



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

July 3, 1984

IN REPLY
REFER TO:

1121 (340)
8500

EMS Transmission - 7/5/84
Instruction Memorandum No. 84-577
Expires 9/30/84

To: All State Directors, Except Alaska and ESO

From: Director

Subject: Alleged Violations of the Interim Management Policy and
Guidelines for Lands Under Wilderness Review and 3802 Regulations

FD: 7/16/84

Under separate cover, you have received copies of material submitted on June 19, 1984, at the oversight hearings of the House Committee on Interior and Insular Affairs, Subcommittee on Public Lands and National Parks.

In that material, you will find a number of allegations and questions raised regarding violations of the Interim Management Policy (IMP). You are directed to submit the following information to Director 340 by July 16, 1984, for each allegation or question involving your State.

Provide the State/District/Wilderness Study Area (WSA) Name, Number, and Acreage. Note if the area is a former WSA under litigation in Sierra Club et al., v. Watt or a section 202 WSA.

State the alleged violation. If there is more than one within a WSA, prepare a response for each violation. Provide a detailed description of the nature and extent of the activity. Was the alleged violation an authorized activity? Describe why the activity is determined to be nonimpairing or impairing in nature, and tell what documents you have to support this determination.

Provide a chronology of events relative to the alleged violation, include the date of the environmental assessment and dates of authorization, notification/discussion of the action with members of the public and all other relevant events. If the alleged violation was unauthorized, describe date and details on the discovery of the violation and subsequent Bureau of Land Management actions taken to correct the situation.

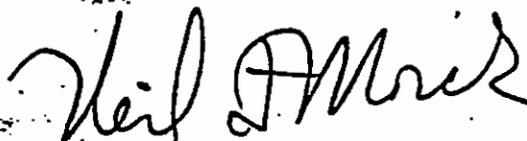
Encl. 1-1

For both authorized and unauthorized activities, describe the reclamation plan. Include actions taken to date and future planned actions. Include when the area is expected to return to "substantially unnoticeable" condition. If the activity was authorized, what reclamation completion date is specified in the authorization?

If not included in the chronology, include dates and follow-up actions on noncompliance or unauthorized activities. Add any other information you feel is relevant.

If, in your review of the material submitted under separate cover, you do not find specific reference to alleged IMP violations (authorized and unauthorized) in your State, no response is needed.

A sample format is enclosed. If you have any questions regarding this instruction memorandum call Joyce Kelly or Claire Newcomer on 343-6064.



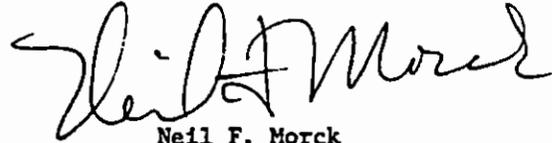
Neil F. Morck

1 Enclosure

Deputy Director for Lands and Renewable Resources

Encl. 1 - Example Response to Alleged IMP Violation (3 pp).

Enclosure 2 is a listing of various documents prepared by Bureau Field Offices concerning IMP/3802 compliance processes, procedures, and techniques which may be of assistance in system design and implementation activities. Requests should be made to the individual offices for copies or additional details.



Neil F. Morck
Deputy Director for Lands and Renewable Resources

2 Enclosures

- Encl. 1 - Instruction Memorandum No. 84-577 (5pp)
- Encl. 2 - IMP/3802 Examples (2pp)

Example Response to Alleged IMP Violations

State: Utah

Bureau of Land Management District: Richfield

WSA Name: Mount Ellen WSA

WSA Number: UT-050-238

WSA Acreage: 58,480 acres

Alleged Violations:

The Bureau of Land Management (BLM) allegedly violated the Interim Management Policy (IMP) by permitting the drilling activities of Exxon Oil Company in Mount Ellen Wilderness Study Area (WSA).

Description of Activity:

Exxon applied for an oil and gas lease involving the Mount Ellen WSA in 1980 and was granted the lease. In 1982 they submitted an application for permit to drill (APD). The BLM analyzed their application and granted a permit. The company then bladed a road approximately three-fourths mile into the drill site, cleared the vegetation on an area of about 2 acres, constructed a drill pad and drilled an exploratory well. Upon completion of drilling, the well was plugged, the machinery removed and reclamation according to the plan was initiated.

Chronology of Events involving drilling on a post-Federal Land Policy and Management Act lease located in Mount Ellen WSA.

3/1/80 - Lease number U-AA706 issued to Exxon (Rental and Royalty).

1/1/82 - Plan of operation and APD submitted to BLM/Minerals Management Service (MMS).

3/82 to 5/82 - Environmental assessment written, consultation with company, reclamation plan developed, BLM interdisciplinary resource team conducts on site evaluation in order to assess proposed action in accordance with nonimpairment criteria of the IMP.

6/9/82 - Plan of operation, reclamation plan and APD approved by BLM/MMS.

6/82 to 11/82 - Drill rig on site.

Summer, 1982 - Representative Seiberling flies over area while drilling is under way.

10/25/82 - Approval given to Exxon to plug hole (hole was dry).

Spring, 1983 - Reclamation plan initiated.

9/9/83 - Compliance check reveals planted vegetation has good survival rate.

Encl. 1-3

5/8/84 - Compliance check reveals results of spring drought conditions (50-60 percent survival rate of trees planted). Grasses, shrubs and potted plants doing well. Meadow appearance, scar of pad and road still visible but healing.

6/1/84 - Reclamation bond held pending complete reclamation of site. Natural succession is occurring.

NOTE: (If an unauthorized activity is involved, describe BLM actions taken to document violations and corrective measures taken).

Reclamation Plan:

In accordance with the reclamation plan (provided by Native Plants, Inc.), trees were hand-planted by Exxon. Pinyon pine, alligator juniper, as well as sagebrush and mormon tea shrubs were planted in the pad area as well as on the scarified temporary access way, two existing drill pads, gravel pit and truck turnaround area. Desert shrub seed mix as well as hydromulch were used along with tubular plants and shrubs up to a foot in height. Several varieties of seed mixture were made to increase viability and use hearty species in revegetation.

NOTE: (If an unauthorized activity is involved, describe reclamation measures needed and plans for achieving restoration).

What is the Status of reclamation?

The site, although having a drier 1984 spring season than in 1983, is doing well. Sweet yellow clover is in abundance. Sagebrush and mormon tea have a good survival rate. Galleta grass and intermediate wheatgrass give the area a meadow appearance. Large trees are only at a 50-60% survival rate, but replacement trees will be planted by Exxon as a part of the reclamation plan. Dead trees and boulders have been placed at random on the pad and access way in order to break up the linear affect of the disturbed areas. The site was completely recontoured by Casada Contracting, Inc. and excess material was used as fill material on the west side of the drill pad. Access to the site has been blocked by a cut bank on the northeast side of Dryout Creek. Exxon's reclamation bond is still being held by the BLM Richfield District Office. Exxon has been most cooperative in coordination of the project and has indicated a strong desire and commitment to have a successful reclamation effort. Exxon, in conjunction with BLM, will continue to monitor the area and take any measures necessary to achieve full reclamation of the site. Irrigation from the well-head was stipulated in the lease. It was not done when further analysis revealed that dependence from a non-natural water source might interfere with plant survival. If necessary, irrigation will be used.

4. Expectation for reclaimed area to be substantially unnoticeable at the time the Secretary of the Interior makes wilderness suitability recommendation.

The question centers on whether the site could be reclaimed to a condition of being substantially unnoticeable in the WSA as a whole by the time the Secretary is scheduled to send his recommendation to the President. At present, Utah will complete their wilderness study and preliminary final environmental impact statement (EIS) by September 30, 1986.

Mineral survey reports are scheduled to be completed by October 1988 thereby completing the filing of the final EIS and recommendations of the Secretary by September 1989. The reclamation deadline has been extended from September 1986 to September 1989 due to the statewide wilderness study, EIS, and mineral survey schedule. Although the site will be noticeable for sometime in the interim, the six year period of reclamation will reduce the impacts to a substantially unnoticeable condition. Any evaluation of noticeable impact must be done in relation to the size of the entire area (less than 5 acres out of 58,480 acres) and from a ground perspective rather than from the air. Reclamation has included contouring to a natural appearance (original contour is not required) and native species will have grown beyond the level of where natural succession is occurring.

In summary, after only one year of reclamation time, considerable revegetative success has been realized. The next five years will, in BLM's estimation, return the area to an essentially natural condition. The weathering process, continued replacement of native species, monitoring the site, irrigation if necessary, feathering the edges, reducing the visual contrast, and other reclamation techniques will all aid in preserving Mt. Ellen's wilderness values. Compared with the area's values for other purposes, the impacts will not significantly constrain the Secretary's recommendation with respect to the area's suitability or unsuitability for preservation as wilderness.

NOTE: (If an unauthorized activity is involved, describe measures planned to further pursue the violation).

Future Planned Actions:

Exxon, in conjunction with BLM, will continue to monitor the area and take any measures necessary to achieve full reclamation of the site. Irrigation from the well-head was stipulated in the lease. It was not done when further analysis revealed that dependence from a non-natural water source might interfere with plant survival. If necessary, irrigation will be used.

IMP/3802 EXAMPLES

<u>Memoranda and Policy Documents</u>	<u>Office</u>
1. Review of Draft Wilderness Interim Management Procedures (I.M. #AZ-81-169, 5/12/81)	Arizona SO
2. Wilderness IMP Monitoring Report (I.M. #CA-83-127, 1/11/83) - Monitoring Checklist	California SO
3. 1983 District Wilderness Interim Management Plan District Activity Plan for IMP (Budget/Volunteers)	Boise DO
4. Interim Management Monitoring and Compliance Plan for Lands Under Wilderness Review - District Activity Plan	Lewistown DO
5. Interim Management of WSA's and Statewide Wilderness Study (I.M.'s - #NM-82-311, 7/7/82 & #NM-82-212, 4/16/82)	New Mexico SO
6. Interim Management of WSA's (I.M. #OR-84-36, 10/18/83), Surveillance of WSA's, Cultural Resources, and Natural History Management Areas (I.M. #OR-82-260, 2/23/82), Wallet Card--Minerals Management in WSA's (Info. Memo #OR-82-168, 3/26/82)	Oregon SO
7. IMP Activity Log (I.M. #UT-83-148, 3/31/83), Oil and Gas - Documentation Procedures for Categorically Excluded Actions in Areas Under Wilderness Review (I.M.- #UT-82-217, 5/13/82), News Digest (listing of actions in WSA's)	Utah SO.
8. IMP Management (I.M. #UT-060-82-21, 9/21/82 & 1/25/83) Detailed checklist of procedures/policy for IMP program monitoring	Moab DO
9. District Draft Recreation/Wilderness Monitoring Plan (I.M. #UT-050-84-17, 2/3/84)	Richfield DO
10. Interim Fire Management Plans (FMP) (I.M. #WO-82-218, 6/10/82) - Example of FMP's under IMP (Wyoming)	WO-740
11. IMP Slide/Tape Program - oil and gas emphasis - using valid existing rights Solicitor's Opinion	Wyoming SO

Enclosure 2-1

Procedure/Technique/Technology

Office

- | | |
|--|-------------------|
| 1. Public scoping procedure for proposals located in WSA's (environmental assessment focuses on the key concerns of the public, thereby streamlining the environmental assessment process) | Moab DO |
| 2. Low impact pipeline machine (Modified Morrison Trail Blazer) used for installing water pipelines | Carson City
DO |
| 3. Portable backpack drill used for locatable minerals (J.K.S. Schmidt--Manufacturer, Canadian product) | WO-680 |

Final 2/16



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

IN REPLY
REFER TO:

8550 (342)

March 7, 1985

EMS Transmission - 3/8/85
Instruction Memorandum No. 85-254, Change 1
Expires 9/30/86

To: State Directors, except Alaska and ESO

From: Director

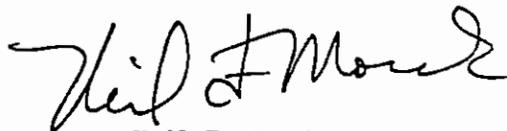
Subject: Application and Enforcement of the Interim Management Policy and Guidelines for Lands Under Wilderness Review and 3802 Regulations DD 4/1/85

Instruction Memorandum No. 85-254, dated February 8, 1985, asked that you document and be prepared to provide certain reporting data on an on-call basis by April 30, 1985. The Secretary of the Interior will testify before the House Public Lands and National Parks Subcommittee, during April 1985, and will address the Bureau of Land Management's (BLM) wilderness program and the effectiveness of our interim management policy. Therefore, we ask that you forward your documentation by April 1, 1985, to the Director (340) (Branch of Wilderness, Interior Room 2661).

Please reference Instruction Memorandum No. 85-254 for documentation requirements. All known authorized (BLM initiated and/or approved) and unauthorized (nonwillful and/or willful) activities must be included in your submission. In addition, please review and update your responses to previous allegations requested on July 3, 1984, by Instruction Memorandum No. 84-577 to reflect followup actions and reclamation status for each allegation noted (photos are optional). Dates of initial detection or incident and dates of followup actions should be included. States should also provide examples of at least one of their District's surveillance logs to show our monitoring efforts over the past 2-3 years. Due to the nature of the hearing, it is essential that the Secretary be provided with as accurate and specific information as possible to provide an objective response.

Please continue to stress to your staffs, and various publics, that strict adherence to all legal and policy requirements will be maintained. Direction on these matters should be made at every opportunity in media presentations, public meetings, and forums with user and interest groups, and in day-to-day dealings with the general public in both field and office settings. Continue to provide internal training programs for BLM personnel specifically geared to monitoring, compliance actions, violation procedures, and reporting documentation.

Questions on this directive should be telephoned to Keith Corrigan, FTS
343-6064.

A handwritten signature in cursive script, appearing to read "Neil F. Morck".

Neil F. Morck
Deputy Director for Lands and Renewable Resources



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WASHINGTON, D.C. 20240

IN REPLY
REFER TO.

8550(342)

February 8, 1985

Instruction Memorandum No. 85-254
Expires 9/30/86

To: State Directors, except Alaska and ESO

From: Director

Subject: Application and Enforcement of the Interim Management Policy and Guidelines for Lands Under Wilderness Review and 3802 Regulations

Implementation of the Interim Management Policy and Guidelines for Lands Under Wilderness Review (IMP), and the regulations at 43 CFR 3802 (Exploration and Mining, Wilderness Review Program), has been a significant challenge for the Bureau of Land Management (BLM). The Department is committed to implementing the nonimpairment mandate of Section 603(c) of the Federal Land Policy and Management Act of 1976 (FLPMA). The purposes of this memorandum are to: (1) emphasize the necessity of ensuring consistent compliance with the above-mentioned regulations, (2) provide further guidance in monitoring lands under wilderness review, (3) reinforce the requirement to document IMP activities, and (4) give examples of various techniques some States are using to monitor wilderness study areas (WSA).

In certain instances, our positive efforts to prevent impairing actions under existing authorities and directives have been less than fully successful. Further, there is a need for consistent interpretation and application of the policy and regulations in the BLM's day-to-day operations. It is appropriate to re-emphasize the requirements of existing policies for complying with Section 603(c) of FLPMA. Measures that must be taken in order to ensure consistent compliance with the IMP and 3802 regulations are described below.

Based on the alleged violations of the IMP cited during the recent House Public Lands and National Parks Subcommittee oversight hearings, it is essential that continuing attention be given to preventing impairment in WSA's. We must ensure that lands covered by the IMP/3802 are not impaired so as to constrain the Secretary's suitability recommendation or pre-empt congressional decisions on wilderness designation. You should work closely with the U.S. attorney where continued violations are imminent or where the violator refuses to reclaim the impacts.

The IMP/3802 regulations are applicable to all lands under wilderness review, regardless of status, as well as those for which recommendations are under administrative and congressional review. Instruction Memorandum No. 84-11, dated October 6, 1983, contains specific guidance for lands involved in litigation. You should also refer to Instruction Memorandum No. 84-381, dated

March 22, 1984, which guides mineral leasing actions in WSA's. The IMP/3802 will continue to apply on lands under wilderness review until they are released from that status by congressional action.

You must ensure an adequate level of monitoring and surveillance to prevent, detect, and mitigate unauthorized activities, and to monitor authorized activities. An adequate level must reflect the ongoing or anticipated activities within each WSA. An acceptable standard is surveillance from the ground or by air of lands under wilderness review once a month per area during those months where the area is accessible by the public. More frequent monitoring may be necessary, depending on the number of project applications, ongoing activities, and potential for use conflicts adjacent to or within an area.

We also have a responsibility to inform our publics of the nonimpairment standard in order to avoid unintentional violations. For example, draft wilderness EIS's, containing preliminary recommendations on wilderness suitability, are made available for public comment. Some members of the public may assume that a nonsuitable wilderness recommendation in a draft EIS releases the WSA from the IMP. The public should be informed that until the lands are formally released, the nonimpairment standard continues to apply.

Approved temporary projects, under the nonimpairment criteria, located within lands under wilderness review are required to be reclaimed to the substantially unnoticeable condition, as outlined in the IMP. We must ensure that the effects of any temporary authorization will not significantly constrain the Secretary's recommendation with respect to an area's suitability or nonsuitability for preservation as wilderness. All IMP actions taken by District and Resource Area Offices must strictly comply with the IMP.

As a means of reinforcing the requirement to document all IMP activities on an on-going basis you are directed to incorporate the format used in Instruction Memorandum No. 84-577 to your existing IMP monitoring system. The system to be established should contain provisions for collection and reporting of the types of information specified in Instruction Memorandum No. 84-577 and Enclosure 1. Documentation on a WSA basis is already a requirement as part of the permanent files for each WSA (Reference Appendix 3, page 19, of the Wilderness Inventory Handbook, and Chapter 11, parts B and E, pages 14-17 of the IMP).

At the present time we are not requiring submission of reports to this office. Information contained in the system and the maintenance of current data are the responsibility of State Directors. However, in view of the high level of interest in this compliance program by interest groups and the Congress, you should be prepared to provide reporting data on an on-call basis and for audit/evaluation purposes. Please have all known authorized and unauthorized activities documented by April 30, 1985, utilizing the format specified in Instruction Memorandum No. 84-577. Updating of the information should be maintained on a continuing current basis. Documentation of activities on this initial effort should be completed by April 30, 1985. Additionally, maintenance of comprehensive data in the system should serve to support budget and funding justifications.