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Subject

6100 – National Landscape Conservation System Management Manual (Public)

1. Explanation of Material Transmitted: This release is the foundation Manual Section for the program-specific Manuals in the 6100 National Landscape Conservation System series. This manual provides general policy for all units of the BLM's National Landscape Conservation System.
2. Reports Required: none
3. Material Superseded: none
4. Filing Instructions: File as directed below.

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All of 6100
(Total 19 sheets)

/s/ Mike Pool
Acting Director,
Bureau of Land Management

BLM Manual 6100-National Landscape Conservation System

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1.1 Purpose.

The purpose of this manual is to provide general policy to Bureau of Land Management (BLM) personnel on managing public lands in the National Landscape Conservation System (NLCS). As specified in the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202) (the Omnibus Act of 2009 or Act), the NLCS was established in order to “conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.” The Act goes on to require that NLCS units be managed “in a manner that protects the values for which the components of the system were designated.” Section 1.8 of this manual lists the designations identified in the Act as components of the NLCS. The BLM has additional manuals addressing policy specific to National Monuments, National Conservation Areas and Similar Designations, Wilderness, Wilderness Study Areas, Wild and Scenic Rivers, and National Scenic and Historic Trails.

National program policies that are applicable to all BLM public lands apply to lands within the NLCS to the extent that they are consistent with the Omnibus Act of 2009, the designating legislation or proclamation, other applicable law, and BLM NLCS program policy.

1.2 Objectives.

The BLM’s objectives for implementing this policy are to:

- A. Ensure consistency with designating acts of Congress and presidential proclamations by conserving, protecting, and restoring the values for which NLCS units were designated for the benefit of present and future generations.
- B. Effectively manage valid existing rights and compatible uses within the NLCS.
- C. Use science, local knowledge, partnerships, and volunteers to effectively manage NLCS units.
- D. Provide appropriate recreational opportunities, education, interpretation, and visitor services to enhance the public’s understanding and enjoyment of the NLCS.
- E. Use and showcase innovative techniques to manage compatible multiple uses within the NLCS for conservation outcomes.

1.3 Authority.

- A. Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202)
- B. Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*) (FLPMA)

- C. Antiquities Act of 1906 (16 U.S.C. 433)
- D. Wilderness Act of 1964 (16 U.S.C. 1131 *et seq.*)
- E. National Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271-1287)
- F. National Trails System Act of 1968 (16 U.S.C. 1241-1249)
- G. Specific acts of Congress and presidential proclamations designating NLCS units
- H. Executive Order 13195—Trails for America in the 21st Century

1.4 Responsibility.

- A. Director, Bureau of Land Management, through the Assistant Director, National Landscape Conservation System and Community Partnerships, shall:
 - 1. Establish policy and guidance to ensure that conserving, protecting, and restoring the values for which NLCS units were designated are the highest priorities in the planning for and management of these lands.
 - 2. Coordinate NLCS budget guidance with other BLM programs at the national level and provide priorities to state offices.
 - 3. Develop and maintain relationships with other Federal agencies, tribal governments, State and local governments, national-level organizations and non-profit groups, and the general public in order to effectively manage NLCS units in accordance with designating legislation and proclamations, other applicable law, and BLM NLCS policy and guidance.
 - 4. Review land use plans, revisions, and amendments affecting NLCS units and ensure that these plans, revisions, and amendments are consistent with the relevant designating legislation or proclamation and national policies and guidance.
 - 5. Provide training to State and Field Office employees on BLM NLCS policy and guidance.
- B. State Directors shall:
 - 1. Provide state-level policy and guidance reflecting national policy for the NLCS.
 - 2. Coordinate NLCS policy and budget with other BLM programs at the state level.
 - 3. Develop and maintain relationships with other Federal agencies, tribal governments, State and local governments, friends' groups and other non-profit organizations, and the general public in order to effectively manage NLCS units

in accordance with designating legislation and proclamations, other applicable law, and BLM NLCS policy and guidance.

4. Approve land use plans, revisions, and amendments affecting NLCS units and ensure that these plans, revisions, and amendments are consistent with the relevant designating legislation or proclamation and national policies and guidance.
 5. Ensure that BLM employees are adequately trained on the relationship of NLCS units and values to other aspects of the Bureau's mission and programs, including the legislation and proclamations that designate NLCS units.
- C. District and Field Managers with NLCS units within their jurisdiction shall:
1. Ensure that all activities within NLCS units are consistent with the relevant designating legislation or proclamation, BLM NLCS policy and guidance, and approved land use plan decisions.
 2. As appropriate, implement program policies that apply generally to BLM public lands within the NLCS to the extent that said policy complies with the designating legislation or proclamation, other applicable law, and BLM NLCS policy and guidance.
 3. Develop and maintain relationships with other Federal agencies, tribal governments, State and local governments, friends' groups and other non-profit organizations, and the general public in order to effectively manage NLCS units in accordance with designating legislation and proclamations, other applicable law, and BLM NLCS policy.
 4. Develop and implement land use and implementation plans that are consistent with the relevant designating legislation or proclamation and national and state office policies and guidance using an interdisciplinary and integrated approach.
 5. Subject to designating legislation or proclamation and other applicable law, provide appropriate recreational opportunities, education, interpretation, and visitor services to enhance the public's understanding and enjoyment of the NLCS.
 6. Highlight and promote the cultural, ecological, social, scenic, scientific, and economic values and benefits of NLCS units.

1.5 References.

- A. Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa *et seq.*) as amended
- B. Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), as amended
- C. National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) (NEPA)
- D. National Historic Preservation Act of 1966 (16 U.S.C. 470)
- E. Paleontological Resources Preservation Act of 2009 (16 U.S.C. 470aaa *et seq.*)
- F. Recreation and Public Purposes Act of 1954 (43 U.S.C. 869 *et seq.*)
- G. 43 CFR 3809.100—Mining Claims Under the General Mining Laws
- H. 43 CFR 2800—Rights-Of-Way Under the Federal Land Policy and Management Act
- I. Secretarial Order 3308—Management of the National Landscape Conservation System
- J. Secretarial Order 3317—Department of the Interior Policy on Consultation with Indian Tribes
- K. Departmental Manual, Chapter 710, Part 1—National Rivers and Trails Systems
- L. BLM Manual 1601—Land Use Planning
- M. BLM Manual 1626—Travel and Transportation Management
- N. BLM Manual 6120—Congressionally Required Maps and Legal Boundary Descriptions for National Landscape Conservation System Designations
- O. BLM Manual 6230/6240—National Conservation Areas and National Monuments
- P. BLM Manual 6250/6260—National Scenic and Historic Trails Management
- Q. BLM Manual 6270—National Scenic and Historic Trail Administration
- R. BLM Manual 6330—Management of Wilderness Study Areas
- S. BLM Manual 6340—Management of BLM Wilderness Areas
- T. BLM Manual 6400—Wild and Scenic Rivers—Policy and Program Direction for Identification, Evaluation, Planning, and Management
- U. BLM Manual 6840—Special Status Species Management
- V. BLM Manual Series 8100-8170—BLM Cultural Resources Management Series
- W. BLM Manual 8270—Paleontological Resource Management

- X. BLM Manual 8320—Planning for Recreation and Visitor Services
- Y. BLM Manual 8400, Visual Resource Management
- Z. BLM Manual 8353—Trail Management Areas – Secretariially Designated National Recreation, Water, and Connecting and Side Trails
- AA. BLM Manual 9130—Sign Manual
- BB. BLM Guidelines for a Quality Built Environment, December, 2010
- CC. The 2006 National Fish Habitat Action Plan, signed by the Secretary of the Interior, the Secretary of Commerce, and the President of the Association of Fish and Wildlife Agencies.

1.6 Policy.

- A. General Principles for the Management of NLCS units
 1. As required under the Omnibus Act of 2009, the BLM will manage NLCS units to “conserve, protect, and restore nationally significant landscapes.”
 2. As also provided for under the Act, the Secretary of the Interior, through the BLM, “shall manage the... [NLCS] ...in accordance with any applicable law (including regulations) relating to any component of the system...and...in a manner that protects the values for which the components of the system were designated.” Accordingly, site-specific activities requiring BLM approval, including Bureau initiated actions, will be managed in a manner consistent with the protection of those values. Multiple uses may be allowed to the extent that they are consistent with the designating legislation or proclamation, other applicable laws, and all relevant policies (including NLCS policy guidance).
 3. To the greatest extent possible, and in accordance with applicable law, valid existing rights and other non-discretionary uses occurring within NLCS units will be managed to mitigate associated impacts to the values for which these lands were designated.
 4. The BLM will inventory and monitor the values for which NLCS units were designated. Monitoring data will be collected and stored in accordance with BLM data standards.
 5. The BLM will make use of NLCS units as places to build and sustain diverse communities of partners and volunteers dedicated to conserving, protecting, restoring, and interpreting our natural and cultural heritage.

6. NLCS units will be managed as an integral part of the larger landscape, in collaboration with all BLM programs, other agencies, willing landowners, and surrounding communities and in consultation with tribes.
 7. The BLM recognizes that NLCS units encompass some of the West's most scenic and iconic landscapes and will emphasize the conservation, protection, and restoration of these scenic values.
 8. In harmony with, and subject to, applicable designating legislation or proclamations, the BLM will work to maintain and promote ecological connectivity and resilience and to restore, to the extent feasible, the natural system function and species composition of disturbed areas within NLCS units.
 9. The BLM will use the best available science in managing NLCS units.
- B. Primacy of Presidential or Congressional Designations
1. Section 302(a) of the Federal Land Policy and Management Act (FLPMA) states that public lands are to be managed under the principles of multiple use and sustained yield "except that where a tract of such public land has been dedicated to specific uses according to any other provisions of law it will be managed in accordance with such law." Therefore, as a general rule, if the Act of Congress or presidential proclamation that designates an NLCS unit conflicts with FLPMA's multiple use mandate, the designating language will apply. Land use planning decisions for each NLCS unit must be consistent with the purposes and objectives of the designating proclamation or Act of Congress.
 2. Where multiple NLCS designations overlap, the BLM must comply with all applicable statutes. In order to do so, the more protective management requirements will likely apply. However, this will need to be evaluated on a case by case basis. For example, where designated Wilderness overlaps with a National Monument or National Conservation Area, no motorized vehicles or equipment may be used in the area of overlap unless they are the minimum necessary to administer the area for the purpose of the Wilderness Act.
- C. Planning and NEPA
1. When an NLCS unit is designated, the BLM will review and, if necessary, amend or revise existing plans to ensure consistency with the designating act or proclamation. The BLM will satisfy the planning requirements for NLCS units through the development of a stand-alone plan, the amendment of an existing land use plan, by integrating the planning process for the designated area into the

planning process for a new or revised land use plan addressing a wider area, or by developing an implementation plan.

2. Land use plans addressing NLCS units will identify the values for which the area was designated. Plans addressing NLCS units, including implementation plans, will emphasize the conservation, protection, and restoration of these values.
3. The BLM will develop monitoring strategies to track the implementation and effectiveness of plan decisions addressing NLCS units.
4. NEPA analyses of proposed actions within NLCS units will disclose the effects of each alternative on the values for which the area was designated.
5. When authorizing major projects on BLM lands outside of NLCS units, the BLM will look for opportunities to use NLCS units for off-site mitigation to the extent consistent with the designating legislation or proclamation and other applicable law.

D. Boundaries

1. In cases where there may be a higher risk of encroachment on NLCS boundaries, e.g. where a unit is surrounded by non-federal land, managers are encouraged to develop Management of Land Boundaries Plans for NLCS units. Such plans should contain:
 - a. an inventory of the condition of the boundary;
 - b. a Geographic Coordinate Data Base reliability diagram;
 - c. identification of high-risk boundary segments with outdated or absent surveys;
 - d. and a monitoring strategy.
2. The BLM may offer lands adjoining NLCS units for transactions and commercial projects up to an NLCS unit's external boundary. If there is a concern about the proximity of a transaction or project to the NLCS unit boundary, managers are encouraged to develop a Standards for Boundary Evidence Certificate for the affected portion of the boundary prior to the approval of the transaction or commercial project.

E. Promoting Stewardship through Outreach, Partnerships, Interpretation, and Volunteers

1. The BLM will offer a broad array of interpretive and educational programs to enhance public understanding, appreciation, and stewardship of NLCS units,

while also offering ample opportunities and information for those who wish to experience these lands through self-directed discovery.

2. BLM state and field offices with jurisdiction over multiple NLCS units should consider developing outreach strategies that assess current efforts, outline future work for building community stewardship, promote public understanding of the NLCS, and make full use of websites and emerging communication tools.
3. The BLM will support NLCS partnerships and volunteer programs to encourage shared stewardship of public resources, solve resource issues, build trust, maximize efficiencies in land management, and serve changing western communities.
4. The BLM will engage youth and veterans within NLCS units through education, interpretation, partnerships, recreation, and volunteer and job opportunities.
5. The BLM will engage local communities and organizations to support quality of life and economic goals to the extent consistent with the designating legislation or proclamation and other applicable law.

F. Science

1. Science and the scientific process will inform and guide management decisions concerning NLCS units in order to enhance the conservation, protection, and restoration of the values for which these lands were designated. To this end, the BLM will support a robust basic and applied science program for the NLCS.
2. The BLM will develop science strategies for NLCS units encompassing values of substantial scientific interest and will ensure that these strategies are compatible with relevant BLM science strategies. Science strategies will be developed for all National Monuments and National Conservation Areas and Similar Designations.
3. The BLM will promote NLCS units as sites for scientific research, including projects that engage youth and citizen scientists, to the extent consistent with the designating legislation or proclamation and other applicable law.
4. The BLM will use NLCS units as a laboratory for testing innovative land management practices, including adaptive management, consistent with the conservation, protection, and restoration of the values for which these lands were designated. Findings from such research will be made available to the scientific and educational communities and will be distributed for use throughout the BLM in order to inform future management decisions.

G. Cultural Resources

1. The BLM will identify priority areas within NLCS units for nomination to the National Register of Historic Places, for cultural resource inventories, and for archaeological research consistent with the BLM 8100 manual series (Cultural Resources Management). Inventory priorities will be determined at least in part by resource values and the risk of disturbance, including loss of the resource to theft or erosion.
2. The BLM will monitor the condition of historic properties and traditional use areas within NLCS units for vandalism and other disturbances or changes.
3. Land use plans and science strategies addressing NLCS units with cultural values will incorporate cultural resource information and recommendations for the scientific and educational use of these resources. Where appropriate, these documents will also incorporate the traditional knowledge and historic practices of local tribes and communities.

H. Energy and Minerals

1. The BLM will work with holders of valid existing rights to mitigate, to the greatest extent possible, impacts to the values for which each NLCS unit was designated and encourage the use of innovative low-impact implementation and restoration techniques.
2. For NLCS units withdrawn from location and entry under the 1872 Mining Law, the BLM will require a validity examination prior to authorizing a plan of operations for claims that predate withdrawal, as required by 43 CFR 3809.100.

I. Facilities

1. The BLM will inventory existing facilities within NLCS units and determine whether to remove, maintain, restore, enhance, or allow natural disintegration. Subject to applicable law and valid existing rights, the BLM will consider removal from NLCS units of facilities that do not have administrative, public safety, recreational, cultural, or historic value.
2. When new administrative offices, visitor centers, contact stations, and similar facilities are needed in association with NLCS units, the BLM will generally develop, or encourage the development of, these facilities within nearby communities to enhance local economic vitality and quality of life and to minimize disturbance within NLCS units.

3. The BLM will only develop new facilities, including roads, within NLCS units where they are required under law, required for public health and safety, are necessary for the exercise of valid existing rights or other non-discretionary uses, prevent impacts to fragile resources, or further the purposes for which an area was designated.
4. The BLM will use a consistent approach to NLCS boundary, portal, and road signs, which will also be built and installed according to BLM standards.
5. Facilities within NLCS units, including utility, water, and electrical supply lines, will be designed and sited in a manner that minimizes impacts to NLCS values, emphasizes energy efficiency, and conforms to best management practices for visual resources management and the BLM Guidelines for a Quality Built Environment.
6. The BLM will protect the night sky by avoiding light spill and light pollution when designing and installing lighting at facilities within NLCS units.

J. Lands and Realty

1. The BLM will establish priorities for the acquisition of lands and other interests within or adjacent to NLCS boundaries. In setting priorities, the BLM will emphasize lands that will enhance the values for which the area was designated, particularly where these resources are at risk. All acquisitions will be from willing sellers or by donation except where unless otherwise directed by Congress.
2. Except as otherwise provided for under law, the BLM will strive to retain ownership of public lands within the NLCS.
3. The BLM will seek to quantify and/or perfect water rights to carry out the management of NLCS units, consistent with Federal and State law and BLM policy.
4. To the greatest extent possible, subject to applicable law, the BLM should, through land use planning and project-level processes and decisions, avoid granting new ROWs through NLCS units (the BLM does not have the authority to designate new ROW in designated wilderness). Subject to applicable law, the BLM shall exercise its discretion to deny ROW applications in NLCS units if the BLM determines that ROW proposals are:
 - a. inconsistent with the authority that designated the unit; or

- b. incompatible with the protection of the values for which the unit was designated, subject to a compatibility determination by the authorized officer for the affected NLCS units.
5. To the greatest extent possible, subject to applicable law, the BLM should through land use planning and project-level processes and decisions, avoid designating or authorizing use of transportation or utility corridors within NLCS units.

To that end, and consistent with applicable law, when developing or revising land use plans addressing NLCS units, the BLM will consider:

- a. designating the NLCS unit as an exclusion or avoidance area;
 - b. not designating any new transportation or utility corridors within the NLCS unit if the BLM determines that the corridor would be incompatible with the designating authority or the purposes for which the NLCS unit was designated; and
 - c. relocating any existing designated transportation and utility corridors outside the NLCS unit.
6. During the application process for a major ROW—such as high-voltage transmission lines and underground pipelines and major site-type facilities, such as large communication sites—through an NLCS unit, internal notification requirements are as follows:
 - a. The State Office shall notify the NLCS Directorate (AD-400), Minerals and Realty Management Directorate (AD-300), and Renewable Resources and Planning Directorate (AD-200) if an application is received or if, at any time during the process, an alternative to route or site a ROW through or in an NLCS unit is considered.
 - b. The State Director shall brief the BLM Director prior to:
 - i. the release of a Draft EIS or EA that includes a preferred alternative that proposes a ROW through an NLCS unit;
 - ii. the release of a Final EIS or EA that includes a preferred alternative that proposes to site a ROW through an NLCS unit; and
 - iii. approval of a Record of Decision or Decision Record authorizing a ROW through an NLCS unit.

ROW that would not be considered major, and minor site-type facilities (such as remote weather stations or stream flow gauges), should be addressed within the

Resource Management Plan for the NLCS unit, consistent with the designating legislation or proclamation and other applicable law, regulation, and policy.

K. Livestock Grazing

1. To the extent consistent with the designating legislation or proclamation and other applicable law, livestock grazing may occur within NLCS units.
2. Grazing management practices will be implemented in a manner that protects the values for which NLCS units were designated unless otherwise provided for in law.
3. The BLM will use NLCS units as a laboratory for innovative grazing techniques designed to better conserve, protect, and restore NLCS values, to the extent consistent with the designating legislation or proclamation and other applicable law.

L. Paleontological Resources

1. The BLM will identify priority areas on NLCS units for paleontological resource inventories. Inventory priorities will be determined at least in part by resource values and the risk of disturbance, including loss of the resource to theft or erosion.
2. Land use plans and science strategies addressing NLCS units with paleontological values will incorporate paleontological resource information and recommendations for the scientific and educational use of these resources.

M. Recreation

1. NLCS units will be available for a variety of recreation opportunities, to the extent consistent with the designating legislation or proclamation and other applicable law. Where recreational values are identified in the designating legislation or proclamation, these values will be conserved, protected, and restored in the same manner as other NLCS values.
2. Roads, primitive roads, and trails within NLCS units will be located to minimize impacts to sensitive resources, enhance visitor recreation experiences, and conserve, protect, and restore the values for which NLCS units were designated.
3. The BLM will designate visual resource management classes for all NLCS units through its land use planning process, and manage them accordingly, in order to ensure protection of scenic values and the aesthetic character of the landscape, to the extent consistent with the designating legislation or proclamation and other

applicable law.

N. Wildlife and Native Plants

1. Both the BLM and State fish and wildlife agencies are responsible for strengthening cooperative management for fish and wildlife resources in NLCS units.
2. In managing NLCS units, the BLM will emphasize the role of these lands relative to the conservation and recovery of federally listed threatened and endangered species and other special status species.
3. The BLM will remove or minimize barriers to the dispersal of rare native plants and animals to the extent possible.
4. To the extent consistent with the designating legislation or proclamation, the BLM will manage weeds and other invasive species through an integrated pest and vegetation management approach using methods that minimize disturbance to NLCS units.
5. The BLM will manage fisheries within NLCS units with an emphasis on achieving the goals of the National Fisheries Habitat Action Plan, to the extent consistent with the designating legislation or proclamation and other applicable law.
6. Where practicable, habitat rehabilitation within NLCS units will be accomplished with native plant materials appropriate for restoring or improving native habitat. In general, native plant materials should be sourced as locally as possible.

1.7 File and Records Maintenance.

Offices must create and maintain maps and legal boundary descriptions for NLCS units in accordance with BLM Manual Section 6120.

1.8 Designations included in the NLCS.

As set forth by the Omnibus Public Land Management Act of 2009:
“The [National Landscape Conservation System] shall include each of the following areas administered by the Bureau of Land Management:

- (1) Each area that is designated as—
 - (A) a national monument;
 - (B) a national conservation area;

- (C) a wilderness study area;
 - (D) a national scenic trail or national historic trail designated as a component of the National Trails System;
 - (E) a component of the National Wild and Scenic Rivers System; or
 - (F) a component of the National Wilderness Preservation System.
- (2) Any area designated by Congress to be administered for conservation purposes, including—
- (A) the Steens Mountain Cooperative Management and Protection Area;
 - (B) the Headwaters Forest Reserve;
 - (C) the Yaquina Head Outstanding Natural Area;
 - (D) public land within the California Desert Conservation Area administered by the Bureau of Land Management for conservation purposes; and
 - (E) any additional area designated by Congress for inclusion in the system.”

Glossary of Terms

-F-

Facility. Any building, structure, site improvement, element, or pedestrian route or vehicular way. The term facility generally includes things like toilets, picnic tables, fences, grills, etc.

-G-

Guidelines for a Quality Built Environment. The BLM's Guidelines for a Quality Built Environment (GQBE), released in December 2010, establish a clear planning process for BLM facilities. Use of the GQBE will ensure that all BLM facilities meet a high standard for attractiveness, functionality, and sustainability. The GQBE can be found linked to the BLM's national recreation page: www.blm.gov/wo/st/en/prog/Recreation.html

-I-

Implementation Plan. An area or site-specific plan written to implement decisions made in a land use plan. Implementation plans include both activity plans and project plans. Specific examples of implementation plans include, transportation plans, wilderness management plans, comprehensive river management plans, allotment management plans, and recreation site plans.

-N-

National Fisheries Habitat Action Plan. The National Fisheries Habitat Action Plan (NFHAP) is a national strategy designed to maximize the impact of fish habitat funding on the ground. It is science-based, voluntary, and non-regulatory and offers a nation-wide strategy to harness the expertise and existing partnerships of State and Federal agencies, conservation organizations, foundations, and others. NFHAP was signed in 2006 by the Secretary of the Interior, the Secretary of Commerce, and the President and Executive Vice President of the Association of Fish and Wildlife Agencies. A copy of the plan can be found here: <http://fishhabitat.org/>

-R-

Right-of-way. Public lands the BLM authorizes a holder to use or occupy under any authorization or instrument (e.g., easement, lease, license, or permit) BLM issues under Title V of the Federal Land Policy and Management Act, 43 U.S.C. 1761 *et seq.*, and those authorizations and instruments BLM and its predecessors issued for like purposes before October 21, 1976, under then existing statutory authority. It does not include authorizations issued under the Mineral Leasing Act (30 U.S.C. 185). For national scenic and historic trails, see the National Trails System Act.

-V-

Valid Existing Rights. Valid existing rights are defined in Section 701 of FLPMA as any “valid lease, permit, patent, right-of-way, or other land use right or authorization” and must be in existence at the time of designation.