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Subject

6303 –Consideration of LWCs for Project-Level Decisions in Areas Not Analyzed in Accordance with BLM Manual 6302 (Public)

1. Explanation of Materials Transmitted: This Manual contains the Bureau of Land Management's (BLM) policy, direction, general procedures, and guidance for considering Lands with Wilderness Characteristics (LWC) in project-level decisions for areas not analyzed in accordance with BLM Manual 6302. This policy allows BLM and public land users to continue various management actions and activities while at the same time providing greater protection of LWCs. It does not address or affect policy related to Congressionally-designated Wilderness, or existing Wilderness Study Areas (WSA) pending before Congress. This Manual implements in part Secretarial Order 3310, Protecting Wilderness Characteristics on Lands Managed by the BLM. It incorporates principles from BLM guidance (e.g., Organic Act directives) and legal rules developed as part of the BLM's original wilderness inventories.

2. Reports Required: None

3. Materials Superseded: None

4. Filing Instructions: File as directed below

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(Total: 8 Sheets)

/s/
Robert V. Abbey
Director

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Accordance with BLM Manual 6302 (Public)**

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.01 Purpose. This Manual contains the Bureau of Land Management's (BLM) policy, direction, general procedures, and guidance for considering Lands with Wilderness Characteristics (LWC) in project-level decisions in areas not analyzed in accordance with BLM Manual 6302. This policy allows the BLM and public land users to continue various management actions and activities while at the same time providing greater protection of LWCs. It does not address or affect policy related to Congressionally-designated Wilderness, or existing Wilderness Study Areas (WSA) pending before Congress.

.02 Objective. This Manual establishes BLM policy for considering LWCs in project-level decisions in areas not analyzed in accordance with BLM Manual 6302.

.03 Authority. Principal authorities affecting the consideration of LWCs in project-level decisions in areas not analyzed in accordance with BLM Manual 6302:

- A. Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 *et seq.* (FLPMA), exclusive of 43 U.S.C. 1782.
- B. Wilderness Act of 1964, 16 U.S.C. 1131 *et seq.*
- C. National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA).
- D. Naval Petroleum Reserves Production Act of 1976, 42 U.S.C. 6501 *et seq.* (NPRPA).
- E. Alaska National Interest Lands Conservation Act (ANILCA), Section 1320, 43 U.S.C. 1784.
- F. Council on Environmental Quality (CEQ) Regulations, 40 CFR 1500-1508.
- G. BLM Regulations, 43 CFR. Part 1600, 43 CFR Part 2361.
- H. Department of the Interior (DOI) NEPA Regulations, 43 CFR Part 46.

.04 Responsibilities.

- A. The Director shall:
 - 1. Develop policy, goals, objectives, and procedures for the consideration of LWCs in project-level decisions in areas not analyzed in accordance with BLM Manual 6302.
 - 2. Coordinate with State Directors in considering LWCs in proposed projects in areas not analyzed in accordance with BLM Manual 6302.
 - 3. Establish and ensure adherence to delegations of authority related to decisions, actions, and policies concerning the consideration of LWCs in proposed projects in areas not analyzed in accordance with BLM Manual 6302.

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4. Ensure compliance with NEPA, FLPMA, BLM planning regulations, and CEQ and DOI NEPA regulations, and serve as liaison with the DOI's Office of Environmental Policy and Compliance.

B. State Directors shall:

1. Implement policy and provide statewide program coordination and guidance for the consideration of LWCs in project-level decisions in areas not analyzed in accordance with BLM Manual 6302.
2. Provide program development, technical management assistance, and support to District and Field Offices as required to ensure LWCs are adequately considered in project-level decisions in areas not analyzed in accordance with BLM Manual 6302.
3. Ensure compliance with NEPA, FLPMA, BLM planning regulations, and CEQ and DOI NEPA regulations.

C. District Managers and Field Managers shall:

1. Ensure compliance with this Manual when considering LWCs in project-level decisions in areas not analyzed in accordance with BLM Manual 6302.
2. Ensure compliance with NEPA, FLPMA, BLM planning regulations, and CEQ and DOI NEPA regulations.
3. Determine, through NEPA analysis for proposed projects, impacts of each alternative on identified LWCs and consider measures to minimize impacts to wilderness characteristics.
4. Secure, as appropriate, the concurrence of the State Director on decisions to approve a project in an LWC that may impact wilderness characteristics.

.05 References. Principal references for this Manual are:

- A. FLPMA, 43 U.S.C. 1701 *et seq.*
- B. Wilderness Act, 16 U.S.C. 1131 *et seq.*
- C. NEPA, 42 U.S.C. 4321 *et seq.*
- D. NPRPA, 42 U.S.C. 6501 *et seq.*

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- E. ANILCA, Section 1320, 43 U.S.C. 1784.
- F. CEQ Regulations, 40 CFR 1500-1508.
- G. BLM Regulations, 43 CFR Part 1600.
- H. BLM Handbook H-1601-1, Land Use Planning.
- I. BLM Manual 6301, Wilderness Characteristics Inventory.
- J. BLM Manual 6302, Consideration of Lands with Wilderness Characteristics in the Land Use Planning Process.
- K. Secretarial Order 3310, December 22, 2010.
- L. DOI NEPA Regulations, 43 CFR Part 46.

.06 Policy. Managing the wilderness resource is part of the BLM’s multiple use mission. Proper management of this resource is a high priority for the BLM, and the natural state of such lands should be protected to the extent possible, consistent with the BLM’s planning and management authorities, its multiple use mission, and valid existing rights. The BLM shall protect LWCs when making project-level decisions by avoiding impairment of their wilderness characteristics unless the BLM concludes, as part of its decision-making process, that impairment of wilderness characteristics is appropriate and consistent with applicable requirements of law and other resource management considerations. Where the BLM concludes that authorization of uses that may impair wilderness characteristics is appropriate, the BLM shall document the reasons for its determination and consider measures to minimize impacts on those wilderness characteristics.

.07 Background.

- A. FLPMA states that preserving and protecting certain public lands in their natural condition is part of the BLM’s mission. *See* 43 U.S.C. 1701(a)(8).
- B. FLPMA provides direction for inventories in Sections 102(a)(2), 201(a), and 202(c)(4) and (9), and land use planning in Section 202. These sections direct the BLM to prepare and maintain an inventory of all public lands and their resources and values. These sections also direct the BLM to rely, to the extent available, on inventory information in the development of land use plans.
- C. Secretarial Order 3310 affirms that the protection of the wilderness characteristics of public lands is a high priority for the BLM, and is an integral component of its multiple use mission.

.1 Procedures for Consideration of Lands with Wilderness Characteristics in Project-Level Decisions in Areas Not Analyzed in Accordance with BLM Manual 6302.

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The following procedures apply when a project is proposed in an area not yet analyzed consistent with this policy.

.11 When Wilderness Inventory Is Not Required.

A. If the project is in conformance with the existing land use plan, the BLM manager shall make an initial determination as to whether or not wilderness characteristics, as defined by BLM Manual 6301, are clearly lacking in the area affected by the project. If wilderness characteristics are clearly lacking and documented as such, the project can be considered without conducting a wilderness inventory. Lands that clearly lack wilderness characteristics are those that do not meet the naturalness criterion set forth in BLM Manual 6301, because they have extensive surface disturbance and/or do not meet the size criterion of 5,000 acres or any of the size exceptions. Documentation of a clear lack of wilderness characteristics should not be based on the solitude or primitive and unconfined recreation criteria.

B. When wilderness characteristics are not clearly lacking, the manager shall determine whether the project could be implemented in a manner that would not impair wilderness characteristics. If the project can be so implemented, the project may be considered without conducting a wilderness inventory. Document this determination.

C. Although an inventory may not be required under sections A or B above, the manager always has the discretion to complete or update a wilderness characteristics inventory.

.12 When Wilderness Inventory Is Required. All other situations involving proposed projects require that a wilderness inventory be conducted or updated, following procedures described in BLM Manual 6301, before a project-level decision can be made. If the wilderness characteristics inventory documents that the area does not meet the requirements to be classified as an LWC, the project may proceed without further consideration under this Manual.

.13 Decision-making Process for Projects Involving LWCs. If the BLM finds through its NEPA analysis that a proposed action may impair wilderness characteristics, the BLM may, subject to applicable program regulations and valid existing rights—(1) deny the action, (2) approve the action, (3) approve the action with measures to minimize impacts on wilderness characteristics, or (4) postpone the decision until wilderness characteristics can be addressed through a land use planning process as described in BLM Manual 6302.

.14 Authority to Approve Projects that May Impact LWCs. The decision to protect or not to protect LWCs is discretionary when considering proposed projects. However, as stated in Secretarial Order 3310, all BLM offices shall place a high priority on the protection of LWCs when making decisions. The BLM shall avoid impairing such wilderness characteristics unless, as part of its decision-making process, the BLM concludes that impairment of wilderness characteristics is appropriate and consistent with applicable requirements of law and other resource management considerations. District and Field Managers may approve emergency

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actions which may impair wilderness characteristics without Washington Office review as described in section .15 of this Manual.

For proposed projects that may impact but not impair wilderness characteristics (i.e., not preclude the BLM from exercising its discretion to designate an LWC or portion of an LWC as a Wild Land), District and Field Managers may approve the following types of projects in LWCs:

1. Actions to control the expansion of invasive exotic species;
2. Actions necessary for the exercise of valid existing rights;
3. Renewal of livestock grazing permits (not including new range projects);
4. Temporary facilities for wild horse and burro gathering activities or recreation events; and
5. Projects that are anticipated to create only minor surface disturbance or minor impacts to wilderness characteristics, e.g., installation and maintenance of some wildlife guzzlers; minor restoration projects; or some projects to maintain range facilities, trails, or primitive recreation facilities.

State Director concurrence is required to approve any decision on a project in an LWC that may impact wilderness characteristics that is not outlined above.

.15 Washington Office Review of Projects that Would Impair Wilderness Characteristics. If the proposed project would impair wilderness characteristics (i.e., preclude the BLM from exercising its discretion to designate an LWC or a portion of an LWC as a Wild Land), the decision must be forwarded to the Washington Office National Landscape Conservation System staff before proceeding. The Washington Office will review these draft decisions and brief the Director. State, District, and Field Office staff shall participate in the Director's briefing as appropriate.

.16 Management of LWCs Pending Land Use Planning. Where an inventory has identified LWCs, the BLM shall evaluate whether closures or restrictions of areas, routes, or both are warranted to implement this policy and preserve the BLM's discretion to protect wilderness characteristics through subsequent land use planning.

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.2 Glossary.

Following are definitions for terms used in this Manual. Also see definitions for terms used in Section 103 of FLPMA, BLM planning regulations at 43 CFR 1601.0-5, the wilderness regulations at 43 CFR 6301.5, and the Wilderness Act. This glossary does not supersede those definitions or those in other laws or regulations.

Conformance: Means that a proposed action shall be specifically provided for in the land use plan or, if not specifically mentioned, shall be clearly consistent with the goals, objectives, or standards of the approved land use plan.

Impair: To preclude the BLM from exercising its discretion to designate an LWC or a portion of an LWC as a Wild Land.

Impact: To make or cause to become worse, or to diminish in value.

Land Use Plan: A set of decisions that establish management direction for land within an administrative area, as prescribed under the planning provisions of FLPMA; an assimilation of land-use-plan-level decisions developed through the planning process outlined in 43 CFR 1600, regardless of the scale at which the decisions were developed. As used in this Manual, Land Use Plan includes Integrated Activity Plans used in the National Petroleum Reserve – Alaska.

Lands with Wilderness Characteristics (LWC): Lands that have been inventoried and determined by the BLM to contain wilderness characteristics as defined in Section 2(c) of the Wilderness Act.

Project: Any action or authorization that requires NEPA review, including a Determination of NEPA Adequacy and use of categorical exclusions.

Surface Disturbance: Any new disruption of the soil or vegetation, including vegetative trampling, which would necessitate reclamation.

Wild Lands: A designation resulting from a land use plan decision to protect LWCs. In designating an area as Wild Lands, the land use plan will make decisions to protect the area's wilderness characteristics to avoid impairment. A wider range of actions and activities may be allowed in Wild Lands than can occur in Wilderness.

Wilderness: An area defined in Section 2(c) of the Wilderness Act, and included in the National Wilderness Preservation System.

Wilderness Characteristics: These attributes include the area's size, apparent naturalness, and outstanding opportunities for solitude or a primitive and unconfined type of recreation. They may also include supplemental values.

Wilderness Study Area (WSA): An area with wilderness characteristics identified and

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designated through the inventory and study processes authorized by Section 603 of FLPMA, and, prior to 2003, through the planning process authorized by Section 202 of FLPMA.

.3 Acronyms.

ANILCA – Alaska National Interest Lands Conservation Act

BLM – Bureau of Land Management

CEQ – Council on Environmental Quality

CFR – Code of Federal Regulations

DOI – Department of the Interior

FLPMA – Federal Land Policy and Management Act of 1976

LWC – Land with Wilderness Characteristics

NEPA – National Environmental Policy Act of 1969

NPRPA – Naval Petroleum Reserves Production Act of 1976

U.S.C. – United States Code

WSA – Wilderness Study Area