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.

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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. LAND 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 reseeding 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, <u>except</u> 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. <u>No vehicle designation in a WSA may allow vehicles to travel off existing ways and trails, except in these two circumstances</u>.

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.)

I. 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.

J. 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.

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

GLOSSARY OF TERMS

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

- C -

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.

- E -

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.

- F -

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

- H -

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.

- I -

impact: the effect, influence, alteration, or imprint of an activity.

impair: to diminish in value or excellence.

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

- M -

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.)

- N -

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

- P -

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.

- R -

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.

- S -

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.

- T -

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.

- U -

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.

- V -

VER: Valid Existing Right.

- W -

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).

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

APPENDIX 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 nonsuitable for designation as wilderness.

c. Reporting. When the study has been completed, a recommendation as to whether the WSA is suitable or nonsuitable 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	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.	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	1. Type of recreation opportunities. 2. Dependance 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.

	Required Data Elements	Maximum Allowable Impacts
Vegetation	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.	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.
Wildlife	1. Threatened or endangered animals. 2. Wildlife habitat. 3. Population estimates. 4. Diversity.	1. No negative impact. 2. No negative impact. 3. No negative impact. 4. No negative impact.