

H-8550-1 - INTERIM MANAGEMENT POLICY FOR LANDS UNDER WILDERNESS REVIEW

U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

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.

The **Bureau of Land Management** is responsible for the balanced management of the public lands and resources and their various values so that they are considered in a combination that will best serve the needs of the American people. Management is based upon the principles of multiple use and sustained yield; a combination of uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources. These resources include recreation; range; timber; minerals; watershed; fish and wildlife; wilderness; and natural, scenic, scientific, and cultural values.

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INTRODUCTION

This handbook describes the policies under which the Bureau of Land Management (BLM) will manage lands under wilderness review until Congress either designates these lands as wilderness or releases them for other purposes. This policy is referred to as the "interim" management policy (IMP) 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 policies is to guide BLM staff in the specific decisions that arise every day in the management of lands under wilderness review.

There are three categories of public lands to which this policy applies: (1) Wilderness Study Areas (WSAs) identified by the wilderness review required by Section 603 of the Federal Land Policy and Management Act (FLPMA), (2) legislative WSAs (WSAs established by Congress), and (3) WSAs identified through the land-use planning process in Section 202 of FLPMA. These categories together are referred to as "lands under wilderness review."

Current WSAs include those identified through FLPMA Sections 603 and 202 wilderness study,

"instant study areas" (previously designated primitive or natural areas) which FLPMA also required to be studied, and one wilderness study area in the Central Arctic Management Area of Alaska which was designated for study by the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). Additional WSAs will be identified periodically through BLM's land-use planning process.

Future wilderness inventories of public lands administered by the BLM in Alaska will be conducted pursuant to Section 1320 of ANILCA. Special provisions in ANILCA for the interim management of future WSAs in Alaska will be developed at the time wilderness inventories are allowed. Pending further policy guidance from the Secretary of the Interior, wilderness inventories and the identification of WSAs subject to an IMP in Alaska under the provisions of Sections 201 and 202 of FLPMA are not to be undertaken.

Congressionally mandated studies lead to recommendations from the Secretary of the Interior to the President, and from the President to Congress. Those studies conducted through BLM's recurring land-use planning system will lead to recommendations for each area found to be suitable or unsuitable for wilderness designation. Only Congress can designate an area as wilderness, or release from interim management areas that were placed under wilderness study by Congressional authority.

The IMP is temporary and applies only during the time an area is under wilderness review and until Congress acts on WSAs, or where applicable, by a final decision by the BLM. After Congress acts on the President's recommendations for each WSA, 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 BLM Manual 8560 -- Management of Designated Wilderness Areas and under the regulations at 43 CFR 8560. Areas released from wilderness study will no longer be subject to the IMP, and will be managed under general BLM management policies and applicable land-use plans.

The IMP 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.

Mandates from Congress

In FLPMA, Congress gave BLM its first unified, comprehensive mandate on how the public lands should be managed. The law established a policy of retaining the public lands in Federal ownership, and it directed the BLM to manage them under principles of multiple use and sustained yield. Management decisions for the public lands are made through land-use planning processes that consider all potential uses of each land area, including wilderness. All public lands are to be managed so as to prevent unnecessary or undue degradation of the lands as required by Section 302(b) of FLPMA.

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 considered in the land-use planning process. Section 603 of FLPMA specifically directed the BLM, for the first time, to carry out a wilderness review of the public lands. Continued evaluation of lands as wilderness can be considered in the future under Section 202 of FLPMA. (The complete text of Section 603 appears in Appendix A of

this document.)

Section 603(c) of FLPMA tells the BLM how to manage 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).

This language is referred to as the "nonimpairment" mandate.

The wilderness review required by Section 603 of FLPMA focused on roadless areas of 5,000 acres or more and on roadless islands. The BLM as a matter of policy used its general management authority under Sections 302 and 202 of FLPMA to include in the wilderness review certain other roadless areas. These included: (1) areas smaller than 5,000 acres that were not islands, (2) areas less than 5,000 acres that had wilderness characteristics in association with contiguous roadless lands managed by another agency, and (3) lands placed under BLM administration after the wilderness inventory was conducted in 1978-80. The management mandate in Section 603(c) does not apply to roadless areas being studied under Section 202 of FLPMA. 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.

There are six different practical effects of provisions in FLPMA with respect to "interim management" of lands under wilderness review:

1. 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).
2. Permitted activities in WSAs (except grandfathered and valid existing rights) are temporary uses that create no new surface disturbance, nor involve permanent placement of structures.
3. 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.
4. Lands under wilderness review may not be closed to appropriation under the mining laws in order to preserve their wilderness character.
5. Valid existing rights must be recognized.
6. All lands must be managed to prevent unnecessary or undue degradation.

Meaning of the Congressional Mandate of 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 (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 WSA satisfies this definition at the time Congress makes a decision on the area. As a practical matter, this means that once identified as a WSA the area must meet this definition until designated as wilderness or released for other uses.

The word "suitability" takes on a second meaning in the context of recommendations made by the Secretary and the President to Congress. Congress made it clear in Section 603 of FLPMA that an area with all the necessary wilderness characteristics as 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 WSA must have wilderness characteristics in order to qualify for wilderness study under the mandate of FLPMA, it seems clear that the Secretary must protect the wilderness values of each WSA until Congress makes the final decision regardless of the suitable/unsuitable recommendation made.

The Department therefore has a responsibility to ensure that the existing wilderness values of all WSAs, whether studied pursuant to Section 603 of FLPMA or future suitable WSAs identified through BLM's land-use planning system, are not degraded so far, compared with the area's values for other purposes, as to significantly constrain the Congress' prerogative to either designate a WSA as wilderness or release it for other uses.

Any conflicts with this Congressional mandate would constitute impairment of the area's suitability for preservation as wilderness.

Management to the Nonimpairment Standard

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 IMP because they are only temporary uses that do not create surface disturbance or involve permanent placement of structures. For example, organized off-road vehicle events or organized contests such as competitive trail rides and endurance/survival exercises that meet the nonimpairment criteria, might be permitted in WSAs, but would not be allowed in designated wilderness. Such temporary uses may be allowed if such use can easily and immediately be terminated upon designation of the lands involved as wilderness.

For the WSAs identified under the requirements of Section 603 of FLPMA, certain activities were allowed during the inventory and study phases if their impacts could be reclaimed by the time the Secretary forwarded recommendations to the President. This reclamation opportunity ended in September 1992 for all WSAs recommended under the requirements of Section 603. This is the date upon which the Secretary sent these final recommendations to the President. Generally, all activities (except as listed under "Exceptions" in Section I.B.2., such as grandfathered and valid existing rights) permitted in WSAs after a reclamation deadline has passed, must be temporary uses that create no surface disturbance, nor involve permanent placement of structures.

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, which were allowed to continue until December 31, 1983) have been restricted under the IMP because their impacts clearly would have disqualified the area from satisfying the wilderness definition, and thus would have impaired wilderness suitability. During the wilderness review, and until Congress acts, it is the later and more explicit FLPMA, and not the Wilderness Act of 1964, that dictates what is permissible.

The final decision on permanent wilderness designation for each WSA recommendation forwarded by the Secretary, belongs to Congress. Management under the nonimpairment standard protects Congress' prerogative to make the designation decision by preventing actions that would pre-empt that decision.

CHAPTER I. MANAGEMENT POLICY FOR LANDS UNDER WILDERNESS REVIEW

A. GENERAL POLICY

1. The BLM's management policy is to continue resource uses on lands under wilderness review in a manner that maintains the area's suitability for preservation as wilderness. The IMP will remain in effect on all congressionally mandated WSAs until Congress acts on the Secretary's recommendations. Areas identified as WSAs under Section 202 of FLPMA will receive interim management protection upon designation as a WSA. Those WSAs studied under Section 202 of FLPMA and subsequently found to be nonsuitable for wilderness designation may be released from interim management by the BLM State Director 30 days after approval of the land-use plan. Suitable WSAs studied under Section 202 of FLPMA will be studied using the Bureau's procedures for such areas, remaining under IMP protection until Congress acts. In the interest of consistency with related land-use plans, the State Director also has the option of keeping such areas in wilderness study status, and under interim management, until final decisions have been made on adjacent areas under wilderness review.
2. The law provides for, and the BLM'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 conducted on October 21, 1976, as long as they do not cause unnecessary or undue degradation of the lands. These are referred to as the "grandfathered" uses.
3. The BLM'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 after October 21, 1976, -- including location of new claims and the assessment work necessary to hold claims -- will be allowed as long as these activities are carried out in a manner that does not impair the area's wilderness suitability.
4. The BLM's policy is to recognize valid existing rights that existed on October 21, 1976. A further explanation of the policy on valid existing rights appears in Section B.9., below.
5. If a WSA is being studied under Section 202 of FLPMA, existing and new mining operations under the 1872 Mining Law will be regulated under the regulations 43 CFR 3802 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 IMP. Although FLPMA does not require Section 202 WSAs to be given interim management protection, the Bureau has the authority under Section 302 of FLPMA to manage these lands similarly. 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, either islands or roadless areas of 5,000 acres or more that have wilderness characteristics. Section 302 provides the authority to regulate mining on all public lands to prevent unnecessary or undue degradation.
6. State Directors will assure a level of monitoring and surveillance of each WSA adequate to prevent, detect, and mitigate unauthorized activities and to properly supervise authorized uses and facilities. The level of monitoring and surveillance will reflect the level of ongoing or anticipated activities within each WSA.
7. BLM will take all actions necessary to ensure full compliance with the IMP. Every effort will be made to obtain voluntary compliance with the IMP by public land users. Where such efforts fail, BLM will

promptly initiate additional appropriate action to achieve immediate compliance with the IMP. Violations will not be tolerated.

8. The BLM's policy is to attempt to immediately reclaim the impacts caused by any unauthorized action to a level as close as possible to the original condition, or at least to a condition that is substantially unnoticeable.

B. SPECIFIC POLICY GUIDANCE

This section describes how the BLM will apply the general policies set forth in Section A, above.

An overriding consideration before applying any of the policies below must be that the preservation of wilderness values within a WSA is paramount and should be the primary consideration when evaluating any proposed action or use that may conflict with or be adverse to those wilderness values. The concept of considering wilderness values first asserts, with few exceptions (e.g., valid existing rights, grandfathered rights, etc.), that wilderness resource management objectives within a WSA should take precedence over all other resource management program objectives. In other words, the wilderness resource will be dominant in all management decisions where a choice must be made between preservation of wilderness suitability and other competing uses.

Ideally, a decision to construct facilities within a WSA should be deferred until such time as Congress either designates the WSA as wilderness or releases it for other purposes. If a facility must be constructed within a given geographic area, it would be in the best interest for protecting wilderness values to construct the facility outside the WSA. Other alternatives should always be considered before deciding to allow a use or activity within a WSA.

1. Lands Under Wilderness Review. The BLM conducted a wilderness inventory under procedures described in the Wilderness Inventory Handbook, issued by BLM on September 27, 1978 (Organic Act Directive No. 78-61). The inventory sorted lands into two categories: (a) WSAs, to which the IMP applies, and (b) lands determined not to have wilderness characteristics and not subject to the IMP. A complete study was conducted on all the identified WSAs and suitable/nonsuitable wilderness recommendations submitted by the Secretary to the President by January 1993. All of these WSAs remain under the IMP (except as noted in A.5 above) until a final decision is made by Congress. Lands being reviewed for wilderness values in future planning efforts are subject to the IMP once identified as a WSA and remain under IMP until either released by the State Director as nonsuitable or until a final decision is made by the Congress on the land's wilderness status.

2. Nonimpairment. BLM will review all proposals for uses and/or facilities within WSAs to determine whether the proposal meets the criteria below. Uses and/or facilities found to be nonimpairing may be permitted on lands under wilderness review. Uses and/or facilities found to be impairing will be denied.

The following criteria are referred to hereafter as the "nonimpairment criteria".

a. The use, facility, or activity must be temporary. This means a temporary use that does not create surface disturbance or involve permanent placement of

facilities may be allowed if such use can easily and immediately be terminated upon wilderness designation. "Temporary" means the use or facility may continue until the date of wilderness designation, at which time the use must cease and/or the facility must be removed. "Surface disturbance" is any new disruption of the soil or vegetation, including vegetative trampling, which would necessitate reclamation. The term "surface disturbance" is discussed further in Specific Policy Guidance, Section 3 below. Decisions to allow or deny proposed actions based on the nonimpairment criteria will be included in appropriate decision documents.

b. When the use, activity, or facility is terminated, the wilderness values must not have been degraded so far as to significantly constrain the Congress's prerogative regarding the area's suitability for preservation as wilderness. The wilderness values to be considered are those mentioned in Section 2(c) of the Wilderness Act of 1964 (see Introduction, and/or Appendix B).

The only permitted exceptions to the above rules are:

- (1) Emergencies such as suppression activities associated with wildfire or search and rescue operations;
- (2) Reclamation activities designed to minimize impacts to wilderness values created by IMP violations and emergencies;
- (3) Uses and facilities which are considered grandfathered or valid existing rights under the IMP;
- (4) Uses and facilities that clearly protect or enhance the land's wilderness values or that are the minimum necessary for public health and safety in the use and enjoyment of the wilderness values; and,
- (5) Reclamation of pre-FLPMA impacts.

3. Surface Disturbance. Surface disturbance is any new disruption of the soil or vegetation requiring reclamation within a WSA. Uses and facilities necessitating reclamation (i.e., recontouring of the topography, replacement of topsoil, and/or restoration of native plant cover) are definitely surface disturbing and must be denied. Cross-country vehicle use off boundary roads and existing ways is surface disturbing because the tracks created by the vehicle leave depressions or ruts, compact the soils, and trample or compress vegetation. Certain activities recognized as acceptable within a WSA, such as recreational hiking, use of pack stock, or domestic livestock grazing, are allowable within a WSA although in the strictest sense, they cause surface disturbance.

4. 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 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. If the supporting activity cannot be done in a nonimpairing manner, then the principal activity will not be approved.

5. Cumulative Impacts. It is recognized that many minor impacts of nonimpairing uses or facilities could accumulate to a point at which the total impact would impair wilderness suitability either by creating impacts that overall are noticeable, or by degrading the area's wilderness values so far as to significantly constrain Congress's prerogative regarding the area's suitability for preservation as wilderness.

To prevent such cumulative impacts of ongoing uses from impairing wilderness suitability, the BLM will analyze and monitor the cumulative impacts. If impacts are becoming so great that the area's wilderness suitability could be impaired, the BLM will take steps to control those impacts by adjusting the conditions of use (such as time, place, and quantity), by prohibiting the expansion of the use, or by prohibiting the use altogether.

Every new proposal for uses or facilities, although individually it may be nonimpairing, will be analyzed in all required documents (i.e., National Environmental Policy Act (NEPA) documents, etc.) for cumulative effects. If the proposal will create an unacceptable additional increment of impact (as described in the first paragraph of this section above), it will not be approved.

6. Enhancing Wilderness Values. Wilderness values were identified in Section 2(c) of the Wilderness Act of 1964. The BLM Wilderness Inventory Handbook (Organic Act Directive No. 78-61, dated 9/19/78) further defined wilderness values as: roadlessness, naturalness, solitude, primitive and unconfined recreation, size, and supplemental values. Actions that clearly benefit a WSA's wilderness values through activities that restore, protect, or maintain these values are allowable. Though they may enhance wilderness values, these allowable actions must still be carried out in a manner which is least disturbing to the site.

In order to determine whether a proposed action enhances wilderness values within a given WSA, one must refer to the original wilderness inventory for baseline or benchmark data concerning the particular wilderness value(s) being affected. During the wilderness inventory, the Bureau described in detail the state or condition of each wilderness value or characteristic. If the proposed action would result in a positive or beneficial change in the state or condition of the wilderness value(s) as described, assessed, or calculated on the date of approval of the intensive inventory, then the wilderness value would be enhanced by the proposed action. Conversely, if the proposed action would result in a negative or detrimental change in the state or condition of the wilderness value(s) then that wilderness value would be degraded or impacted and the proposed action must not be allowed.

To illustrate this concept, the following examples are provided:

A mile-long drift fence is proposed in a particular WSA for the purpose of keeping livestock from entering an adjacent allotment. Because the fence did not exist at the time of the intensive wilderness inventory, it would result in a detrimental change in the baseline condition, thereby negatively impacting the wilderness value of "naturalness" and impairing the visitor's perception of the naturalness of the area. Consequently, the

drift fence proposal must be denied because in this case wilderness values are not enhanced.

Conversely, if the fence is intended to correct or mitigate a situation which is degrading wilderness values identified in the intensive inventory, the fence construction project may be allowed. For example, domestic livestock and wild horses are altering a hot springs complex, a unique special feature of a WSA, by damaging riparian vegetation, harming an unusual aquatic community, and degrading water quality. Special consideration to design and location of an enclosure fence would be required to reduce impacts to scenic qualities. Any negative impacts to wilderness values created by this fence would be clearly offset by the positive benefits of protecting in a more natural condition a special feature of the wilderness resource.

There may be some circumstances that warrant a few permanent short gap fences or very small enclosures around springs as long as the benefits to wilderness values of having these structures clearly outweigh any negative impacts to naturalness or primitive recreation opportunities.

A guzzler is proposed within a certain WSA for the purpose of providing water to a resident population of bighorn sheep. It is clear the guzzler will negatively impact the wilderness value of "naturalness" because the guzzler did not exist at the time of the intensive inventory. If the guzzler is approved for construction within the WSA, the quality of "naturalness" is diminished as the immediate area becomes more affected by the forces of man rather than the forces of nature. The imprint of man's work becomes increasingly more noticeable and the WSA loses some of its primeval character. In essence, the WSA is no longer an area where the earth and its community of life are untrammelled (unimpeded or unhindered) by man and his activities. Unless specific circumstances and conditions in Chapter III apply, the guzzler must be denied.

We must ensure, therefore, in our consideration of any proposal to construct a guzzler or any other facility within a WSA, that the guzzler or other facility will not degrade the very wilderness values that initially qualified the area for designation as a WSA. While the proximity of bighorn sheep within a WSA enhances the wilderness experience, the existence of a guzzler within a WSA detracts from the wilderness experience.

Consequently, districts must make certain that the facilities or use associated with the supplemental values of ecological, geological, or other features of scientific, educational, scenic, or historical value, which normally add to the primary wilderness values of roadlessness, naturalness, solitude, primitive and unconfined recreation, and size, do not degrade these very values that initially qualified the area for designation as a WSA.

Section 603(c) of FLPMA states, "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." In other words, the WSA's wilderness values must not have been

degraded so as to constrain or pre-empt Congressional designation authority.

7. Existing Facilities. Some lands under wilderness review may contain minor facilities that were found in the wilderness inventory process to be substantially unnoticeable. For example, these may include primitive vehicle routes ("ways") and livestock developments. There is nothing in this IMP that requires such facilities to be removed or discontinued. On the contrary, they may be used and maintained as before, as long as this does not cause new impacts that would impair the area's wilderness suitability.

8. "Grandfathered" Uses.

a. General. Grazing, mining, and mineral leasing uses that existed on the date of approval of FLPMA (October 21, 1976) may continue on 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 "manner and degree" clause of Section 603(c) of FLPMA. 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 B.9, below).

b. Criteria. To be an "existing" use, the use clearly must have been taking place on the lands as of the date of approval of FLPMA (October 21, 1976). A "grandfathered" mineral use must have created actual physical impacts before that date. Existing grazing must have been authorized as of October 21, 1976. However, new grazing (e.g., change in numbers, kind, or class of livestock, or season of use), expanding the area authorized for grazing, or new facilities are not "grandfathered".

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

The benchmark for the "manner and degree" of an existing use is the physical and visual impact that use was having on the area or impacts that occurred on October 21, 1976, because it is that impact that would have affected the wilderness review.

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 visual impacts the "grandfathered" use caused as of October, 1976. 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), as 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 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 B), including changes in natural contours and visual impacts.

It is the use, rather than the claim, that is "grandfathered." A "grandfathered" mineral use may continue in the same manner and degree onto adjacent claims held by the same person, even if the adjacent claims are post-FLPMA claims.

The policy on "grandfathered" uses is usually not applicable to pre-FLPMA mineral leases, because such leases enjoy greater development opportunities under the policy on valid existing rights (see section B.9, below).

d. **Manner and Degree for Grazing Uses.** The manner and degree of a grazing use refers to the nature of physical and visual impacts the use caused as of October 21, 1976, including the condition of the range and the authorized livestock developments installed or under construction at that time. Continuation in the same manner and degree implies that grazing may continue on the lands authorized as of October 21, 1976, as long as the impacts of that use do not increase. Continuation of a grazing use in the same manner and degree does not include any logical adjacent geographic continuation.

Continuation in the same manner and degree does not automatically include, nor does it automatically exclude, installation of new livestock developments. The question as to what new livestock developments may be installed on lands under wilderness review will be analyzed using the nonimpairment criteria.

9. **Valid Existing Rights.** The "valid existing rights" (VERs) provision of FLPMA (Section 701(h)) clearly applies only to valid rights "existing" on October 21, 1976. Those valid rights will be recognized. Activities must satisfy the nonimpairment standard if possible, unless this would unreasonably interfere with the enjoyment of the benefit of the rights. Activities under VERs also must be regulated to prevent unnecessary or undue degradation of the lands.

Examples of VERs include: a valid mining claim, a mineral lease, or a right-of-way authorization. Valid Existing Rights are not absolute. The scope of a VER depends upon any conditions, stipulations, or limitations stated in the law or approval document that created the right. For instance, if a lease contains a stipulation prohibiting surface occupancy, then the VER for that lease does not include the right to occupy the surface of the leasehold. If the holder of VERs transfers a claim, lease, or right-of-way authorization to another person, the same VER will be recognized in the new holder. A VER is tied to a particular claim, lease, or right-of-way authorization, and cannot be transferred to a different claim, lease, or right-of-way location. This is in contrast to "grandfathered" uses under the mining laws. Such grandfathered uses may proceed onto adjacent claims in the same manner and degree.

Although the nonimpairment standard remains the norm, VERs that include the right to develop may not be restricted to the point where the restriction unreasonably interferes with enjoyment of the benefit of the right. Resolution of specific cases will depend upon the nature of the rights conveyed and the

site-specific conditions involved. When it is determined that the rights conveyed can be enjoyed only through activities that will impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation.

a. **Mining Claims.** Mining claimants are recognized as having a VER if a valid discovery had been made on the claim on or before October 21, 1976, and the claim continues to be supported by such a discovery. Of course, if any such claims were actively being worked as of October 21, 1976, they also qualify as "grandfathered" uses. But they enjoy a more liberal development standard under the VERs provision, because they would not be limited to the manner and degree existing on October 21, 1976. When it is determined that the claimant's possessory rights conveyed can be exercised only through activities that will impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed. Before beginning activities whose impacts would impair wilderness suitability, the claimant must show evidence of discovery to BLM. See also 43 CFR 3802.1-5(b)(2).

However, there is a narrow exception. If on-the-ground activities that would impair wilderness suitability are proposed on a pre-FLPMA claim with VERs within a WSA 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 1 year, subject to renewal, but not to exceed a total of 2 years. In such cases, the existing right remains, but its enjoyment may be postponed.

b. **Leases.** Valid Existing Rights for mineral leases issued on or before October 21, 1976, are dependent upon the specific terms and conditions of each lease, including any stipulations attached to the lease. Activities for the use and development of such leases must satisfy the nonimpairment criteria, unless this would unreasonably interfere with rights of the lease as set forth in the mineral lease. When it is determined that the rights conveyed can be exercised only through activities that will permanently impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed. A pre-FLPMA lease does not carry with it a VER to obtain access to the lease boundaries across Federal land and, in the absence of grandfathered uses, access may not be granted if it would violate the nonimpairment standard.

10. Appropriation Under the Mining Laws. A mandate in Section 603(c) of FLPMA, 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 sole purpose of preserving the land's wilderness character. Lands under wilderness review will therefore 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.

11. Motor Vehicles, Aircraft and Mechanical Transport. Motor vehicles and mechanical transport may be allowed off boundary roads and existing ways for these purposes only:

- a. in emergencies and search and rescue operations (as described in Section 12, below);
- b. for official purposes by the BLM and other Federal, State, and local agencies and their agents 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,
- c. to build or maintain structures and installations authorized in this document, as long as such use of vehicles is determined to satisfy the nonimpairment criteria and is only along routes authorized and specified by the BLM. No grading, blading, or vegetative disturbance will be permitted as this would constitute surface disturbance and thus not meet the nonimpairment criteria.

In emergencies, cross-country travel will not be held to the nonimpairment standard; but in all other cases, cross-country travel is allowed only where it is specifically authorized by BLM and it satisfies the nonimpairment criteria. If impacts threaten to impair the area's wilderness suitability, the BLM may limit or close the affected lands to the uses causing the problem.

Mechanical transport, including all motorized devices as well as trail and mountain bikes, may only be allowed on existing ways and within "open" areas that were designated prior to the passage of FLPMA (October 21, 1976). Use of such devices off existing ways and trails are allowed only for the purposes listed in the paragraph above.

Helicopters may land on existing heliports, helispots, and on unimproved sites as long as the nonimpairment criteria is satisfied. Fixed-wing aircraft may land only on existing airstrips or established vehicle ways as long as the nonimpairment criteria is satisfied. No new landing facilities may be built. In the case of an emergency, see Section 12 below.

Examples of aircraft landings that first must meet the nonimpairment criteria and be approved by the BLM, include informational gathering, surveys, surveillance or monitoring, placement or maintenance of projects, animal damage control, access, or transport. Examples of aircraft landings for emergency situations include search and rescue, law enforcement and fire suppression (refer to Section 12 below).

12. 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. Emergency actions will be conducted in the manner that least impairs wilderness suitability, and the resulting impacts will be reclaimed as soon as possible after the situation has ended. 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 and a public notification will be mailed to all interested parties.

13. Maintenance. Existing facilities may be maintained to keep them in an effective, usable condition. 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. Maintenance of "grandfathered" livestock developments will be permitted to insure that the usefulness of the project for its intended purposes may be realized, but will not be allowed to modify a facility to exceed the

physical and visual impacts existing on October 21, 1976. Modifications exceeding this standard will be evaluated under the nonimpairment standard. Maintenance of a facility that qualifies as a VER should also be held to the nonimpairment standard, unless that would unreasonably interfere with the rights granted under the VER.

14. 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 WSAs 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.

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 IMP 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. New Discretionary Uses. To foster efficient wilderness management, it is BLM's policy to minimize the establishment of new discretionary uses in WSAs that would be incompatible with possible wilderness designation, even when the uses would not in themselves exceed the nonimpairment standard. Some new uses, within or adjacent to WSAs, may create conflicts with management and preservation of wilderness values at a later time. Consideration should be given to the possible effect these uses may have on managing the WSAs as wilderness in the future. For example, the construction of a campground facility adjacent to a WSA would seem to have the potential to create conflicts with management and preservation of wilderness values at a later time. Another example might be opening up a river or other body of water in a WSA to motorboat use. New uses, if authorized, must be temporary.

17. Substantially Unnoticeable. Substantially unnoticeable means that an action must be so insignificant as to be only a very minor feature or is not distinctively recognizable by the average visitor as being human made or human-caused because of age, weathering or biological change. The Bureau's visual 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 action are substantially unnoticeable. Other analysis that could be used, include a viewshed or seen-area analysis and the use of ground and aerial photographs. In all cases a written narrative analyzing the potential visual impacts, both individually and cumulatively, must be provided.

18. Minimum Tool Concept. The "minimum tool" concept relates to the management of designated wilderness areas, but the concept can be useful as a guide when applied to the interim management of WSAs. Under the "minimum tool" concept, managers should scrutinize every proposed action to determine if the action is necessary to protect the physical, biological, and cultural resources, as well as the quality of the wilderness experience. If the planned action is deemed necessary, it should be accomplished using methods and equipment that have the least impact on the quality of an individual or group's wilderness experience, as well as the physical, biological, and cultural resources within the WSA. In a WSA, how one carries out management actions is as important as the end product.

For example, if a decision is made to develop a water source for bighorn sheep within a WSA because this would enhance wilderness values, and the preference is for construction of a bighorn sheep guzzler, management should first consider and analyze other "minimum tool" alternatives that would accomplish the same management objectives with less degradation to wilderness values. Some possible minimum tool options in this example might include:

- a. Restoration of existing springs and seeps that have been altered by domestic livestock grazing or wild horses and burros;
- b. Removal of domestic livestock or wild horses and burros from water sources frequented by bighorn sheep;
- c. Designing a very short, substantially unnoticeable fence that would segregate bighorn sheep from livestock and wild horses and burros in order that all may share the same water source;
- d. Elimination of salt cedar infestations that may have reduced or eliminated the above-ground flow of water available to bighorn sheep;
- e. Constructing one or more small slick rock, concrete and rock catchments or dams; and,
- f. Upgrading of potholes for greater water-holding capacity by utilizing native stone and tinted concrete.

19. Hazardous Materials. No hazardous wastes, substances, or materials (see Glossary for complete definitions) may be used, stored, or disposed of in WSAs. In emergency situations (e.g. the cleanup of unauthorized dumping of hazardous materials), any action necessary to protect visitor health and safety and to protect the natural environment may be taken, even if the action will temporarily impair wilderness suitability. Emergency control and cleanup activities will be conducted in accordance with all pertinent laws and regulations, NEPA requirements, and in the manner that least impairs wilderness suitability. Impacts resulting from hazardous materials cleanup will be reclaimed as soon as possible after disposal and/or cleanup operations have ended. Public notification procedures will be followed for all hazardous materials operations in WSAs.

CHAPTER II. IMPLEMENTATION OF THE INTERIM MANAGEMENT POLICY

A. USES OR FACILITIES SUBJECT TO THE IMP

1. Step 1 - Review the Definition of Wilderness. Before beginning any evaluation of a proposed action within a WSA, review the primary mandates and definitions of wilderness in Section 2 of the Wilderness Act of 1964. There are some key phrases in the definition that will assist in understanding the intent of Congress that guide the IMP:

- an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. (Note: "untrammelled" means unconfined, unrestrained, or unimpeded.)

- an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation.

- protected and managed so as to preserve its natural conditions.

- generally appears to have been affected primarily by the forces of nature, with the imprints of man's work substantially unnoticeable.

2. Step 2 - Consider Exceptions and Limitations to the Nonimpairment Standard. Consider whether the proposal is covered by one of the exceptions or limitations to the "nonimpairment" standard:

- a. Does the proposal qualify as a "grandfathered" mineral or grazing use continuing in the same manner and degree as on October 21, 1976? New proposed range developments, for example, are not grandfathered. (Consult the applicable policies in Chapter I.B.8 and Chapter III.B and D.) If so, the proposal will probably be considered acceptable under the IMP subject to regulation ensuring that the use or facility does not cause unnecessary or undue degradation. In many grandfathered developments that predate the NEPA, no environmental documentation exists. Some mitigation to impacts on wilderness values may be identified during the environmental assessment process.

- b. Is the proposal part of the development of a valid existing right (such as a valid mining claim, mineral lease, or right-of-way authorization in effect as of October 21, 1976)? If so, proceed under the applicable policies in Chapter I.B.9, III.A.2 and 4, and III.B. The right will be recognized but it is not absolute. The scope of a valid existing right depends on any conditions, stipulations, or limitations stated in the law or approval document that created the right.

- c. In a WSA that is being studied under Section 202 of FLPMA, is the proposal a mining activity under the 1872 Mining Law? If so, the activity will be regulated under 43 CFR 3802 to prevent unnecessary or undue degradation of the lands but not the nonimpairment criteria.

The determination that a proposal is not subject to the nonimpairment standard will be documented and recorded in appropriate case files and/or included in any decision documents and authorizations.

3. Step 3 - Notify the Public.

- a. All offices must notify interested parties of proposed actions on land within their jurisdiction that are

managed under the IMP before such actions can be approved. If appropriate, such notifications should be sent directly to the interested parties. Use of the Federal Register or the "legal notices" section of newspapers is permissible, but such formally published notices by themselves are not enough.

b. Proposed actions on lands subject to the IMP requiring notification procedure include but are not limited to:

- requests for approval of mining plans of operations under 43 CFR 3802;
- gathering information about mineral resources in accordance with 43 CFR 8560.4-5(b);
- applications for permit to drill;
- notices of intent to conduct oil and gas exploration operations on existing leases;
- proposed changes in livestock use, including changes in numbers, season of use, or kinds or classes of livestock; and,
- BLM-initiated projects, including implementation of decisions contained in land use and activity plans.
- Public initiated projects such as issuance of a filming permit.

It is not necessary to send notices on extensions of existing mineral leases.

c. Provide notice at least 30 days prior to making a decision on all proposals (regardless of the method of analysis or determination), except when it is not possible to do so because of emergency conditions or other regulatory timeframes, e.g., 43 CFR 3802. If public response indicates more time is required, the approval period may be extended, depending upon the situation and at the discretion of the authorized officer. Notifications should be sent early enough to provide recipients sufficient time to inform BLM of their concerns prior to the date we intend to authorize or carry out the proposed action.

d. The notice should include a map and enough information for the recipient to understand the purpose, location, nature, size and expected implementation date of the proposed action. Although not required, it may be helpful to include, a copy of the Environmental Analysis (EA) or the IMP nonimpairment analysis with the notice.

e. The level of interest expressed and issues raised in scoping the EA or Environmental Impact Statement (EIS) will determine the interpretation of the significance of the project and how widely to circulate notices. States may wish to use a State Office clearinghouse approach in reviewing, summarizing and notifying interested citizens or organizations in addition to direct notifications.

f. Notification of unauthorized actions that have caused surface disturbance in WSAs is also required. Such notices are not intended to delay or impede timely enforcement or reclamation of the area. In

order to protect evidence and specific information on an alleged violator, certain information may be withheld pending disposition of any administrative or legal remedies.

4. Step 4 - Conclude Whether the Use or Facility Will Meet the Nonimpairment Standard. Conclude and provide written documentation whether the proposal is in compliance with the nonimpairment criteria from Chapter I and what impacts it will have on wilderness values. Written documentation must be recorded in appropriate case files and included in any decision documents and authorizations. The BLM field officials will cooperate with applicants to help identify ways by which a proposal can be brought into compliance with the nonimpairment criteria through modification of the proposal.

5. Step 5 - Consult the Guidelines for Specific Activities. Chapter III of this handbook contains guidelines and special exceptions for many of the specific uses and facilities which may take place or be proposed in Wilderness Study Areas. Consult these guidelines for specific policy guidance covering the use or facility. If specific guidelines do not address the proposal being evaluated, refer to the "nonimpairment criteria" from Chapter I and other applicable policies that may apply in this particular case.

6. Step 6 - Gather Information: Prepare EA or EIS. The information needed to reach conclusions on whether the proposal meets the nonimpairment criteria (Step 4) will be recorded in the EA or EIS that is prepared at this stage in the analytical process. The EA or EIS must include the information outlined below in paragraphs a, b, c, and d, most of which is already required by the NEPA Handbook (H-1760-1). The use of categorical exclusion reviews for uses and facilities on lands under wilderness review is not allowed.

The information required in an EA or EIS must include the following as a minimum, and where required by the Council on Environmental Quality (CEQ) regulations:

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

--Purpose, need, and/or justification for the action.

--Exact location and proposed time of the action.

--Discussion of all alternative sites both inside and outside the WSA.

--Discussion of all reasonable alternative methods or approaches to accomplishing the same management objectives. Alternatives must be described with the same level of detail as the proposed action.

--Proposed facility design specifications, if applicable, including size, color and materials.

--Construction methods including machinery, equipment or vehicles to be used.

--Miles, square feet, or acres of soil and vegetation disturbance.

--Access required for proposed action and alternatives.

--Maintenance schedules, techniques, procedures, and required access.

b. A description of the affected environment, considering both the specific site and the WSA in its entirety:

--Wilderness characteristics as documented in the intensive inventory report or Wilderness Study Report.

--Meaningful descriptions of soils, erosion potential, vegetation cover and composition, other resources, reclamation potential, topography and climate (including precipitation).

--A description of the natural ecosystem including dominant plants and animals.

--Existing uses and facilities.

--Discussion of scenery characteristics, vistas, key viewing areas, and visitor use areas.

c. Written assessment of anticipated impacts including the following, if applicable:

--Describe the physical, biological, cultural, and environmental impacts to the site or WSA.

--If the project's impacts, including cumulative impacts, had existed at the time of the intensive inventory, would those impacts have disqualified the area, or any portion of the area, from being identified as a WSA or from being included in a WSA?

--Discuss how the proposed project will (or will not) conform to the nonimpairment criteria as described in Chapter 1.

--Discuss how the project will (or will not) meet the conditions of being substantially unnoticeable. Consider the impacts of existing, as well as proposed and future projects on the condition of being substantially unnoticeable.

--Will the addition of this proposal produce an aggregate negative effect upon the area's wilderness characteristics and values that would constrain Congress's decision to designate the area as wilderness, considering the condition of the area at the time the Secretary sent the recommendation to the President? The analysis must include, if applicable, the impact of the proposal on the following wilderness and related values:

- soil stability, including erosion impacts.
- condition or trend of the vegetation including plant species composition and vegetal cover.
- natural biological diversity including numbers and species composition of microbes, invertebrates, fish, reptiles, amphibians, birds, and mammals.
- key visual resource characteristics (form, line, color, and texture) of the landscape.
- naturalness.
- opportunities for solitude.
- opportunities for primitive and unconfined types of recreation, or quality of existing opportunities for primitive and unconfined types of recreation.
- description of special features.
- quality of surface water including dissolved solids, nutrient levels such as nitrates, and microbial concentrations.
- threatened or endangered plant and animal species.

--Will the addition of this proposal reduce or improve the overall wilderness quality of the WSA or a portion of the WSA? (This is especially important for WSAs or portions of WSAs that are pristine in character.)

d. Analysis of reclamation for unauthorized projects:

- Discussion of what the particular reclamation plan will accomplish.
- How the process will be implemented (type and amounts of hand and equipment work).
- Soils to be replaced and/or recontoured to a natural appearance.
- 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.

7. Step 7 - Decision/Record Keeping. The determination to allow or deny the proposed action and whether the action complies with the IMP or with the 3802 regulations (for those actions covered under these regulations), must be included in the decision document and recorded in appropriate case files and official WSA files, which are maintained at the appropriate office level. In addition to the required inventory and WSA information, this file or a separate IMP file should contain a summary or cross-reference of other case files of all authorized, unauthorized, and proposed actions, since December 1979, within the WSA, including all related NEPA documents. The file must contain the following information for any individual proposed use, facility, or unauthorized action:

- a. The WSA name and number.
- b. A brief description of the proposed use or facility.
- c. An accurate map of the proposal.
- d. A description of action taken and authorized uses and facilities (i.e. approved, disapproved, pending). A description of uses and facilities believed to be unauthorized.
- e. A cross-reference to the pertinent case files, decision rationale, bonding determination, documentation required in Chapter II.B and the name of the staff member handling the case.
- f. Comments on problems encountered.
- g. Chronology of events.
- h. Reclamation schedule.
- i. Evaluation of reclamation efforts.
- j. Current status of the proposal or investigation.
- k. Future planned actions.

All subsequent compliance, noncompliance and followup actions must be documented in the file.

C. DECISIONS AND APPEALS

Appeal procedures can be found in 40 CFR Part I and regulations governing program decisions in the appropriate CFRs. Appellants and others who are adversely affected by a management decision within

lands under wilderness review will be informed of appeal procedures.

D. MONITORING AND SURVEILLANCE

1. All WSAs are to be monitored on a minimum standard of surveillance that will insure compliance with the IMP. A basic monitoring level of at least once per month during the months the area is accessible by the public should be adhered to, or more frequently if necessary because of potential use activities or resource conflicts.

2. Alternate surveillance schedules for any WSA that could more effectively be monitored less frequently than once per month can be used if approved by the State Director. In the absence of an approved alternate surveillance schedule, the minimum standard of surveillance of once per month shall remain in effect.

Alternate surveillance schedules shall be tailored for the special needs of the WSA based on a consideration of factors including but not limited to: location and proximity to user publics, history of unauthorized activities and violations, weather/seasons of use and access, potential for volunteer assistance, Adopt-a-WSA efforts, or other staff extensions/outreach opportunities.

At a minimum, the alternate surveillance schedule shall include the frequency of ground and air surveillance, the resources required to sustain the new schedule, and a justification for replacing once a month surveillance with the alternate schedule. The alternate surveillance schedule for each WSA must be approved and maintained in the WSAs permanent documentation file.

3. If possible, BLM District Offices should submit monthly written reports to the State Office, keep patrol logs, and make use of surveillance plans, diaries, and photographs. Unauthorized uses and facilities may be assertively prevented by using such measures as: ranger patrol, cooperative agreements with local law enforcement agencies, surveillance by volunteers, posting signs at key access points, notifying various user and commodity groups of WSA locations, and regular project compliance visits to monitor actions authorized within WSAs.

E. ENFORCEMENT

If unauthorized uses and facilities 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 reclamation of the area. Impacts resulting from unauthorized activities will not disqualify an area from WSA status. All action to achieve compliance with the IMP 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 a use is taking place or an unauthorized facility is being constructed on lands under wilderness review that is not in compliance with the IMP or the regulations of 43 CFR 3802:

1. Thoroughly inspect the site and determine whether the use or facility is authorized or unauthorized.

Determine whether the use or facility is permissible on the basis of "grandfathered" uses or valid existing rights. A trespass operation must stop, even if it qualifies as "grandfathered" or a VER, until NEPA review is complete and proper authorizations are issued.

2. Immediately contact the person responsible for the activity in any manner that can be verified with documentation. Explain the situation and, depending on the situation or activity, seek the responsible person's assistance in bringing the operation into compliance with the IMP. Document the "who, what, where, when, how, and why" of the activities observed.

3. If the responsible person is not willing to comply, and the operation is causing impairment of wilderness values, the BLM will shut down the operation. Notices of noncompliance and citations may be used. When appropriate, the full range of administrative remedies will be used before initiating legal action. The State Director will be notified, after coordination and consultation with the responsible person, so that additional appropriate action may be taken immediately to prevent impairment. The BLM will work with the Regional Solicitor and U.S. Attorney's office to initiate appropriate legal action if necessary.

Section 303 of FLPMA provides that the use, occupancy, or development of any portion of the public lands contrary to any regulation of the Secretary, or other responsible authority, or contrary to any order issued pursuant to any such regulation, is unlawful and prohibited. Use and facilities contrary to the provisions of the IMP and the regulations 43 CFR 3802 would be unlawful, and criminal provisions of FLPMA [43 USC 1733(a)] may apply. Regulations codified at 43 CFR 8360 provide the basis for criminal prosecution, which is independent of any administrative remedies. Possible violations of criminal laws should be referred to the law enforcement ranger or special agent, who will take the appropriate action. Criminal prosecution is pursued regardless of the type of IMP violation if circumstances warrant it.

F. RECLAMATION OF UNAUTHORIZED IMPACTS

The BLM's goal is to immediately reclaim the impacts caused by any unauthorized action to a level as close as possible to the original condition, or at least to a condition that is substantially unnoticeable. The BLM will attempt to collect costs of reclamation from any and all persons responsible for causing impacts. If the person responsible for the unauthorized impacts is not known, BLM will undertake reclamation and initiate action to locate the person(s) responsible and collect the reclamation costs from these persons. If the person responsible for the unauthorized impacts is known but unwilling to perform the needed reclamation, BLM will undertake reclamation and initiate action to collect the costs from the responsible person(s). If the impacts in a particular case are so severe as to make it impossible or unreasonably costly to meet the requirements of the nonimpairment criteria, or if reclamation efforts would result in greater loss of wilderness values than natural reclamation, the State Director will submit written recommendations to the Director proposing an alternative reclamation strategy.

CHAPTER III. POLICIES FOR SPECIFIC ACTIVITIES

While performing specific activities in WSAs, it is necessary to comply with the nonimpairment

standard specifically outlined under Chapter I.B.2.

A. LANDS ACTIONS -- DISPOSALS, USE AUTHORIZATIONS, RIGHTS-OF-WAY, ACCESS AND WITHDRAWALS

1. Disposals. 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 Class II, desert land entries (except where a vested right was established prior to October 21, 1976) or State selections. (Lands validly selected by the State of Alaska, whether tentatively approved or not, are exempt from wilderness review and are not subject to the IMP.)

Disposals may be permitted under normal BLM procedures for mining patents; color of title Class I; and desert land entries in which a vested right was established prior to October 21, 1976.

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. In very limited cases or unique situations, subject to public review and prior approval by the Director, exchanges may be made involving public and non-Federal lands within WSAs when such action would significantly benefit wilderness values and improve wilderness management potential.

2. Use Authorizations. Leases under the Recreation and Public Purposes Act and leases and permits under 43 CFR 2920 may be authorized only if BLM determines that the case in question satisfies the nonimpairment criteria and complies with guidance in the IMP applicable to the type of activity involved. Any permit or lease issued under 43 CFR 2920 must contain a stipulation that if the WSA is designated as a wilderness area, the lease or permit may be terminated. Provision regarding disposition of facilities, structures, and improvements upon termination will be included in the stipulations included in the permit or lease.

3. Rights-of-way. Existing rights-of-way may be renewed if they are still being used for their authorized purpose. Necessary, routine maintenance to keep an existing right-of-way facility in a safe and reliable condition, and any additional actions authorized in the original permit, may be permitted. In such cases, every effort should be made to comply with 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. Such emergency actions must be in compliance with the policy set forth in Chapter I.B.12.

New rights-of-way may be approved for temporary uses that satisfy the nonimpairment criteria. New rights-of-way may be approved for temporary or permanent uses that do not satisfy the nonimpairment criteria only under any of the following conditions:

a. Where access qualifies as part of the same manner and degree of "grandfathered" mineral uses and there is no reasonable, less impairing, alternative access available.

b. In cases of valid existing rights (VERs) where the BLM has determined that application of the nonimpairment standard would unreasonably interfere with the exercise of those rights. (Example of

such a VER may include certain mineral leases. In each case, the BLMs decision will depend upon the nature of the rights conveyed and the site-specific conditions involved.)

c. In cases of access to non-Federal lands where the BLM has determined that application of the nonimpairment standard would unreasonably interfere with the enjoyment of the landowner's rights. In each case, the BLM's decision will depend upon the nature of the rights conveyed and the site-specific conditions involved. The BLM is required by law to provide such access as is adequate to secure to the landowner the reasonable use and enjoyment of non-Federally owned land which is completely surrounded or isolated by public lands administered under FLPMA. In determining adequate access, the BLM has discretion to evaluate such things as proposed construction methods and location, to consider reasonable alternatives (trails, alternative routes, including aerial access, and degree of development) and to establish such reasonable terms and conditions as are necessary to protect the public interest.

Reasonable use and enjoyment need not necessarily require the highest degree of access, but rather could be some lesser degree of reasonable access. The BLM, however, must provide a degree of access that is commensurate with the reasonable use and enjoyment of the non-Federal land. The BLM must also consider such things as a landowner's options to develop new access across other non-Federal land or the use of existing access over non-Federal or public lands.

4. Right-of-Way Corridors. Post FLPMA right-of-way corridors may be designated on lands under wilderness review, but they do not contain any rights-of-way grants within them. 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 3, 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 Section C.3, above, will not be approved, unless Congress decides not to designate the area as wilderness.

5. Access to Mining Claims. Access to mining claims may be approved in the form of temporary activities or routes that satisfy the nonimpairment criteria. Construction of temporary or permanent access routes to mining claims not satisfying the nonimpairment criteria may be approved only under either of the following conditions:

a. Where such access qualifies as part of the same manner and degree of "grandfathered" mining uses and there is no other reasonable, less impairing, alternative access available.

b. In cases of mining claims that had a valid discovery as of October 21, 1976, under criteria described in section B of this chapter, and the BLM has determined that application of the nonimpairment standard would unreasonably interfere with development of the claim. In these cases, the BLM's decision will depend on the site-specific conditions involved.

6. Withdrawals. Existing withdrawals may be renewed if the withdrawal is still serving its purpose. No new withdrawals may be made except withdrawals that can satisfy the nonimpairment criteria.

Withdrawals transferring land or the administration of lands to other Federal agencies may be

approved if the land will be managed so as not to impair its suitability for preservation as wilderness.

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

B. MINERAL USES

An understanding of several concepts is necessary before reading the following text on mining and mineral leasing operations. Chapter I explains the meaning of the "grandfather" concept, "manner and degree," "nonimpairment," and "valid existing rights."

The meaning and intent of these key terms will guide the minerals management in WSAs during the wilderness review period. Once an area is designated by Congress as wilderness, minerals management will 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 of 1964, 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.7. They will, however, be regulated to prevent unnecessary or undue degradation of the lands.

Valid existing rights (VERs) of mining claimants will be recognized. For a claim to qualify as a VER, 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 VERs 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 VERs, 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.

Activities proposed under leases, permits, and mining claims will be subject to the nonimpairment criteria as described in Chapters I and II, except to the extent a specific proposal is affected by the "grandfather" or VERs provisions. The interactions between these three categories will be described in the following policies.

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

a. **Pre-FLPMA Leases.** All pre-FLPMA leases represent VERs, but the rights are dependent upon the specific terms and conditions of each lease, including any stipulations attached to the lease. Activities for the use and development of such leases must satisfy the nonimpairment criteria unless this would unreasonably interfere with rights of the lessee as set forth in the mineral lease. When it is determined that the rights conveyed can be exercised only through activities that will impair wilderness suitability,

the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed. A pre-FLPMA lease does not carry with it a VER to obtain access to the lease boundaries across Federal land and, in the absence of "grandfathered" uses, access may not be granted if it would violate the nonimpairment standard.

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. 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. The nonimpairment criteria apply to all post-FLPMA leases, whether or not a wilderness protection stipulation was included in the lease. Proposed activities on all post-FLPMA leases are regulated under the nonimpairment standard at the time the lessee desires to start any surface-disturbing activities on the leasehold.

c. New Leases. No new leases may be issued on lands under wilderness review. This applies to public lands, including split-estate lands where Federal mineral estate underlies non-Federal surface, within the boundaries of an area under review.

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 BLM notifies a proponent that an application to conduct operations is being denied because of the potential impairment of wilderness suitability, 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 appropriate to protect the rights granted by the lease. It is not appropriate for the 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, these potential conflicts must be identified promptly during the notice of staking, application to conduct operations, and plan of operation. The lessee must also be promptly notified of the disapproval of the application.

For leases not encumbered with the 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 suspension of operating and producing requirements for the time needed 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 requiring 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.

e. Exploration. Post-FLPMA oil and gas or geothermal exploration applied for under 43 CFR 3150 or 43 CFR 3209 may 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. Under 43 CFR 3150, which requires filing of a notice of intent, the Authorized Officer has an opportunity to review the proposed action to determine whether special practices or procedures need to be followed by the operator or whether the general approval contained in the regulations should be withheld.

Seismic and inventory information gathering by helicopter or other means not requiring road blading or improvement may be allowed if it satisfies the nonimpairment criteria. Recurring mineral surveys with other Federal agencies by various methods may be conducted in accordance with 43 CFR 3802.1-2 under the nonimpairment criteria. Casual use provisions and definitions relating to exploration are found at 43 CFR 3150.

f. Drilling Units. Post-FLPMA leases may be included in drilling units, either alone or in combination with pre-FLPMA leases. However, post-FLPMA leases remain subject to the nonimpairment criteria even when included in a drilling unit with pre-FLPMA leases. In this situation, the VERs of the pre-FLPMA lease must be honored on the pre-FLPMA lease, but those rights cannot be extended to post-FLPMA leases through formation of a drilling unit. Similarly, if there was a "grandfathered" use on the pre-FLPMA lease, the use may proceed in the same manner and degree onto adjacent pre-FLPMA leases (held by the same owner) within the drilling unit, but a "grandfathered" use cannot be extended to any post-FLPMA leases through formation of a drilling unit. Although post-FLPMA leases included in a drilling unit remain subject to the nonimpairment criteria, they enjoy other benefits of unitization, and their terms may be continued by drilling, or extended by production, on other leases in the unit.

2. Coal. The policy for coal is more exclusive than the other leasable minerals because of regulations 43 CFR 3461, 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 WSAs.

Coal lands being considered for leasing must be subjected to four screens during land use planning. These screens - coal development potential, the unsuitability criteria, multiple use tradeoffs, and surface owner consultation - determine which coal bearing lands are cleared for further consideration for coal leasing.

a. Pre-FLPMA Leases. All pre-FLPMA coal leases represent VERs, but the rights are dependent upon the specific terms and conditions of each lease, including any stipulations attached to the lease. Activities for the use and development of such leases must satisfy the nonimpairment criteria unless

this would unreasonably interfere with rights of the lessee as set forth in the mineral lease. When it is determined that the rights conveyed can be exercised only through activities that will impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, they will be allowed to proceed.

b. Preference Right Lease Applications. The preference right lease applicant's right to adjudication of his right to 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 there are now only two of the original four pre-FLPMA oil shale leases. All pre-FLPMA oil shale leases represent VERs, but the rights are dependent upon the specific terms and conditions of each lease, including any stipulations attached to the lease. Activities for the use and development of such leases must satisfy the nonimpairment criteria unless this would unreasonably interfere with rights of the lessee as set forth in the mineral lease. When it is determined that the rights conveyed can be exercised only through activities that will impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, those activities will be allowed to proceed.

Those tar sand leases that will be issued as a result of oil and gas lease conversions under the Combined Hydrocarbon Leasing Act of 1981 will have VERs. Such leases will be subject to the same standard described for pre-FLPMA oil shale leases in the preceding paragraph.

b. New Leases. No leases may be issued on lands under wilderness review. This applies to public

lands, including split-estate lands where Federal mineral estate underlies non-Federal surface, within the boundaries of an area under wilderness review.

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 and Licenses. All pre-FLPMA leases and permits are VERs, but the rights are dependent upon the specific terms and conditions of the lease or permit, including any stipulations attached. Activities for the use and development of such leases and permits must satisfy the nonimpairment criteria unless this would unreasonably interfere with the rights of the lessee or permittee as set forth in their mineral lease or permit. When it is determined that the rights conveyed can be exercised only through activities that will impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, those activities will be allowed to proceed. (See 43 CFR 3500 for guidance.)

b. Preference Right Lease Applications. Existing rights to preference right leases will be recognized, if those activities are in conformance with the terms set forth in 43 CFR 3500. However, conditions will be imposed in such leases to prevent impairment of the area's suitability for preservation as wilderness.

c. 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. If there is already production on any lease issued in this time frame, production 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. The nonimpairment criteria apply to these leases, whether or not the wilderness protection stipulation was included in the lease. Proposed activities on all post-FLPMA leases are regulated under the nonimpairment standard at the time the lessee desires to start any surface-disturbing activities on the leasehold.

d. New Leases and Exploration Licenses. No leases may be issued on lands under wilderness review. This applies to public lands, including split-estate lands where Federal mineral estate underlies non-Federal surface, within the boundaries of an area under wilderness review.

5. Mining Operations Under the 1872 Mining Law.

a. Location, Prospecting, Exploration, Mining. Mining operations conducted on lands under wilderness review are subject to the regulations 43 CFR 3802. These regulations provide procedures for notifying the BLM of activities being conducted or proposed to be conducted on mining claims and 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" uses 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), and at the time of approval of a plan of operations under the regulations 43 CFR 3802, will be allowed to continue their mining operations to full development. Activities for the use and development of such claims must satisfy the nonimpairment criteria, unless this would unreasonably interfere with the claimant's possessory rights of use and enjoyment of the claim. When it is determined that the rights conveyed can be exercised only through activities that will impair wilderness suitability, the activities will be regulated to prevent unnecessary or undue degradation. Nevertheless, even if such activities impair the area's wilderness suitability, those activities will be allowed to proceed.

Before the BLM will grant approval of operations that do not satisfy the nonimpairment criteria, the operator will be required to show evidence of a pre-FLPMA discovery. If warranted, BLM may verify data through a field examination and, only if necessary, initiate contest proceedings.

If claims have a pre-FLPMA discovery and are otherwise properly located and maintained under the mining laws, then the nonimpairment criteria may be exceeded. 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, even after the claim has been patented [FLPMA, Section 601(f)]. All operations are subject to the regulations 43 CFR 3802, specifying in what circumstances and in what manner notification is required.

c. **Temporary Limitation on the Exercise of Valid Existing Rights (VERs).** If impairing activities are proposed on a pre-FLPMA claim with VERs, within a 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 and Congress may be expected to act in a short period of time. Such a disapproval would be for 1 year, subject to renewal, but not to exceed a total of 2 years.

d. **"Grandfathered" Uses.** Owners of unpatented mining claims located on or before October 21, 1976, who cannot establish a VER 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.8.) For pre-FLPMA claims which have neither VERs 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 under the authority of the small miners exemptions will be permitted only if the BLM determines that it satisfies the nonimpairment criteria. However, assessment

work on claims which qualify under VERs 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 2 years. (Also, see 43 CFR 3852.) 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 on claims located after October 21, 1976, patents may be issued.

h. **Mining Activities in Section 202 WSA's.** If the WSA, or portion of a WSA, is being studied under Section 202 (regardless of acreage), all mining activities under the 1872 Mining Law will be exempt from the nonimpairment standard, and will be regulated under the regulations 43 CFR 3802 only to prevent unnecessary or undue degradation of the lands. (The basis for this guideline is explained in Chapter I.A.5.)

6. **Disposal of Minerals Materials (Salable).** Sale and free use of mineral materials will not be allowed in most instances because it would not be compatible with the nonimpairment criteria. The existence of the use would constrain the Secretary's ability to recommend the area suitable or for the Congress to designate the area as wilderness.

C. WATERSHED REHABILITATION AND VEGETATIVE MANIPULATION

1. **Watershed Rehabilitation.** Measures required for watershed rehabilitation, including structures, will be permitted only if they satisfy the nonimpairment criteria. Land treatments (e.g., trenching, ripping, pitting, terracing, plowing) will not be permitted on lands under wilderness review.

Watershed rehabilitation work required by emergency conditions caused by fire, flood, storms, biological phenomena, or landslides 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. Alternatives to seeding must be carefully evaluated prior to the decision to reclaim, if reclamation is allowed. Reseeding and planting under emergency conditions will utilize species native to the area and will minimize cross-country use of motorized equipment. Seedings and plantings will be staggered or irregular so as to avoid a straight-line plantation appearance.

2. **Vegetative Manipulation.** 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; (2) activities that qualify under the manner and degree provision for grandfathered grazing uses; and, (3) control of noxious weeds and individual exotic plants such as

tamarisk when there is no effective alternative and when control of the noxious weed or exotic plant is necessary to maintain the natural ecological balances within a WSA or portion of a WSA. Hand or aerial seeding of native species may be done to restore natural vegetation.

In all cases where vegetative manipulation is proposed, the activity must conform to the policy guidance of Chapter II of this manual and not adversely impact wilderness values within any portion of the WSA. (See Chapter II.B.4.c for specific analysis requirements.)

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 vegetative treatment may be maintained by reapplying the same treatment to the same area. Otherwise, vegetative manipulation may be used only for control of small areas of exotic plants when there is no effective alternative. Limited exceptions are specified as follows:

--Noxious weeds may be controlled by grubbing or with chemicals when they threaten lands outside the WSA or are spreading within the WSA, provided the control can be effected without serious adverse impacts on wilderness values.

--Prescribed burning may be used where necessary to maintain fire-dependent natural ecosystems.

--Reseeding may be done by hand or aerial methods to restore natural vegetation. (There is also a provision for reseeded in emergency reclamation projects, described in Section 1, above.)

3. Monitoring Devices. 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. These permanent placements must use miniaturized equipment, be adequately camouflaged, and not require maintenance access by motor vehicle. Temporary monitoring devices for the same purposes may be installed, with the above restrictions on use of motor vehicles, if they satisfy the nonimpairment criteria.

D. RANGELAND MANAGEMENT

1. General. Rangeland management activities on lands under wilderness review 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 use, including the number, kind, and class of livestock and season of use 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 may be allowed in number, kind, or season of use if, following the preparation of an EA (if not adequately addressed in an existing NEPA document), the effects are found to be negligible. Changes cannot cause declining conditions or trend of the vegetation or soil and cannot cause unnecessary or undue degradation of the lands. The assessment of the proposal must include an evaluation of the effect on the following parameters and wilderness values (see Chapter II B.6.c for specific analysis requirements):

--the natural ecological condition of the vegetation.

--the visual condition of the lands and waters.

--erosion.

--changes in the numbers or natural diversity of fish and wildlife.

--all wilderness values (refer to definitions at Chapter II.B.1 and II.B.6.c).

(1) Grazing Increases. In order to insure that a proposed increase in the level of livestock grazing does not impair an area's wilderness values, the BLM must quantify those values, as well as the existing vegetation and associated resources, and then consider the potential for impacts to these resources. The standard for establishing and quantifying wilderness values is the condition of the lands at the time the area was designated as a WSA or the current condition, whichever is determined to be in better condition.

(a) Guidelines for Data Collection. Appendix D identifies the minimum information needed to determine the impact of an increase on wilderness characteristics and other values. This information establishes the existing condition or baseline for an analysis of impacts.

(b) Guidelines for Analysis. An interdisciplinary EA is required to document the evaluation of potential impacts to each of the data elements and the cumulative impacts of the proposed action. The impact is the change from the required standard identified in the existing condition to the condition anticipated by implementing the proposed increase. Appendix D identifies the maximum acceptable impact for each of the required data elements.

If the impact to any data element exceeds the standards established in the table at Appendix D, it exceeds the standard of negligible and is significant. In this case, the proposed increase (or development) may not be approved. If the impacts to all data elements are less than the maximum allowable impacts established in the table at Appendix D and cumulative impacts are negligible, the impact is negligible and insignificant. In this case, a temporary non-renewable increase may be

authorized. In all cases of an increase, monitoring studies are required at the end of each year's grazing season. If the studies indicate the effects of the increase exceed those anticipated in the environmental assessment, the increase will be reduced or discontinued. A permanent increase may be authorized when five years of monitoring without adjustments indicates that the impacts have not exceeded the maximum allowable impacts.

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

c. **Grazing Systems.** Grazing systems in operation during the 1976 grazing fee year may continue to be used and maintained. Any new livestock developments must satisfy the guidelines detailed in Section 3, below. New grazing systems may be established as long as the proposed system and associated developments conform to 2.a, above, and that any livestock developments needed to implement the system are permissible under the guidelines in Section 3, below.

3. **Livestock Developments.** This section specifies the general criteria that will govern the use, maintenance, and installation of livestock developments. The following Section 4 shows how these criteria will affect certain specific types of developments.

a. **Pre-FLPMA Livestock Developments.** Livestock developments existing or under construction on October 21, 1976, may continue to be used and maintained.

b. **New, Temporary Livestock Developments.** New, temporary livestock developments may be approved if, after completing a similar analysis as required in Section 2.a, above, they truly enhance wilderness values, and satisfy the nonimpairment criteria.

c. **New, Permanent Livestock Developments.** New, permanent livestock developments may be approved if, after completing a similar analysis as required in Section 2.a, above, they truly enhance wilderness values, and the developments are substantially unnoticeable. New, permanent developments must not require motorized access if the area were designated as wilderness. (This requirement must be noted in the case file, in the stipulations, and the grazing permit.)

4. **Specific Guidelines for Livestock Developments.**

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 as long as the nonimpairment criteria is met.

b. **Supplemental Feeding.** Supplemental feeding may be continued in grandfathered grazing operations if it was authorized as part of the operation as of October 21, 1976. Otherwise, temporary feeding may only be authorized under emergency conditions when forage becomes unavailable through acts of nature such as a heavy snowfall. Such temporary feeding may only be allowed in those

cases where BLM has determined that it satisfies the nonimpairment criteria.

c. Fences. New, permanent fences may be built and maintained if they meet the criteria in Section 3.c, above.

d. Water Developments. In both grandfathered and non-grandfathered grazing, new, permanent water developments will be allowed for the purpose of enhancing wilderness values. Such water developments must meet the criteria in Sections 2.a and 3.c, above. In most instances, development will be limited to springs where the water trough blends into the surrounding landscape and plant cover is restored.

e. Insect and Disease Control. Insect and disease control by chemical or biological 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. Insect control by chemical or biological means may be applied to larger areas under nonemergency conditions when there are insects present in an unusually high population in a peak year of its population cycle and the infestation, if uncontrolled, will cause serious damage to crops or property on adjacent non-Federal lands.

E. WILD HORSE AND BURRO MANAGEMENT

Taking into account the fact that wild horse and burro numbers fluctuate dramatically within WSAs due to a variety of factors, the Bureau must still endeavor to make every effort not to allow populations within WSAs to degrade wilderness values, or vegetative cover as it existed on the date of the passage of FLPMA. Wild horse and burro populations must be managed at appropriate management levels as determined by monitoring activities to ensure a thriving natural ecological balance.

Wild horse and burro developments existing within WSAs as of October 21, 1976, may continue to be utilized and maintained. Although these developments existed prior to the passage of FLPMA, there may be opportunities for mitigating their impacts on wilderness values. Motor vehicles may not be used in the maintenance of these developments unless the development is on an existing way or trail.

Helicopters and fixed wing aircraft may be used for the installation of new temporary facilities, for aerial surveys, for law enforcement activities, and for the gathering of wild horses and burros.

F. 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 IMP.

Removal of forest fiber products shall not be permitted on lands under wilderness review. This includes timber harvest (clearcuts, selective cuts, thinnings), salvage harvest, wildlings and Christmas tree cuttings, bough cuttings, and domestic firewood gathering or cutting for off-site use.

Stand conversion does not conform with the non-impairment criteria and will not be permitted. For

example, burning of an aspen stand that was being converted into a conifer stand or burning sagebrush to create more grassland would not be permitted.

Pruning, site preparation, and reforestation will be permitted only in cases that satisfy the non-impairment criteria. Reforestation using native species may be done following fire or other natural disaster if natural seeding is not adequate.

Trees may be cut when necessary for insect and disease control or in emergencies involving fire burning out of prescription. The use of chemical means to control disease or insects may be permitted, if applied to individual trees or areas up to five acres, or larger areas under emergency conditions when there is no effective alternative.

Tree improvement (genetic selection and pollination), seed collection (climbing and squirrel cache), and pine nut gathering may be permitted if these activities are conducted in a non-impairing manner.

G. WILDLIFE

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

Hunting, fishing, and trapping are permitted on lands under wilderness review, under State regulations. State and Federal agencies may use temporary enclosures and installations to trap or transplant wildlife as long as the nonimpairment criteria are met.

2. Stocking. Stocking of wildlife and fish species native to North America may be permitted within the former historical range of the species. Where exotics were being stocked before October 21, 1976, the stocking may continue. Exotics stocked after October 21, 1976 should be eliminated.

3. Introductions. Introduction of threatened, endangered, or other special status species native to North America may be allowed. Such introductions will be limited to the historical range of the species unless introduction is needed to prevent extinction or is essential for recovery. In rare instances, permanent enclosures and related installations may be built for the benefit of threatened, endangered, or special status species if they contribute to a visitor's wilderness experience and if alternative sites outside the WSA cannot be located for such construction.

4. Permanent Installations. Certain permanent installations may be permitted to maintain or improve conditions for wildlife and fish, if the benefitting native species enhance wilderness values. Enhancing wilderness values in this context means that a natural distribution, number, and interaction of indigenous species will be sought; natural processes will be allowed to occur as much as possible; and, wildlife species should be allowed to maintain a natural balance with their habitat and with each other.

If healthy, viable, self-sustaining populations of native species presently exist within the WSA, then a natural distribution, number, and interaction has already been achieved. It is not permissible, therefore,

to artificially manipulate natural processes to increase the population of a native species beyond a natural balance with the habitat within a WSA. While the existence of a native species may enhance wilderness values, it is not the intent of the IMP to "optimize" population numbers or reach "carrying capacities" that rely on artificial installations for subsistence.

Permanent installations to protect sources of water on which native wildlife depend, such as exclosures and protective fencing, may be built if they enhance wilderness values, are substantially unnoticeable, and cannot be located outside the WSA boundary. Permanent riparian, wetland, and aquatic enhancement installations may be permitted as long as their purpose is to enhance wilderness values, protect or maintain natural conditions, and restore deteriorated habitat. These installations must also be substantially unnoticeable.

a. Guzzlers may be maintained, and new ones may be installed if they enhance wilderness values, are substantially unnoticeable, would not require maintenance involving motor vehicles, and all alternative locations outside the WSA have been ruled out. Guzzlers may be constructed under either of the following circumstances:

(1) A historic native species does not presently exist, but the historic record indicates the WSA was once the natural range of the native species and historic perennial water sources inside the WSA have been lost or are not available to the native species.

(2) An historic native species exists within the WSA but the native species is unable to sustain a natural distribution, number and interaction through natural processes or to maintain a natural balance with its habitat due to the loss of historic perennial water sources.

b. In the first circumstance above, evidence and documentation must be provided that confirm the WSA was once the natural range of the native species. Documentation must also be provided identifying the number and locations of historic perennial water sources within the WSA and the reasons these historic perennial water sources have been lost or are not available to the native species. Restoration of historic perennial water sources is a more desirable alternative than the construction of guzzlers for the benefit of historic native species.

c. If it cannot be substantiated that the WSA was once the natural range of the native species, the guzzler project must be denied. If there are no existing perennial sources of water found within the WSA and evidence of historic perennial water sources cannot be produced, the guzzler project must be denied.

d. In the second circumstance above, evidence and documentation must be presented that an historic native species within the WSA is unable to sustain a natural distribution, number and interaction through natural processes or to maintain a natural balance with its habitat due to the loss of historic perennial water sources.

5. Animal Damage Control. Animal damage control activities may be permitted as long as the activity is directed at a single offending animal, it will not diminish wilderness values of the WSA, and it will not

jeopardize the continued presence of other animals of the same species or any other species in the area. Shooting of animals from aircraft may be allowed, only where specifically authorized by provisions of State law and upon the approval of the BLM State Director.

H. RECREATION

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

BLM will analyze the magnitude of all recreational activities to ensure that such use will not cause impacts that impair the area's wilderness suitability. An example might be erosion caused by increased vehicle travel within a WSA. To prevent this impairment, the BLM will monitor ongoing recreation uses as well as cumulative impacts, and if necessary, adjust the time, location, or quantity of use or prohibit that use in the impacted area.

To encourage responsible use of WSAs and to promote a proper outdoor ethic, the BLM will promote "Leave No Trace" and "Tread Lightly" program philosophies. The "Leave No Trace" program aims to educate and promote non-impacting use of wildlands by visitors participating in non-motorized recreational activities. "Tread Lightly" programs promote the environmentally responsible use of off-highway vehicles. The BLM will take advantage of both programs when making management decisions and promoting public use and enjoyment of WSAs.

1. No new, permanent recreational ways, trails, structures, or installations will be permitted, except those that are the minimum necessary for public health and safety in the use and enjoyment of the public lands' wilderness values, and that are necessary to protect wilderness resource values. No mechanical transport, which includes all motorized vehicles plus trail or mountain bikes, will be allowed on such trails.

Facilities necessary for visitors' health and safety and to protect wilderness values may be provided in either of two ways:

- a. permanent facilities that are the minimum necessary for public health and safety in the use, enjoyment, and protection of wilderness values; or,
- b. temporary facilities that meet the nonimpairment criteria. These facilities will be installed so that they are substantially unnoticeable and minimize surface disturbance. Visual resource management concepts and techniques and wilderness specific designs will be used in the construction and siting of such facilities.

2. Hobby collecting of mineral specimens (rockhounding) and vegetative specimens may be allowed for personal but not commercial use, as long as the collection activity method meets the nonimpairment criteria.

3. Boating may be allowed with or without motors. The BLM does not 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.
 - a. No waters will be closed to motorboats solely because they are in areas under wilderness review. However, 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 restrictions 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.
 - b. River running, with or without motors, may be permitted. Cumulative impacts on river campsites will be monitored to prevent impairment of wilderness suitability.
 - c. 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.
4. Environmental education and interpretive programs may be conducted so long as no permanent facilities are required and the use does not cause surface disturbance.
5. Camping may be allowed. Camping with recreational vehicles may occur on existing ways as long as this use meets the nonimpairment criteria. Primitive campsites for recreational use may be established anywhere in the WSA as long as they meet the nonimpairment criteria. Low impact camping techniques should be encouraged within all WSAs.
6. Cross-country skiing may be allowed. Downhill (alpine) may be permitted only if any support facilities within the WSA satisfy the nonimpairment criteria. Helicopter skiing, if nonimpairing, may be allowed at the discretion of the authorized officer.
7. Aerial activities such as ballooning, sailplaning, hang gliding, and parachuting (sky diving), may be allowed as long as they do not require cross-country use of motorized vehicles or mechanical devices to retrieve equipment, except in areas designated as "open" before October 21, 1976.
8. Recreational gold dredging and panning, when conducted without location of a mining claim may be allowed as 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, it will be considered to impair wilderness suitability, and the activity will be controlled to prevent such impacts.
9. Concessions and actions that require authorization under a special recreation permit will be allowed only if the use and related facilities satisfy the nonimpairment criteria. Examples that may qualify include mobile refreshment stands, river trip outfitters, guides, and providers of pack animals and saddle horses.

10. Rock climbing and caving will be allowed as long as these activities meet the nonimpairment criteria. The use of power driven (i.e. fuel or electric) rock drills or permanent anchors (e.g. bolts) is not allowed. No marring, scarring or defacing resulting in adverse impacts to the wilderness value of naturalness will be permitted, nor will permanent installations be permitted. Exceptions to the above may be allowed for: (a) emergencies, such as search and rescue operations; and (b) authorized actions needed for access travel within WSAs which are the minimum necessary for public health and safety in the use and enjoyment of the wilderness values. Any impacts from emergency actions (a, above), must be reclaimed to a substantially unnoticeable condition following the emergency situation.

11. Except for emergency situations as defined in Chapter I.B.12, vehicle designations in WSAs are to be handled through the land-use planning process. Until WSAs are designated as wilderness or released from study status, vehicle use within each WSA is governed by the terms and conditions as identified in Chapter I.B.11 and any land-use planning decisions. Open areas may be designated only: (1) as sand dune or snow areas for use by the appropriate sand or snow vehicles, or (2) where an area was designated open prior to October 21, 1976. No vehicle designation in a WSA may allow vehicles to travel off existing ways and trails, except in these two circumstances.

12. Organized vehicle events will not be allowed unless they can meet the nonimpairment criteria, and are contained on existing ways and trails or within pre-FLPMA sand dune or snow open areas. (For clarification of definitions of applicable vehicles and designation of areas see guidance contained in 43 CFR 8340 and 1601.)

J. CULTURAL AND PALEONTOLOGICAL RESOURCES

Cultural and paleontological resource inventories, studies, and research involving surface examination may be permitted if they satisfy the nonimpairment criteria. Salvage of archeological and paleontological sites; rehabilitation, stabilization, reconstruction, and restoration work on historic structures; excavations; 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 resources eligible for the

National Register of Historic Places and will be constructed to be substantially unnoticeable.

K. FIRE MANAGEMENT

The BLM will conduct all prescribed fire and suppression activities in accordance with fire management activity plans and subsequent operational plans (prescribed fire and preattack) for all WSAs, using caution to avoid unnecessary impairment of an area's suitability for preservation as wilderness. "Light-Hand-On-The-Land" fire suppression tactics will be used. Fire is a natural component of many wilderness ecosystems and fire plans need to give serious consideration to this fact before recommending one fire management technique over another. Resource area advisors will use the fire plans in making decisions during emergency fire situations and prescribed ignitions. All uses of earth moving equipment within a WSA require authorization. Priority for placement of large fire camps should

be outside WSAs. Use of motorized vehicles and mechanical equipment during mop-up should be minimized.

The fire preattack plan covering a WSA will specify the fire management objectives and special considerations for each WSA, taking into account a number of factors including the existing wilderness characteristics of the area, the need to prevent impairing actions, historic fire occurrence, the 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. In planning firebreaks, the use of natural firebreaks and existing roads is encouraged. Emergency fire rehabilitation measures will continue to be carried out under guidelines in Handbook H-1742-1 and Manual Section 1742. Efforts should be made to rehabilitate any impacts created by suppression activities prior to releasing fire crews and associated equipment following fire containment.

To hold fire to the desired level within WSAs, fire management procedures and plans will rely on: (1) the most effective methods of suppression that are least damaging to wilderness values (i.e. "light-hand-on-the-land" techniques), other resources, and the environment, while requiring the least expenditure of public funds including rehabilitation of 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 power tools, aircraft, motorboats, and motorized fire-fighting equipment while applying "light-hand-on-the-land" techniques. Existing fire lookout towers and helispots may be used and maintained; new ones may be approved as part of the fire management activity plan if they are the minimum necessary for fire suppression in the WSA.

Fire managers should inform suppression personnel during dispatch that the fire is in a WSA and that special constraints apply. Memoranda of Understanding with other agencies should contain stipulations reflecting wilderness interim management guidance. Fire managers should notify Area Managers of any unsuccessful initial attack action on a fire in a WSA before developing the Escaped Fire Situation Analysis.

GLOSSARY OF TERMS

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

cross-country: refers to travel that is not on existing access routes (ways, trails, boundary roads) and involves surface disturbance 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.

enhance wilderness values: an action that clearly benefits a wilderness study area's wilderness

values through activities that restore, protect, or maintain these values. Wilderness values are those identified in section 2(c) of the Wilderness Act of 1964, including: roadlessness, naturalness, solitude, primitive and unconfined recreation, and size.

existing way: a way (see definition) existing on the date of the initial wilderness inventory.

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

hazardous materials: any substance, pollutant, or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability (CERCLA) Act of 1980, as amended, 41 U.S.C. 9601 et seq., and any related regulations. Hazardous substances includes any hazardous waste as defined in the Resource Conservation and Recovery (RCRA) Act of 1976, as amended, 42 U.S.C. 6901 et seq., and related regulations. Hazardous materials includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. In general, hazardous substance as defined in CERCLA is any substance that the Environmental Protection Agency (EPA) has designated as hazardous, dangerous, or toxic under the Clean Air Act, 42 U.S.C. 7401 et seq., the Clean Water Act, 33 U.S.C. 1251 et seq., or the Toxic Substances Control Act, 15 U.S.C. et seq., as well as any hazardous waste under RCRA.

mpact: 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 handbook.

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 required an accelerated wilderness review of these areas.

mining claim: any unpatented mining claim, millsite, or tunnel site authorized by the United States mining laws.

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.)

negligible: so small or unimportant or of so little consequence as to warrant little or no attention; not exceeding established standard(s).

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

primitive and unconfined recreation: nonmotorized and undeveloped 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. Oregon and California (O & C) grant lands that are managed for commercial timber production.

reclamation: the contouring of the topography to a natural appearance (not necessarily to the original contour), the replacement of topsoil, and the restoration of plant cover, if any, approximating the species composition and cover previously occurring on the disturbed site.

reclamation deadline: the date on which temporary post-FLPMA impacts within WSA's were to be reclaimed to a condition of being substantially unnoticeable before the Secretary was scheduled to send his recommendations on wilderness suitability or nonsuitability to the President. This date has past.

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.

Section 202 Wilderness Study Area: a wilderness study area being studied under authority of section 202 of the Federal Land Policy and Management Act of 1976, which requires recurrent land-use planning by the Bureau of Land Management.

Section 603 Wilderness Study Area: a wilderness study area being studied under authority of section 603 of the Federal Land Policy and Management Act of 1976, which requires a wilderness review of the public lands.

solitude: 1. The state of being alone or remote from habitations; 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 areas. (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.

surface disturbance: any new disruption of the soil or vegetation. Uses and facilities in a WSA necessitating reclamation (i.e., recontouring of the topography, replacement of topsoil, and/or restoration of native plant cover) are surface disturbing. Cross-country vehicle use off existing ways or boundary roads is surface disturbing because the tracks created by the vehicle leave depressions or ruts, compact the soils, and trample or compress vegetation.

temporary use: a use or activity that does not create any new surface disturbance (including no vegetative trampling), involve permanent placement of structures, and may not continue after the date of wilderness designation.

trail: a pathway usually created and maintained by human foot traffic, beasts-of-burden, livestock, or wildlife.

unnecessary or undue degradation: surface disturbance greater than what would normally result when an activity is being accomplished by a prudent operator in usual, customary, and proficient operations of similar character and taking into consideration the effects of operations on other resources and land uses, including those resources and uses outside the area of operations. Failure to initiate and complete reasonable mitigation measures, including reclamation of disturbed areas, or creation of a nuisance, may constitute unnecessary or undue degradation. Failure to comply with applicable environmental protection statutes and regulations thereunder will constitute unnecessary or undue degradation.

VER: Valid Existing Right.

way: a trace maintained solely by the passage of vehicles which has not been improved and/or maintained by mechanical means to ensure relatively regular and continuous use.

wilderness: the definition contained in Section 2(c) of the Wilderness Act of 1964 (78 Stat. 891). (See Appendix B 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 B 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, Organic Act Directive No. 78-61.)

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 nonsuitability of each wilderness study area for inclusion in the National Wilderness Preservation System. (For a summary of the program, see Appendix C.)

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).

APPENDICES

APPENDIX A

THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976 Bureau of Land Management Wilderness Study

Sec. 603

(a) Within 15 years after the date of approval of this act, the Secretary shall review those roadless areas of 5,000 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 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 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 the 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 2 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 areas, 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 B

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 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 C

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.

--Oregon and California grant 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. The procedures for this inventory are described in the Wilderness Inventory Handbook. The inventory was completed for the majority of lands 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.

APPENDIX D

Minimum Data Requirements and Maximum Acceptable Impacts for Range Developments and Livestock Grazing Increases

Required Data and Maximum Allowable Impacts for Range Developments and Livestock Grazing Increases (may also be applied to proposed big game wildlife management developments and increases)

	Required Data Elements	Maximum Allowable Impacts
	Existing Visual Resources	Low contrast
Naturalness and Solitude	<ol style="list-style-type: none"> 1. Level of human activity including use supervision, management and maintenance. 2. Presence and distribution of wildlife. 3. Facilities. 4. Presence of pristine areas or conditions. 	<ol style="list-style-type: none"> 1. Negligible or no noticeable increase in human activity. 2. Negligible or no noticeable impact or evidence of livestock. 3. No additional facilities. 4. Negligible or no noticeable impact.
Planning	Plan objective.	Conformance with existing plans.
Primitive Recreation	<ol style="list-style-type: none"> 1. Type of recreation opportunities. 2. Dependence of opportunities on a natural appearing environment. 	No reduction in availability or quality.
Special Features	Type and quality of special features.	Negligible or no noticeable reduction in quality.
Surface Water	Quality.	Federal and/or state standards.

<p>Vegetation</p>	<ol style="list-style-type: none"> 1. Ecological Site Inventory. 2. Trend from at least two points in time. 3. Utilization by key species. 4. Threatened or endangered plants. 5. Plant vigor. 6. Actual use and preference. 7. Climate and precipitation. 8. Historic and existing range management practices. 	<ol style="list-style-type: none"> 1. No lowering in seral condition. 2. Static. 3. 50% Utilization of key species or existing plan decision. 4. No negative impact. 5. Healthy vigorous plants.
<p>Wildlife</p>	<ol style="list-style-type: none"> 1. Threatened or endangered animals. 2. Wildlife habitat. 3. Population estimates. 4. Diversity. 	<ol style="list-style-type: none"> 1. No negative impact. 2. No negative impact. 3. No negative impact. 4. No negative impact.