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California State Office
2800 Cottage Way, Room E 2845
Sacramento, California 95825-1889

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To: AFOs

From: DSD, Lands & Renewable Resources

Subject: Wilderness Study Area (WSA) Interim Management Policy (IMP) Clarification

BLM Instruction Memorandum (IM) No. 89-600 and the corresponding California IM 89-306 provided policy clarification for authorizing new actions within WSAs after the reclamation deadline. The Washington office recently re-issued the IM as WO IM No. 94-236 with only minor modifications (see attached IM). We ask all offices to carefully read and follow this policy IM. Until Congress passes legislation to designate individual WSAs as wilderness in our state, or releases them from wilderness consideration, all WSAs (i.e., both FLPMA and 202 suitable and non-suitable WSAs) must be managed so as not to impair their suitability for designation as wilderness. As the IM mentions, any proposed activity that could impact a WSA must be carefully evaluated prior to authorization. The general rule is that the only activities permissible in WSAs are temporary uses. Temporary uses are activities that create no new surface disturbances, do not require reclamation, nor involve permanent placement of structures. As found on the attached IM, exceptions to this general rule are limited to actions which are emergencies, reclamation activities, grandfathered or valid existing rights or activities which enhance wilderness values.

If you have any questions about the attached IM or clarifications about proposed actions within WSAs, feel free to contact Paul Brink at (916) 978-4730.

Timothy J. Smith

Attachments: WO IM No. 94-236, Importance of WSA Management and Interim Management Policy Clarifications (3 pp)

Distribution
WO-270, 204-LS
Chris Roholt, CDD
Joe Hummel, Caliente RA
Bob Wicks, Ukiah DO
Larry Teeter, Eagle Lake RA

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

July 13,1994

In Reply Refer To:
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EMS TRANSMISSION 7/19/94
Instruction Memorandum No. 94-236
Expires: 9/30/95

To: All SD's and AD's
Except Eastern States

From: Director

Subject: Importance of Wilderness Study Area (WSA) Management and Interim Management Policy (IMP) Clarifications

The President has transmitted to the Congress all final Bureau of Land Management (BLM) wilderness recommendations required by Section 603(c) of the Federal Land Policy and Management Act (FLPMA). Until the Congress passes legislation to designate individual Wilderness Study Areas (WSA's) as wilderness, or releases them from wilderness consideration, all WSA's, regardless of BLM's recommendation, must be managed so as not to impair their suitability for designation as wilderness. Congress has no deadline for action on these WSA recommendations, and it is possible and even likely that some will require preservation of wilderness values for a decade or more.

Section 603(c) of FLPMA is specific in its language regarding protection of WSA wilderness values, and the Interim Management Policy IMP handbook, H-8550-1 (or "Red Book"), provides policy and program guidance for how to manage WSA's to comply with this protection mandate. The primary mandate from Congress is clear. We are not to impair any WSA's suitability for designation as wilderness. The deadline for reclamation of impacts within WSA's has passed. It is not anticipated that many, if any, projects will be approved when weighed against the fact that there will no longer be a "grace period" for reclamation.

We want to reiterate previous guidance given on the management of WSA's after the reclamation deadline and clarify other policy issues. It is crucial to remember that any proposed activity that could impact a WSA be carefully evaluated prior to authorization. The general rule, since the reclamation deadlines have passed, is that the only activities permissible in WSA's are temporary uses. Temporary uses are activities that create no new surface disturbance, do not require reclamation, nor involve permanent placement of structures. If authorized, such temporary uses may continue until Congress acts, as long as such uses can easily and immediately be terminated at the time of wilderness designation. In authorizing or planning temporary uses, assume that Congress could pass wilderness legislation at any given time.

The only exceptions permitted to the above general rule are:

1. Emergencies such as suppression activities associated with fires or search and rescue operations;

2. Activities which are considered grandfathered or valid existing rights under the IMP;

3. Reclamation activities designed to minimize impact to wilderness values created by IMP violations;

4. Activities that protect or enhance the land's **wilderness values**. Projects that may be considered to enhance wilderness values in a portion of the WSA but are anticipated to create degradation of wilderness values overall or to other portions of the WSA should not be approved.

The IMP Handbook, which provides general guidance for management of WSA's has become somewhat outdated since reclamation deadlines have passed. Most of the guidance in H-8550-1 applies to the pre-reclamation deadline era. The nonimpairment mandate has been replaced by the temporary impact standard. Revisions to the Handbook are currently underway, and we anticipate its completion by the end of the current Fiscal Year. In the meantime, some clarification and definition of current IMP policy has become necessary.

Temporary uses are defined as an activity that causes no new surface disturbance and that will be removed immediately upon wilderness designation. Parties proposing temporary uses need to understand that projects must be capable of being immediately removed upon designation. The program activity initiating the temporary use must be prepared, upon designations, to fully fund and organize the removal of the project and follow all wilderness regulations. Removal of temporary uses are not to be delayed until wilderness management plans are final, as this may be several years in some instances.

Every proposed use within a WSA needs to be analyzed in the NEPA documentation for its cumulative impact. One project in and of itself may meet the temporary standard and the nonimpairment mandate, but when analyzed against other existing or proposed activities within the WSA may together impair wilderness suitability. We must be careful not to significantly reduce the overall wilderness quality of the WSA and constrain the Congress' prerogative to designate the area as wilderness.

An important IMP consideration, but one that is often overlooked, appears in H-8550-1 at I.B.16 (p.22 in the "Red Book") and deals with new discretionary uses. The BLM's policy is to minimize the establishment of new discretionary uses in WSA's that would be incompatible with possible wilderness designation, and may create conflicts with management and preservation of wilderness values at a later time. Some of these new uses may not of themselves exceed that nonimpairment standard, but a manager might elect not to allow certain actions because of the possible affect on future wilderness values. These uses may be appropriate outside a WSA but could have impact on the wilderness values within a WSA at some later time.

As a reminder, notifications and a 30-day minimum comment period, prior to making a decision, on all proposals within a WSA are required except in the case of emergencies. It is essential that notification be given for maximum public disclosure purposes.

Any questions regarding this memo or interim management of wilderness study areas should be addressed to Keith Corrigall (WO-270), at (202) 452-7790, or David Porter (Colorado State Office), at (303) 239-3949.

Signed
Kemp Conn
Assistant Director, Land
and Renewable Resources

Authenticated
Robert M. Williams
Directives,WO873

Message Forwarded to all California District Offices from CASO on 7/20/94

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