Form 1221-2
(June 1969)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANUAL TRANSMITTAL SHEET

Release 8-66

Date 7/5/95

Subject

8550 - INTERIM MANAGEMENT POLICY AND GUIDELINES FOR LANDS UNDER WILDERNESS REVIEW

1. Explanation of Material Transmitted. This release transmits 8550 - INTERIM MANAGEMENT POLICY AND GUIDELINES FOR LANDS UNDER WILDERNESS REVIEW, which is a Manual Section that provides the conceptual framework and specific policy for managing public lands administered by the Bureau of Land Management (BLM) which are under wilderness review. This Manual Section replaces the previous Manual Section by the same title issued November 10, 1987, as Manual Release 8-35.

2. Reports Required. None.

3. Material Superseded: Manual Section 8550, Release 8-35 dated November 10, 1987.

4. Filing Instructions: File as directed below.

REMOVE:	INSERT:
8550 (Rel. 8-35)	8550
(Total: 4 sheets)	(Total: 4 sheets)

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8550 - INTERIM MANAGEMENT POLICY AND GUIDELINES FOR LANDS UNDER WILDERNESS REVIEW

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8550 - INTERIM MANAGEMENT POLICY AND GUIDELINES FOR LANDS UNDER WILDERNESS REVIEW

.01 Purpose. This manual section identifies the Bureau's role in administering public lands under wilderness review, provides policy guidance for Bureau personnel, and sets the framework for interim wilderness management program development.

.02 Objectives. The Bureau's primary interim management goal is to manage and protect those public lands which are under wilderness review, in such a manner so as to not impair their suitability for preservation as wilderness, until they are designated by Congress as wilderness, or until they are released from further wilderness consideration.

A. 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."

B. The handbook which accompanies this manual section describes the policy and guidelines under which the Bureau of Land Management (BLM) will manage the lands under wilderness review. This policy is referred to as the "interim" management policy (IMP) because it is temporary and applies only during the time an area remains a WSA. The purpose of the handbook is to guide BLM staff in the specific decisions that arise in the management of lands under wilderness review.

.03 Authority. Principal authorities affecting use and management of lands under wilderness review are:

A. The Federal Land Policy and Management Act of 1976, 43 USC 1701, et. seq.

B. Wilderness Act of 1964, 16 USC 1131.

.04 Responsibility.

A. The Assistant Director, Assessment and Planning, through the Group Administrator and Team Leader, Special Areas and Land Tenure, must:

1. Establish policy, goals, objectives, and procedures for managing lands under wilderness review within the framework of public law and departmental policy.

2. Provide direction, management, and leadership relating to the management of lands under wilderness review.

3. Identify, address, and reconcile interrelationships, policy issues, and conflicts between wilderness and other programs.

4. Maintain liaison with other governmental agencies, land users, and other organizations concerned with management of lands under wilderness review.

B. State Directors within their respective jurisdictions, must:

1. Implement policy and provide statewide program coordination and guidance for managing lands under wilderness review.

2. Ensure lands under wilderness review are managed so as not to impair their suitability for preservation as wilderness.

3. Review, evaluate, and ensure accomplishment of approved Annual Work Plan items related to management of lands under wilderness review.

4. Provide program development and technical assistance to Field Offices as required to ensure that wilderness management commitments in the Annual Work Plan are accomplished.

5. Maintain liaison with other governmental agencies, land users, and other organizations concerned with management of lands under wilderness review.

C. District Managers within their respective jurisdictions, must:

1. Provide for the appropriate consideration of wilderness resources within the Resource Management Planning (RMP) process.

2. Monitor, evaluate, and ensure accomplishment of the approved Annual Work Plan items related to coordinating and guiding interim protection.

3. Assure, where applicable, nonimpairment of lands under wilderness review.

4. Ensure that individuals assigned interim management tasks in the District receive appropriate training.

5. Provide technical management assistance to resource areas where necessary to ensure timely accomplishment of the Annual Work Plan.

6. Maintain liaison with other governmental agencies, land users, and other organizations concerned with management of lands under wilderness review in the District.

D. Area Managers within their respective jurisdictions, must:

1. Ensure that wilderness resources are considered within the RMP process.

2. Manage the use of lands under wilderness review and ensure the lands are managed so as not to impair their suitability for preservation as wilderness.

3. Monitor, evaluate, and ensure accomplishment of the approved Annual Work Plan items related to coordinating and guiding interim management.

4. Develop, implement, and monitor interim management plans.

8550 - INTERIM MANAGEMENT POLICY AND GUIDELINES FOR LANDS UNDER WILDERNESS REVIEW

.05 References.

A. Wilderness Protection Stipulations.

B. The Federal Land Policy and Management Act of 1976 (P.L. 94-579).

C. Section 2(c) of the Wilderness Act of September 3, 1964 (P.L. 88-577).

D. Wilderness Review Program (43 CFR 3802). (These regulations pertain only to mining operations and means of access for these mining operations under the 1872 Mining Law.)

E. Surface Management (43 CFR 3809) addresses the requirements for reclamation.

.06 Policy.

A. The Department of the Interior's management policy is, except in the cases stated below, to continue resource uses on lands designated as WSAs in a manner that does not impair the area's suitability for preservation as wilderness. This IMP will be in effect until one of the following occurs:

1. If Congress designates a WSA as wilderness, the BLM will manage the area for preservation of its wilderness character. The Federal Land Policy and Management Act of 1976 (FLPMA) requires that designated wilderness areas be managed under provisions of the Wilderness Act. The BLM will manage any areas designated by Congress as wilderness under Manual 8560 -- "Management of Designated Wilderness Areas," and the regulations at 43 CFR 8560.

2. If Congress determines that a WSA or other public lands will not be designated as wilderness, the IMP will no longer apply, except if provided for otherwise in the congressional determination.

3. WSAs studied under the authority of 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 for the areas involved. 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.

B. The law provides for, and the Department's policy is to continue, grazing, mining, and mineral leasing uses on lands under Section 603 of FLPMA wilderness review in the manner and degree in which these uses were being conducted on October 21, 1976, if they do not cause unnecessary or undue degradation of the lands and their resources. These are referred to as "grandfathered" uses.

C. The Department's policy is to allow continued appropriation under the mining law in WSAs, and in accordance with the congressional mandate, such areas will not be withdrawn from the operation of the mining laws for the purpose of preserving their wilderness character. Activities involved in appropriation under the mining laws -- including location of new claims and the performance of assessment work necessary to hold claims -- will be allowed if these activities are carried out in a manner that does not impair the area's wilderness suitability.

D. The Department's policy is to recognize all valid existing rights that were outstanding on October 21, 1976, for WSAs studied under Section 603 of FLPMA.

E. If a WSA is being studied under Section 202 of FLPMA, operations authorized by the mining laws will be exempt from the nonimpairment standard. These operations will be regulated under 43 CFR 3802 to prevent unnecessary or undue degradation of the lands and its resources. All other activities will be managed under the IMP. Although FLPMA does not require these areas to be given interim management protection, the Department has the authority under Section 302 of FLPMA to manage these lands similarly. The Department's policy is to manage these lands under the IMP, except with respect to mining claims located under the 1872 Mining Law. The nonimpairment standard does not apply to mining claims in Section 202 of FLPMA WSAs. The authority to regulate activities to the nonimpairment standard with respect to the mining laws only applies to the areas that meet the criteria of Section 603 -- i.e., either islands or roadless areas of 5,000 acres or more that have wilderness characteristics. Section 302 provides the authority to regulate mining on all public lands to prevent unnecessary or undue degradation.

F. The general standard for interim management is that lands under wilderness review must be managed so their suitability for preservation as wilderness is not impaired. Except in cases where the limitations make it impossible to do so, BLM must ensure that approval of proposed actions will not create a situation in which the cumulative effect of existing uses and the proposed uses will impair wilderness suitability. Activities that protect or enhance the land's wilderness values or provide the minimum necessary facilities for public enjoyment of wilderness values are considered nonimpairing. Any other activity will be considered nonimpairing if it meets all of the following criteria:

1. 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 <u>may</u> 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 Section 3, below. Decisions to allow or deny proposed actions based on the nonimpairment criteria will be included in appropriate decision documents.

2. 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 found in Section 2(c) of the Wilderness Act of 1964.

3. 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 hiking, use of pack stock, or livestock grazing, are allowable within a WSA even though in the strictest sense, they cause surface disturbance.

G. Although some proposed activities in WSAs may not be fully subject to the nonimpairment standard, BLM is required to regulate those activities to prevent undue or unnecessary degradation of lands and resources. "Undue or unnecessary degradation" is defined as: impacts greater than those that would normally be expected from an activity being accomplished in compliance with current standards and regulations and based on sound practices, including uses of the best reasonably available technology. 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 will constitute unnecessary or undue degradation.

H. The term "substantially unnoticeable" means something that either is so insignificant that it is only a 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.

I. Individual intrusions when considered by themselves may not impair wilderness suitability. However, when the impact of existing intrusions are combined with any new proposed action that purports no substantially noticeable impacts, the total effect may be sufficient to impair an area's suitability for preservation as wilderness. The BLM will consider cumulative effects in making decisions on whether to approve actions in WSAs. If the proposed activity would create an unacceptable additional increment of impact, it will not be allowed.

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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 nonsuitable 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 <u>not to impair the suitability of such areas for preservation as wilderness</u> . . .(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 untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which (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 "nonsuitable" 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 <u>each</u> WSA until Congress makes the final decision regardless of the suitable/nonsuitable recommendation made.

The Department therefore has a responsibility to ensure that the existing wilderness values of <u>all</u> 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.

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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 exclosure 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 exclosures 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 untrammeled (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 sued, 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

To determine whether a proposed use or facility is subject to the IMP, the following question must be considered regarding the affected lands: Does the use or facility involve public lands identified by the BLM as a WSA? If so, the IMP will apply. Proceed with the evaluation described in Section B, below. If the above criteria does not apply, then the use or facility is not subject to the IMP.

B. PROCEDURES FOR EVALUATION OF PROPOSED ACTIONS

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 untrammeled by man, where man himself is a visitor who does not remain. (Note: "untrammeled" 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.