



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
WASHINGTON, D.C. 20240

In Reply Refer To:  
8560/8550 (342)

Relates to  
IM 85-254

EMS Transmission - 5/8/85  
Instruction Memorandum No. 85-427  
Expires 9/30/86

May 8, 1985

To: State Directors (Except ESO)  
From: Director  
Subject: Notification of Proposed Actions in Designated Wilderness Areas  
and Wilderness Study Areas

Because of the level of interest in the management of lands under wilderness review as well as designated wilderness on the public lands, the Secretary is committed to ensuring that affected and interested publics are fully informed of any proposed actions within these lands. This memorandum provides overall guidance and expands upon the State Offices' positive efforts in this regard.

As outlined below, State Offices must maintain a procedure to notify organizations which express an interest in the types of proposed actions mentioned below, before such actions are approved. The notification must be sent directly to those who have requested to be informed. If, in addition, you wish to use the Federal Register or the "legal notices" section of newspapers, that is also permissible, but such formally published notices themselves are not enough.

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) provide the basic guidance in implementing the nonimpairment mandate of Section 603(c) of the Federal Land Policy and Management Act of 1976. Chapter II. B. of the IMP outlines evaluation procedures for any proposed action or activity within lands under wilderness review. Regardless of whether an environmental assessment (EA) is prepared, a nonimpairment determination must be conducted and be available for public review. Instruction Memorandum Number 85-254, dated February 8, 1985, provided supplemental documentation guidance which provides for a permanent data base for lands under wilderness review. For designated wilderness, Bureau of Land Management (BLM) Manual Section 8560.5 addresses how the EA process is to be used in conjunction with or in the absence of a wilderness management plan for each area. Regulations at 43 CFR 3802 and 3809 also provide specific timeframes and requirements on the part of the applicant as well as the authorized officer in evaluating proposed actions.

Proposed actions subject to the notification procedure include, but are not limited to, significant surface disturbing projects, actions or uses, e.g., requests for approval of plans of operation under 43 CFR 3802 and 3809,

gathering information about mineral resources in accordance with 43 CFR 8560.4-5 (b), applications for permit to drill, notices of intent to conduct oil and gas exploration operations on existing leases, proposed increases in livestock use, BLM-initiated projects, or any other action which is an identified concern through the EA process. This includes implementation of land-use planning decisions contained in allotment, habitat, fire, recreation, cultural or wilderness management plans. It is not necessary to send notices on extensions of existing mineral leases.

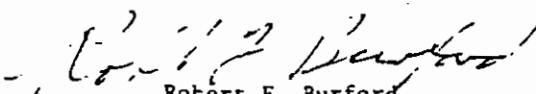
Provide notice at least 30 days prior to starting or authorizing proposed actions, except when it is not possible to do so because of emergency conditions or other regulatory timeframes, e.g., 43 CFR 3809. If public response indicates more time is required, the approval period may be extended, depending upon the situation at the discretion of the authorized officer. Notifications should be sent early enough to provide recipients sufficient time to inform us of their concerns prior to the date we intend to authorize or carry out the proposed action.

The level of interest expressed and issues raised in scoping the EA will determine the interpretation of the significance of the project and how widely to circulate notices. States may wish to use a State Office clearinghouse approach as is being used by Oregon and Utah in reviewing, summarizing and notifying interested citizens or organizations. Copies of these States' guidance are available upon request.

Notification of proposed actions covered under the categorical exclusion provisions of Appendix 5 to Chapter 6, Part 516 of the Departmental Manual, are discretionary with the State Director. Although an EA may not be required where there are no adverse effects, an analysis must be conducted in accordance with Chapter II. B. 3. of the IMP. Categorical exclusion reviews are not permitted for proposed actions in designated wilderness areas.

The notice should include enough information for the recipient to understand the purpose, location, nature, size and expected implementation date of the proposed action. Although not required, it may be helpful to include a map, a copy of the EA or the IMP nonimpairment analysis with the notice. State Offices should provide a proposed action summary notice free of charge to organizations or individuals who request it. States may use established rates for defraying photocopy costs if extensive records, numerous case files or EA's are requested. After notification, recipients may ask for a site visit to review the proposal. Although not mandatory to conduct, such trips often provide opportunities for understanding the proposed project(s), compromise on differing viewpoints, and arrive at workable solutions for the proponent or others benefiting directly from the project.

Questions on this memorandum may be addressed to Keith Corrigan or Gary Marsh, Branch of Wilderness on FTS 343-6064, or by mail to WO-342, Room 2661, Main Interior Building.

  
Robert F. Burford