



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MANUAL TRANSMITTAL SHEET

Release

6-139

Date

01/08/2021

Subject 6320—Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process (Public)

1. Explanation of Materials Transmitted: This manual contains the Bureau of Land Management's (BLM) policy and guidance for considering wilderness characteristics in BLM's land use planning process under FLPMA of 1976.
2. Reports Required: None.
3. Materials Superseded: This manual supersedes BLM Manual Section 6320 Rel 6-130
4. Delegations of Authority Updated: None
5. Filing Instructions: File as directed below.

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All of 6320 (Rel. 6-130)
(Total: 9 sheets)

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All of revised 6320 (Rel. 6-139)
(Total: 11 sheets)

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Table of Contents

Chapter 1 - Overview	1-1
1.1 Purpose.....	1-1
1.2 Objectives.....	1-1
1.3 Authority	1-1
1.4 Responsibilities	1-2
1.5 References	1-2
1.6 Policy	1-2

Chapter 1 - Overview

1.1 Purpose

This revised policy outlines general procedures for considering lands with wilderness characteristics in the Bureau of Land Management's (BLM) land use planning process under Section 202 of the Federal Land Policy and Management Act of 1976 (FLPMA) and other applicable law and supersedes all previous guidance on this topic.

This revised policy does not address or affect policy related to Congressionally designated Wilderness or existing Wilderness Study Areas (WSAs) pending before Congress. The Wilderness Act of 1964 requires the BLM to preserve the wilderness character of each designated wilderness area under that law while FLPMA mandates that BLM manage WSAs so as not to impair their suitability for wilderness preservation until Congress either designates them as wilderness or releases them for other uses. No such statutory authority exists with regard to non-wilderness, non-WSA lands possessing wilderness characteristics, however. Although lands with wilderness characteristics share the same criteria used to identify wilderness and WSAs, they are not subject to any protective requirements prior to a planning or project-level management decision.

1.2 Objectives

This Manual establishes BLM policy on considering lands with wilderness characteristics in land use plans and land use plan amendments or revisions.

1.3 Authority

Principal authorities affecting the consideration of lands with wilderness characteristics in the planning process are:

- A. FLPMA, 43 U.S.C. 1701 *et seq.*, 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. Oregon and California Lands Act of 1937, 43 U.S.C. 1181a-1181j.
- G. Council on Environmental Quality (CEQ) Regulations, 40 CFR 1500-1508.
- H. BLM Regulations, 43 CFR Part 1600, 43 CFR Part 2360.

I. Department of the Interior (DOI) NEPA Regulations, 43 CFR Part 46.

1.4 Responsibilities

- A. The BLM Director shall coordinate with State Directors on considering and, as warranted, protecting lands with wilderness characteristics in land use plans.
- B. State Directors shall implement policy and provide statewide program coordination and guidance for the consideration of lands with wilderness characteristics inventories and, as warranted, the protection of lands with wilderness characteristics in land use plans.
- C. Provide program development, technical management assistance, and support to District and Field Offices to ensure lands with wilderness characteristics and potential resource conflicts are adequately analyzed.
- D. District Managers and Field Managers shall update and maintain the wilderness inventory for lands within the planning area consistent with BLM wilderness characteristics inventory guidance.
- E. Ensure that wilderness characteristics inventories are considered and that, as warranted, lands with wilderness characteristics are protected in a manner consistent with this manual in BLM planning processes.

1.5 References

Principal references for these instructions 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.
- E. Oregon and California Lands Act of 1937 (O&C Lands Act), 43 U.S.C. 1181a.
- F. ANILCA Section 1320, 43 U.S.C. 1784.
- G. CEQ Regulations, 40 CFR 1500-1508.
- H. BLM Regulations, 43 CFR Part 1600.
- I. BLM Handbook H-1601-1, Land Use Planning.
- J. DOI NEPA Regulations, 43 CFR Part 46.

1.6 Policy

Managing the wilderness resource is part of the BLM's multiple-use mission. Consistent with FLPMA and other applicable authorities, the BLM will consider the wilderness

characteristics of public lands when undertaking land use planning. The BLM will use the land use planning process to: determine how to manage lands inventoried as having wilderness characteristics as part of the BLM's multiple-use mandate; consider a full range of alternatives for such lands; and analyze the effects of plan alternatives on inventoried lands with wilderness characteristics and other resources and resource uses.

In some circumstances, consideration of management alternatives for lands with wilderness characteristics may be outside the scope of a particular planning process (as dictated by the statement of purpose and need for the planning effort). For example, a targeted amendment to address a specific project or proposal may not in all circumstances require consideration of an alternative that would protect wilderness characteristics. In these situations, the NEPA document associated with the plan amendment must still analyze effects of the alternatives on lands with wilderness characteristics.

The process described in this policy shall be integrated into land use plans in order to ensure that lands with wilderness characteristics and their management are adequately evaluated in an environmental analysis.

A. Procedures for Considering Lands with Wilderness Characteristics in Land Use Planning.

The BLM will evaluate lands with wilderness characteristics through the land use planning process. When such lands are present, the BLM will examine options for managing these lands and determine the most appropriate land use allocations for them. Considering wilderness characteristics in the land use planning process may result in several outcomes, including, but not limited to: (1) allowing for other multiple uses in an area while not protecting wilderness characteristics; (2) Minimize impacts to wilderness characteristics via management restrictions (e.g., terms and conditions of use or stipulations) while emphasizing other multiple uses; or (3) Protecting wilderness characteristics while providing for compatible multiple uses. The BLM may choose any one of these outcomes, or some combination thereof, for a parcel of land possessing wilderness characteristics, provided that the land use plan documents the basis for this determination.

When the BLM has inventoried an area and determined that it possesses wilderness characteristics, the Bureau is not required to protect those characteristics as a priority over other resource values and multiple uses. Inventory and management are separate activities, carried out under different provisions of FLPMA (Sections 201 and 202, respectively). The Bureau has full discretion in how to manage an area that possesses wilderness characteristics and may decide not to protect such characteristics.

The BLM must continue to engage cooperating agencies—including States and counties,— as well as the public and other interested parties as early as possible in the land use planning process as it relates to the management of lands with wilderness characteristics. Doing so will ensure that the Bureau adequately considers the interests and input of local stakeholders.

1. Factors for Consideration of Lands with Wilderness Characteristics. Consider and document the wilderness characteristics for each area identified as possessing wilderness characteristics through the inventory described in Manual 6310.
 - a. Manageability. Consider and document whether the lands can be effectively managed to protect their wilderness characteristics. Consider whether boundary modification of the area would improve manageability. Manageability may vary depending on the planning alternative.
 - (1) General. The BLM must determine how lands with wilderness characteristics will be managed over the life of the plan, based on present knowledge of the resources, ongoing uses, and valid existing rights in the area.
 - (2) Documenting Land Status. Document the land status and mineral ownership of lands with wilderness characteristics. Subsurface rights in an area owned by a party other than the Federal government may limit the BLM's ability to protect wilderness characteristics on the surface.
 - (3) Access to State or Private Inholdings. In addressing manageability, assess the potential impact of providing access to non-Federal inholdings.
 - (4) External Impacts. The fact that incompatible activities or uses can be seen or heard from areas possessing wilderness characteristics should not be a determining factor when analyzing the manageability of such areas unless these impacts are pervasive and omnipresent.
 - (5) Other Statutory Requirements. Some lands managed by the BLM are subject to specific additional statutory requirements (e.g., the National Petroleum Reserve Production Act (NPRPA) and the Oregon and California (O&C) Lands Act). Consider those requirements where appropriate in determining manageability of lands with wilderness characteristics.
 - b. Resource Values and Uses. Consider and document the extent to which other resource values and uses of lands with wilderness characteristics would be forgone or adversely affected if the wilderness characteristics are protected. Consider the benefits that may accrue to other resource values and uses as a result of protecting wilderness characteristics. Consider the following:
 - (1) Presence of Other Resources. The degree to which other resources or uses are present in the area with wilderness characteristics;

- (2) Development Potential. The potential for further development or use of the other resources on the lands with wilderness characteristics;
 - (3) Resource Availability. The degree to which other resources or uses are present on other public and private lands outside the area containing wilderness characteristics;
 - (4) Economic Importance. Local, regional, or traditional (e.g., Tribal) economic value of various resources on the lands with wilderness characteristics and the potential to enhance the economic importance by protecting the lands with wilderness characteristics; and
 - (5) Compatibility with Protection. The degree to which use or development of each resource is compatible with or conflicts with management of the area to protect wilderness characteristics.
- c. Congressional Release of WSAs. Periodically, Congress considers a WSA for Wilderness designation. When Congress decides not to designate a WSA or a portion of a WSA as Wilderness and releases that WSA from FLPMA Section 603's non-impairment standard, the BLM shall take into serious consideration the Congressional action—as well as any changed circumstances—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.
2. Land Use Planning Process. Additional information is included in the Land Use Planning Handbook H-1601-1.
- a. Preparation Plan. The preparation plan provides the foundation for the entire planning process. The preparation plan should also identify the skills, data/meta- data, budget, and interim tasks (such as completing or updating the wilderness characteristics inventory) necessary to address the issues through the planning process.
 - (1) Issue Identification. Planning issues include disputes or controversies about existing and potential land and resource allocations, levels of resource use, development, and protection opportunities for consideration in the preparation of the land use plan. Identify whether lands with wilderness characteristics are a planning issue to be addressed and any associated management concerns.
 - (2) Planning Criteria. Planning criteria guide development of the plan by helping define the decision space. Identify preliminary planning criteria related to wilderness characteristics management, including plan parameters, constraints, or existing planning decisions that will be carried forward.

- (3) Data Needs. The preparation plan should identify the information or data needed to resolve issues or to perform the requisite analysis. Identify existing lands with wilderness characteristics-related data sources, such as prior wilderness inventories and new inventory information provided by external sources. Identify data gaps and other information necessary to address lands with wilderness characteristics, such as completion of a new wilderness characteristics inventory pursuant to BLM Manual 6310.
 - (4) Budget. Identify labor and operation support costs necessary to obtain skilled personnel, inventory information, and other data to address lands with wilderness characteristics through the planning process. Include indirect costs and an allocation of support labor and operations costs. Include the land records and other documentation expenses.
- b. Scoping. The Notice of Intent should include lands with wilderness characteristics if they are a planning issue to be addressed. The Notice of Intent should also identify any lands with wilderness characteristics-related preliminary planning criteria. Initiate government-to-government consultation with Tribes potentially affected by planning decisions regarding such lands. In the Scoping Report, summarize comments related to wilderness characteristics received during the formal scoping period and describe any additional wilderness characteristics-related issues from internal or external scoping meetings. To the extent that up-to-date wilderness characteristics inventory information is available, it should be shared with the public during the scoping process or at its earliest availability.
- c. Analysis of the Management Situation (AMS). The AMS provides the basis for formulating reasonable alternatives and can begin as soon as the planning project is approved. Where lands with wilderness characteristics have been identified in an inventory, describe current management direction relating to such lands from existing planning documents. Prepare an area profile for lands with wilderness characteristics that describes their locations and current trends and levels of other resource uses and activities in those areas. Incorporate the analysis and documentation performed under the Factors for Consideration of Lands with Wilderness Characteristics section of this policy regarding the quality, manageability, and other resource values and uses of such areas. Identify management opportunities to respond to identified issues.
- d. Resource Considerations and Formulation of Alternatives. BLM's multiple-use mission includes, where appropriate, preservation and protection of public lands in their natural condition. The concept of multiple-use management as defined in FLPMA also includes the use

of some land for less than all of the resources. Where lands with wilderness characteristics have been identified through the inventory process, the NEPA document used to support the land use plan (or land use plan amendment or revision) decision shall contain a full range of reasonable alternatives to provide a basis for comparing impacts to wilderness characteristics and to other resource values or uses. Lands with wilderness characteristics must be delineated as discrete units to which management prescriptions may be applied.

Each alternative should include management actions and allowable uses and restrictions designed to achieve the desired outcomes (goals and objectives) of the land use plan. An alternative that protects lands with wilderness characteristics must contain management actions to achieve protection. Examples of land use plan decisions that could protect lands with wilderness characteristics include, but are not limited to, the following:

- (1) Recommend withdrawal from mineral entry.
- (2) Close to leasing or allow leasing only with no surface occupancy with no exceptions, waivers, or modifications.
- (3) Designate as right-of-way exclusion areas.
- (4) Close to construction of new roads.
- (5) Designate as closed to motor vehicle use, as limited to motor vehicle use on designated routes, or as limited to mechanized use on designated routes.
- (6) Close to mineral material sales.
- (7) Exclude or restrict with conditions for certain commercial uses or other activities (e.g., commercial or personal-use wood-cutting permits).
- (8) Designate as Visual Resource Management Class I or II.
- (9) Restrict construction of new structures and facilities unrelated to the preservation or enhancement of wilderness characteristics or necessary for the management of uses allowed under the land use plan.
- (10) Retain public lands in Federal ownership.

Note: In developing management actions and allowable uses for land use plans in Alaska, the BLM should take into account the relevant management provisions of ANILCA.

Management actions pertaining to lands with wilderness

characteristics should be placed in a “Lands with Wilderness Characteristics” subheading under the Resources section of planning documents.

For a land use planning decision that emphasizes other multiple uses as a priority over protecting wilderness characteristics, the BLM is not required to adopt measures to avoid or minimize impacts to those characteristics. Instead, the Bureau need only consider measures to mitigate impacts to wilderness characteristics as required by the NEPA, and as reflected in the NEPA documentation and decision, and to satisfy the FLPMA’s unnecessary and undue degradation standard. In such circumstances, the BLM should follow applicable DOI and BLM mitigation policies.

- e. **Affected Environment.** In the NEPA document used to support the planning decision, describe the inventory process, summarize any information received from the public, and incorporate inventory information by reference. The NEPA document should include a brief description of each land with wilderness characteristics, including a map delineating the boundaries of each such area and the acreage. Also describe the existing administrative designations, land use allocations, uses, management actions, and mitigation measures that are currently in place.
- f. **Environmental Consequences.** In the NEPA document used to reach the planning decision, describe the direct, indirect, and cumulative effects of (1) various alternatives on lands with wilderness characteristics and (2) managing to protect lands with wilderness characteristics on other affected resources.

The extent to which managing to protect the wilderness characteristics affects a particular resource or use will vary from area to area, depending on a number of factors, including:

- (1) The degree to which use or development of the resource is compatible with or conflicts with protection of wilderness characteristics.
 - (2) The degree to which protection of wilderness characteristics enhances other multiple use benefits on or near the management area such as recreational opportunities, protection of watersheds, wildlife habitat, natural plant communities, cultural resources, scenic quality, and similar natural values.
- g. **Final Planning Decision.** In making the final planning decision regarding management of lands with wilderness characteristics,

consider both the resources that would be forgone or adversely affected, and the resources that would benefit under each alternative. In areas where the BLM decides not to protect wilderness characteristics, the BLM should state in its decision whether it has adopted all practicable means to avoid or minimize impacts to the resource, or, if it does not pursue such means, provide a rationale as to why not (see 40 CFR 1505.2(a)(3)). As with any planning decision, document the reasons for its determination regarding management of lands with wilderness characteristics.