congress decides against the designation of lands included within this lease as "wilderness," the following conditions apply to this lease and override every other provision of this lease which could be considered as inconsistent with them and which deals with operations and rights of the lessee:

1. Any oil or gas activity conducted on the leasehold for which a surface use plan is not required under NTL-6 (for example, geophysical and seismic operations) may be conducted only after the lessee first secures the consent of the

BLM. Such consent shall be given if the BLM determines that the impact caused by the activity will not impair the area's wilderness suitability.

2. Any oil and gas exploratory or development activity conducted on the leasehold which is included within a surface use plan under NTL-6 is subject to regulation (which may include no occupancy of the surface) or, if necessary, disapproval until the final determination is made by Congress either to designate the area as wilderness or remove the section 603 restrictions.

If all or any part of the area included within the leasehold estate is formally designated by Congress as wilderness, oil and gas exploration and development operations taking place or to take place on that part of the lease shall become subject to: (1) those provisions of the Wilderness Act of 1964 which apply to national forest wilderness areas, 16 U.S.C. Sec. 1131 et seq., as amended; (2) the Act of Congress designating the land as wilderness; and (3) Interior Department regulations and policies pertaining thereto.

Appendix B-2

WILDERNESS PROTECTION STIPULATION—GEOTHERMAL RESOURCES

By accepting this lease, the lessee acknowledges that the lands contained in this lease are being inventoried or evaluated for their wilderness potential by the Bureau of Land Management (BLM) under section 603 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1782.

Until the BLM determines that the lands covered by this lease do not meet the criteria for a wilderness study area as set forth in section 603 or until Congress decides against the designation of lands included within this lease as wilderness, the lessee agrees not to occupy or use the surface of the leased lands for electrical power development or production purposes, except for certain limited uses, as indicated below. Excepted uses will include those exploration operations usually provided with a "Notice of Intent to Conduct Geothermal Resource Exploration Operations" (Form 3200-9), and, in certain instances, other exploration activities. Those operations would generally include geological mapping, geochemical studies, passive geophysical surveys, and the drilling of shallow temperature gradient holes. Drilling deep exploration wells may be permitted on a case-by-case determination by the Authorized Officer.

Any such operations are subject to regulations or, if necessary, disapproval until the final determination is made by Congress either to designate the lands as wilderness or remove the section 603 restrictions. Therefore, none of these operations may be conducted until approval has been obtained from either the Supervisor (under 30 CFR 270.78) or the BLM authorized officer (under 43 CFR 3209). The BLM authorized officer shall approve or recommend approval of such operations if he determines that the impact caused by the operations will not impair the suitability of the area for preservation as wilderness.

If all or any part of the area included within the leasehold is formally designated by Congress as wilderness, all geothermal resources operations taking place or to take place on that part of the lease shall become subject to: (1) the provisions of the Wilderness Act of 1964 which apply to national forest wilderness areas, 16 U.S.C. Sec. 1131 et seq., as amended; (2) the Act of Congress designating the land as wilderness; and (3) Interior Department regulations and policies pertaining thereto.

Appendix C

ACTIONS RECEIVING INSTRUCTIONS FOR SELECT WILDERNESS INVENTORY

| STATE | DISTRICT | PROJECT | INITIATING DIVISION | DATE SIGNED |
|------------|---------------------|---|---------------------|----------------|
| Alaska | Fairbanks/Anchorage | W.G.M. Mining Company | 370 | 4/14/78 |
| Arizona | N/A | Palo Verde—Devers T.L. | 370 | 1/24/78 |
| Arizona | N/A | Palo Verde—Kyvene T.L. | 370 | 8/4/78 |
| Arizona | N/A | Yavapai County Road Proposals | 320 | 8/4/78 |
| Arizona | Yuma | Havasu City—FAA Proposal | 321 | FS Underway |
| Arizona | N/A | Sohio Pipeline | 321 | 11/14/77 |
| California | N/A | California Desert C.A.P. | 370 | 2/6/78 |
| California | N/A | Sohio/Sundesert Nuclear Power Project | 321 | 11/14/77 |
| California | N/A | Palo Verde—Devers T.L. | 370 | 1/24/78 |
| California | N/A | Palo Verde—Kyvene T.L. | 370 | 8/4/78 |
| California | N/A | Sohio Pipeline | 321 | 11/14/78 |
| California | N/A | Intermountain Power Project | 321 | 8/20/78 |
| Colorado | Grand Junction | Palmer Oil and Gas | 370 | 6/78 |
| Colorado | N/A | White River Grazing Statement Action | CSO | 6/78 |
| Colorado | N/A | Gunnison Basin Grazing Statement Action | CSO | 6/78 |
| Colorado | N/A | Royal Gorge Grazing Statement Action | CSO | 6/78 |
| Idaho | Coeur d' Alene | Grandmother Mountain Exchange | 321 | 4/78 |
| Idaho | Boise/Shoshone | PP&L Transmission Line | 321 | 10/25/77 |
| Idaho | Salmon | Donkey Hills Exchange | 321 | 8/16/78 |
| Idaho | Boise | Riddle Exchange | 321 | 8/16/78 |
| Idaho | N/A | Agricultural ES | 321 | 8/23/78 |
| Nevada | N/A | Oil and Gas Lease Areas | 370 | 7/21/78 |
| Nevada | N/A | Highway Fee Use Permit | 370 | 7/5/78 |
| Nevada | N/A | North Valmy PDES | 370 | 9/28/78 |
| Nevada | N/A | Intermountain Power Project | 321/370 | 8/20/78 |
| Nevada | Ely | Mt. Wheeler 69 kV Right-of-Way | 321 | 9/14/78 |
| New Mexico | Roswell | APD Oil and Gas | 370 | 7/31/78 |
| New Mexico | N/A | Navajo Exchanges | 321 | 8/30/78 |
| New Mexico | N/A | Sohio Pipeline | 370 | 8/14/78 |
| New Mexico | Chaves County | Petroleum Devel. Corp. Mescalem Sands Roadless Area, New Mexico (932) | | 11/14/78 |
| Oregon | N/A | PP&L Transmission Line | 370 | 10/25/77 |
| Texas | N/A | Sohio Pipeline | 370 | 11/14/77 |
| Utah | Moab/Richfield | Emery Powerplant Units 3 and 4 | 321 | 7/20/78 |
| Utah | N/A | Palmer Oil and Gas | 370 | 6/78 |
| Utah | N/A | Intermountain Power Project | 321 | 8/20/78 |
| Bureauwide | N/A | APD-Lease w/i 60-Day Expir. (OAD 78-38, Change 1) | 370 | 7/31/78 |

Appendix D

THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976 (P.L. 94-579)

Bureau of Land Management Wilderness Study

Sec. 603. (a) Within fifteen years after the date of approval of this Act, the Secretary shall review those roadless areas of five thousand acres or more and roadless islands of the public lands, identified during the inventory required by section 201(a) of the Act as having wilderness characteristics described in the Wilderness Act of September 3, 1964 (78 Stat. 890; 16 U.S.C. 1131 et seq.) and shall from time to time report to the President his recommendation as to the suitability or unsuitability of each such area or island for preservation as wilderness: Provided, that prior to any recommendations for the designation of an area as wilderness the Secretary shall cause mineral surveys to be conducted by the U.S. Geological Survey and the Bureau of Mines to determine the mineral values if any, that may be present in such areas: Provided further, that the Secretary shall report to the President by July 1, 1980, his recommendations on those areas which the Secretary has prior to November 1, 1975, formally identified as natural or primitive areas. The review required by this subsection shall be conducted in accordance with the procedures specified in section 3(d) of the Wilderness Act.

(b) The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations with respect to designation as wilderness of each such area, together with a map thereof and a definition of its boundaries. Such advice by the President shall be given within two years of the receipt of each report from the Secretary. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress.

(c) During the period of review of such areas and until Congress has determined otherwise, the Secretary shall continue to manage such lands according to his authority under this Act and other applicable law in a manner so as not to impair the suitability of such areas for preservation as wilderness, subject, however, to the continuation of existing mining and grazing uses and mineral leasing in the manner and degree in

which the same was being conducted on the date of approval of this Act: Provided, that, in managing the public land the Secretary shall by regulation or otherwise take any action required to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection. Unless previously withdrawn from appropriation under the mining laws, such lands shall continue to be subject to such appropriation during the period of review unless withdrawn by the Secretary under the procedures of section 204 of this Act for reasons other than preservation of their wilderness character. Once an area has been designated for preservation as wilderness, the provisions of the Wilderness Act which apply to national forest wilderness areas shall apply with respect to the administration and use of such designated area, including mineral surveys required by section 4(d)(2) of the Wilderness Act, and mineral development, access, exchange of lands, and ingress and egress for mining claimants.

APPENDIX E

SECTION 2(c) OF THE WILDERNESS ACT OF SEPTEMBER 3, 1964 (P.L. 88-577)

A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practical its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological or other features of scientific, educational, scenic, or historical values.

ERRATA

PROPOSED RULEMAKING: EXPLORATION AND MINING -- WILDERNESS REVIEW PROGRAM

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
(43 CFR 3800)

MINING CLAIMS UNDER THE GENERAL MINING LAWS

1. Replace the wording under section 3802.1-3 ("Operations existing on October 21, 1976") with the following wording:

A plan of operations shall not be required for operations that were being conducted on October 21, 1976, unless the operation is undergoing changes that exceed the manner and degree of operations on October 21, 1976. However, if the authorized officer determines that operations in the same manner and degree are causing undue or unnecessary degradation of lands and resources or adverse environmental effects, an approved plan containing protective measures may be required. Any changes planned in an existing operation that would result in operations exceeding the present manner and degree shall be delayed until the plan is processed under provisions of section 3802.1-5.

2. In the second sentence of section 3802.1-5(e) ("Plan approval") replace the words "under an automatically approved plan" with the words "under the plan."