

Wilderness Characteristics Policy & Guidance for the BLM

Two manuals completed in March 2012:

- 6310 – Conducting Wilderness Characteristics Inventory
- 6320 – Considering Lands with Wilderness Characteristics in Land Use Plans



This module serves as an introduction to the BLM's policy and guidance on identifying and planning for lands with wilderness characteristics.

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It covers two manuals.

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Manual 6310 includes the procedures for conducting wilderness characteristics inventories under the authority of Section 201 of FLPMA.

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Manual 6320 outlines general procedures for considering lands with wilderness characteristics in the BLM's land use planning process under Section 202 of FLPMA and other applicable laws.

A word on those authorities:

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Authorities from FLPMA

❖ Section 201(a)

“...prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values....This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging...values.”



Section 201 of FLPMA directs us to “prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values....This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values.”

Wilderness is a resource, just like cultural or wildlife or coal. And we have to keep our inventory of wilderness current, just as we would with these other resources.

We did a complete inventory of the public lands soon after FLPMA passed, and identified hundreds of Wilderness Study Areas as a result. But the inventory cannot be a “one-and-done” proposition -- as courts have told us recently.

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Authorities from FLPMA

❖ Section 201(a)

“...prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values....This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging...values.”



Note that changes in conditions **and values** can influence how current an inventory can be said to be.

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Authorities from FLPMA

❖ Section 201(a)

“The...identification of such areas shall not, of itself, change or prevent change of the management...of public lands.”

Such changes are regulated through land use plans, as outlined in Section 202



But Section 201 continues, “The preparation and maintenance of such inventory or the identification of such areas shall not, of itself, change or prevent change of the management or use of public lands.” In other words, all we are doing at this point is looking to see what’s on the ground. We just want the facts. What is or is not on the ground. We make no decision about how to manage that piece of ground, either to protect the wilderness characteristics we may find, or for some other multiple use –

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-- we do that later, and only after public input. That’s a value judgment. That judgment should be based on informed choices, but we need the information first. That’s what happens here.

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Wilderness Characteristics Inventory Process- Manual 6310

- ❖ Wilderness Act, Section 2(c)
 - 1) Size
 - 2) Naturalness
 - 3) Outstanding Opportunities for Solitude or Primitive & Unconfined Recreation
 - 4) Other supplemental values ?
- ❖ If 1-3 present = land with wilderness characteristics (LWC)



So. First we inventory – as we would for any resource.

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A wilderness characteristics inventory is the process of determining the presence or absence of wilderness characteristics.

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These characteristics are derived from Section 2(c) of the Wilderness Act of 1964.

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The area must have sufficient **Size** – that's 5,000 acres of contiguous, roadless BLM land. Or it could be less than 5,000 acres, if adjacent to an area known to possess wilderness characteristics (such as an existing WSA, or a wilderness – regardless of which agency manages it.)

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We also look at the area's **Naturalness** – does it appear to be in a natural ecological condition, and are human developments within the area unnoticeable enough that it looks as though it was affected **primarily** by the forces of nature

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or

to be – either an outstanding opportunity for solitude or an outstanding opportunity for primitive, unconfined recreation.

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There **may** be **Supplemental values** – does the area contains ecological, geological, or other features of scientific, educational, scenic, or historical value. Supplemental values are not required to be present in order for an area to be identified as lands with wilderness characteristics, but their presence should be documented where they exist.

Both Manual 6310 and our detailed training go into greater depth on what these characteristics mean and how we determine their presence or absence.

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If the first three of these are present, the area contains wilderness characteristics. The supplemental values contribute to the area’s wilderness character, but none are required.

It’s important to keep in mind: An area can have wilderness characteristics even though every acre within the area may not meet all the criteria.

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When to Inventory

Three basic circumstances

1. Wilderness Characteristics identified as an issue in NEPA scoping

- During RMP, RMP Amendment

2. Project proposal where inventory is not current or missing

- Newly acquired lands



When do we have to do an inventory for wilderness characteristics?

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There are three basic circumstances:

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First - either we, or the public, identify wilderness characteristics as an issue during the scoping process within a NEPA analysis.

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This could be when the BLM is undertaking an RMP, RMP Amendment, or some other land use planning process.

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Second - it could be the result of a project proposal ~~when~~ where your inventory of wilderness characteristics is not current. If a project has been proposed in an area that might have wilderness characteristics, and that project may impair those apparent wilderness characteristics, you'll have to do an inventory if you don't have one that's current.

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A circumstance where we **know** our inventory is inadequate and we need to do an inventory, is when we acquire additional lands. These are lands that have never had an inventory -- probably for most resources. We have to know what we just started managing.

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When to Inventory

3. New information from the public outside specific NEPA analysis

▪ Public needs to supply:

- map
- narrative explaining how new info substantially differs from BLM's info
- photos



The **Third** circumstance is when the public gives us new information on the condition of wilderness characteristics outside a specific NEPA analysis.

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There are certain information standards that the public must meet in order to trigger this.

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They need to provide a map that has enough detail so that we can know the specific boundaries of the area they're talking about.

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They need to provide a detailed narrative of the wilderness characteristics of the area. This narrative needs to say how this new information **substantially differs** from the BLM's inventory of the area's wilderness characteristics -- if we've done one. Keep in mind that this could be a claim that wilderness characteristics are present where we said they weren't, or it could be a claim that wilderness characteristics **aren't** present where we said they **were**.

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Finally, the public -- either an individual or a group -- needs to provide photographic documentation to support their narrative.

If this information submitted by the public occurs at some time other than during a NEPA process, we have discretion in how quickly we respond to verifying their claim.

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Keep in mind, however, that we are required by law to maintain our inventories to keep them “current.”

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This “maintenance” does not mean you have to do a completely new inventory and disregard the inventory information that you already have for a particular area. Rather, we must ensure that our inventories are maintained as needed, realizing that conditions may change over time.

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The BLM may conduct the inventory using available information (e.g., existing maps, photos, records related to range projects, monitoring data) -- as long as it's current, of course -- and should field check the information as necessary.

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Inventory Maintenance

- Compare existing data with new data
- Does previous conclusion remain valid?
- Document & add to Permanent Files
- Make findings available to the public after finalizing and approval



In essence, when we do inventory maintenance we...

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...compare existing data in your office with the new information – whether that information is the result of our own inventory or information submitted by someone else –

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And then determine if the conclusion reached by your office in previous inventories (if there were any) remains valid, and determine whether the area has wilderness characteristics.

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Of course, document this-- including your rationale -- and keep the analysis in the area's Permanent File.

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And after finalizing and approving the inventories, make the findings available to the public -- in whatever manner your office makes other information available to the public. Keep a record of the evaluation and the findings as evidence of the BLM's consideration.

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In conclusion on the topic of inventory, there are two important points about this process:

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The public should never have to use the Freedom of Information Act procedures to get access to wilderness characteristics inventory information.

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Because finding the presence or absence of wilderness characteristics is not a **decision** on how to **manage** the lands in question, it is not a decision that can be appealed.

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Considering Lands with Wilderness Characteristics in Land Use Plans Manual 6320

- Establishes BLM policy on considering lands with wilderness characteristics in land use plans and land use plan amendments or revisions.



OK – you have an inventory.

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The policy in Manual 6320 outlines what we do with the results of that inventory.

BLM uses the land use planning process to determine how to manage lands with wilderness characteristics as part of the BLM's multiple-use mandate.

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Considering Lands with Wilderness Characteristics in Land Use Plans

- Consider a full range of alternatives
- Analyze the effects of...
 - plan alternatives on lands with wilderness characteristics
 - management of lands with wilderness characteristics on other resources and resource uses



The BLM will consider a full range of reasonable alternatives for such lands when conducting land use planning

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The BLM will analyze the effects of: plan alternatives on lands with wilderness characteristics, and

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the effects of the management of lands with wilderness characteristics on other resources and resource uses.

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Considering Lands with Wilderness Characteristics in Land Use Plans

Possible allocations include:

- Emphasizing other multiple uses as a priority
- Emphasizing other multiple uses while applying management restrictions
- Protecting wilderness characteristics as a priority over other multiple uses
- May be applied to all, none, or some LWCs

When such lands are present, the BLM will examine options for managing these lands and determine the most appropriate land use allocations for them.

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Considering wilderness characteristics in the land use planning process may result in several outcomes, including, but not limited to:

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emphasizing other multiple uses as a priority over protecting wilderness characteristics.

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emphasizing other multiple uses while applying management restrictions *designed* to reduce impacts to wilderness characteristics.

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protecting wilderness characteristics as a priority over other multiple uses.

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If there are multiple areas identified as lands with wilderness characteristics covered in the land use plan, the range of protection might vary from one area to another. In other words, it isn't "protect all" or "protect none." Some lands with wilderness characteristics might be protected, and in some areas the

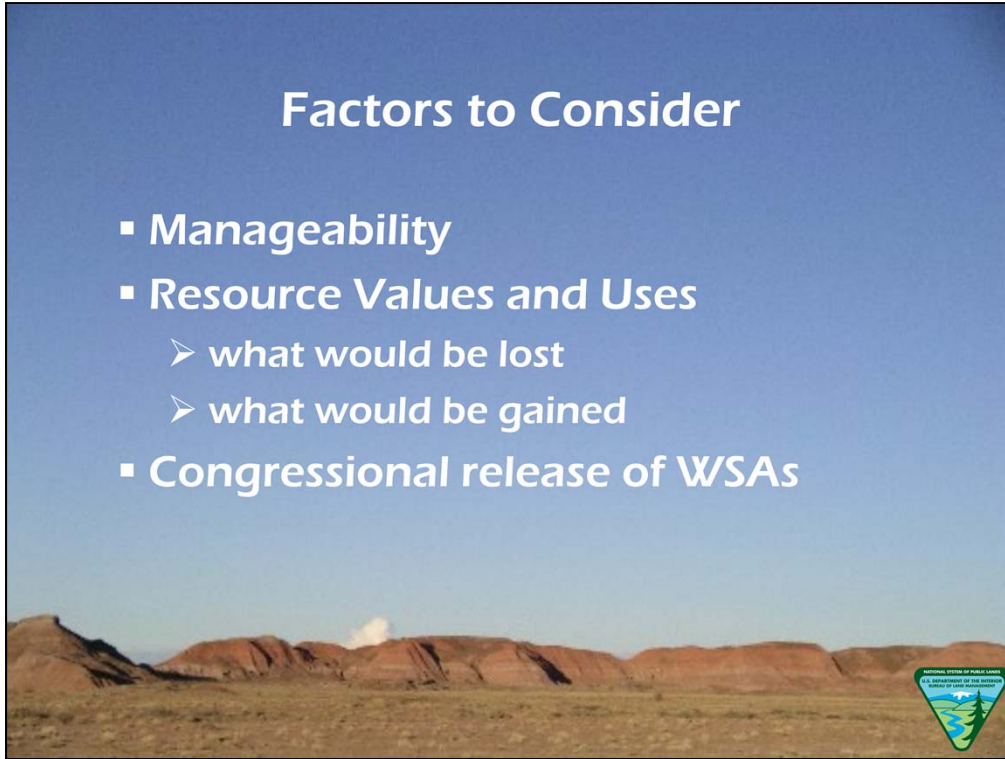


wilderness characteristics might not be protected.

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Factors to Consider

- **Manageability**
- **Resource Values and Uses**
 - what would be lost
 - what would be gained
- **Congressional release of WSAs**



There are several factors to consider in determining how the management of any one particular area with wilderness characteristics should be allocated.

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Consider and document whether the lands can be effectively managed to protect their wilderness characteristics. (Are there too many inholdings for effective management of the federal lands? Split estate? What other Valid Existing Rights are present?)

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Congressional action — as well as any changed circumstances over time — in the BLM’s subsequent land use planning decisions for the released land. Document the basis for the BLM land use planning decisions regarding the management of the released land.

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Land Use Plan Alternatives

- LWCs identified as discrete units
- NEPA document must contain a full range of reasonable alternatives
- Each alternative should include management actions, allowable uses, and restrictions





In the formulation of an alternative's allowable actions or restrictions, it's important to keep in mind that there are no uniform proscriptions across the BLM as there are with, say Wilderness Study Areas. Each plan will have to come up with its own specific mix of actions that could protect the specific lands with wilderness characteristics in question.

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Some of these specific actions might include (and this is not a comprehensive list):

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Recommending Secretarial withdrawal from mineral entry.

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Close to leasing. Or allow leasing only with no surface occupancy with no exceptions, waivers, or modifications.

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Establish a right-of-way exclusion area

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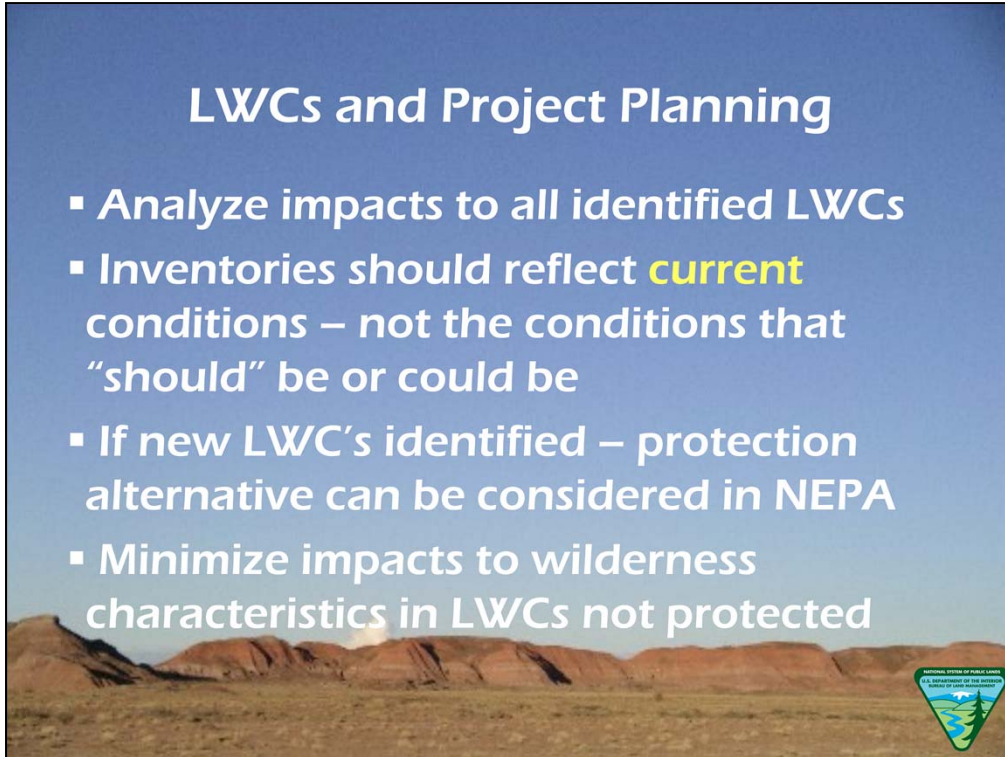
Designate as closed to motor vehicle use. Or as limited to motor vehicle use on

designated routes. Or as closed to motor vehicles and limited to mechanized use (such as mountain bikes) on designated routes.

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LWCs and Project Planning

- Analyze impacts to all identified LWCs
- Inventories should reflect **current** conditions – not the conditions that “should” be or could be
- If new LWC’s identified – protection alternative can be considered in NEPA
- Minimize impacts to wilderness characteristics in LWCs not protected



There are a few key points to consider when incorporating wilderness characteristics inventories into project planning:

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Any NEPA analysis conducted to support a project must analyze impacts to all identified lands with wilderness characteristics.

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Therefore, it is important to have wilderness characteristics inventory information that reflects current conditions in the project area, and not the conditions we wish were present or could be present if we managed differently.

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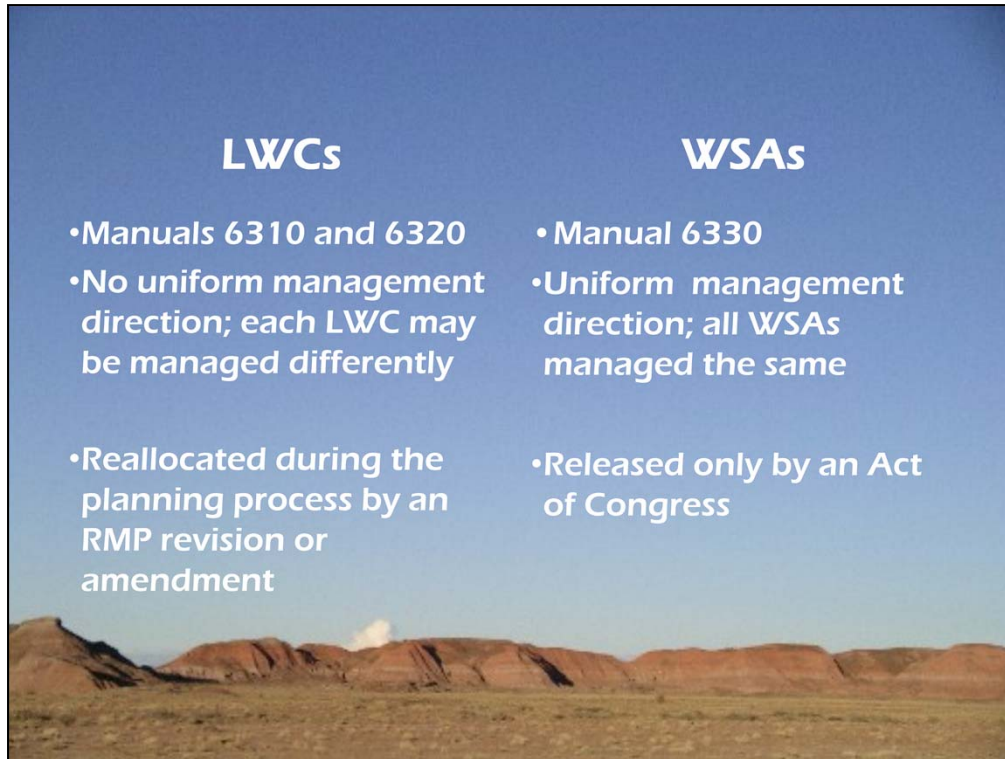
In the event that new lands with wilderness characteristics have been identified that were not analyzed in the existing RMP, an alternative to protect those characteristics can be considered in the NEPA analysis, but a decision to protect those characteristics would require a plan amendment.

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In areas where the management decision is not to protect wilderness characteristics, consider measures to minimize impacts on those characteristics – just as we would minimize unnecessary impacts to any other resource.

A closer look at how we address lands with wilderness characteristics in project planning can be found in our detailed training.

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One final point.

There have been several misconceptions that have grown up around the Bureau's policy on lands with wilderness characteristics. But none is more pervasive than the idea that if we protect lands with wilderness characteristics, we are just designating Wilderness Study Areas with a different name.

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After what you've just learned, we hope you can see this isn't the case.

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First of all, the direction for inventorying for LWCs and incorporating them into Land Use Plans is found in Manuals 6310 and 6320.

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Whereas the direction on how to manage WSAs is found in Manual 6330, Management of Wilderness Study Areas.

The difference is more than just numbers and titles:

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As you just learned, there is no uniform management policy for our protected lands with wilderness characteristics – management direction for each is detailed in its respective RMP, and those sideboards for management may differ from plan to plan.

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But Manual 6330 sets forth uniform management for every WSA – they are all managed the same way.

But aside from different management practices, there is a more fundamental difference:

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Lands with wilderness characteristics can be reallocated during the land use planning process by an RMP revision or amendment.

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Wilderness Study Areas that have been reported to Congress can only be released by an Act of Congress.

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This concludes the introduction to the BLM's policy and guidance on identifying and planning for lands with wilderness characteristics.