

Bureau of Land Management

Special Designations

According to the Bureau's Land Use Planning Policy, "Special Designations" fall into two categories: 1) Congressional Designations, and 2) Administrative Designations (e.g., those applied by the BLM through the land use planning process).

Congressional designations include national monuments and congressionally designated national conservation areas, national recreation areas, cooperative management and protection areas, outstanding natural areas, and forest reserves, national scenic and historic trails.

Administrative designations include identified WSAs, river segments to be assessed under the Wild and Scenic Rivers Act of 1968, Areas of Critical Environmental Concern (which include the more specific sub-types of research natural areas and outstanding natural areas), and BLM Scenic or Back Country Byways, national recreation trails, watchable wildlife viewing sites, and wild horse and burro ranges.

Source: Excerpted from BLM's Land Use Planning Handbook, H-1601-1, Appendix C.

Designations definitions

Areas of Critical Environmental Concern (ACECs): The term "areas of critical environmental concern" means areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards. (Source: FLPMA, Sec. 103(a)).

ACECs must meet the relevance and importance criteria in 43 CFR 1610.7-2(a) and must require special management (43 CFR 1601.0-5(a)) to: a) Protect the area and prevent irreparable damage to resources or natural systems. b) Protect life and promote safety in areas where natural hazards exist. (BLM Land Use Planning Handbook, H-1601-1).

National Conservation Area: A special designation, typically established by an Act of Congress, to lands administered by the Bureau of Land Management. Once designated, the BLM is charged with conserving, protecting, and restoring the special features, as identified in the legislation or proclamation. Several other designations, such as Forest Reserves, Outstanding Natural Areas, and one Cooperative Management and Protection Area (Steens Mountain) are also comparable to the NCA designation.

Each piece of legislation establishes the “purposes of the NCA” (e.g., those values that the NCA was designated to conserve, protect, and/or restore). The Resource Management Planning process is used to develop the specific mechanisms for protecting the values featured in the purpose of the legislation.

National Monument: The Antiquities Act of 1906 grants the President authority to designate national monuments in order to protect “objects of historic or scientific interest.” While most national monuments are established by the President, Congress has also occasionally established national monuments protecting natural or historic features. (Source: BLM NLCS website, http://www.blm.gov/wo/st/en/prog/blm_special_areas/NLCS/monuments.html).

Wilderness: According to Section 2(c) of the Wilderness Act, “A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.”

In making evaluations of proposals that could potentially affect designated wilderness, the Bureau completes a minimum requirements decision guide (in addition to the NEPA analysis) to determine whether the action is necessary within wilderness and necessary to preserve one or more qualities of wilderness character; and if so, the minimum activity that would be necessary. Temporary roads, use of motor vehicles, motorized equipment or motorboats, landing of aircraft, mechanical transport, and structures/installations-approval of any of these activities in designated wilderness must be “only as necessary to meet minimum requirements for the administration of the area for the purpose of [the Wilderness] Act,” and where allowed by the legislation associated with that particular wilderness. (Source: the Wilderness Act of 1964, Section 2(c)).

Wilderness Study Area: The Federal Land Policy and Management Act of 1976 directed the Bureau to inventory and study its roadless areas for wilderness characteristics. To be designated as a Wilderness Study Area, an area had to have the following characteristics:

- Size - roadless areas of at least 5,000 acres of public lands or of a manageable size;
- Naturalness - generally appears to have been affected primarily by the forces of nature;
- Opportunities - provides outstanding opportunities for solitude or primitive and unconfined types of recreation.

BLM's list of Wilderness Study Areas will not be expanded beyond what has already been identified. Until Congress makes a final determination on a WSA, the BLM manages these areas to preserve their suitability for designation as wilderness.

Source: BLM National WSA website,

http://www.blm.gov/wo/st/en/prog/blm_special_areas/NLCS/wilderness_study_areas.html

Other laws that provide protection for specific values

National Historic Preservation Act: [16 U.S.C. 470f — Advisory Council on Historic Preservation, comment on Federal undertakings] The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.

In other words, when Federal actions that may have an adverse affect on listed and eligible properties, BLM consults with the Advisory Council on Historic Preservation to provide them with an opportunity to comment on actions the agency takes or authorizes that might adversely affect a site.

Endangered Species Act: The ESA makes it unlawful for a person to take a listed animal without a permit. Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.” Through regulations, the term “harm” is defined as “an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.” Listed plants are not protected from take, although it is illegal to collect or maliciously harm them on Federal land.

Section 7 of the ESA requires Federal agencies to use their legal authorities to promote the conservation purposes of the ESA and to consult with the Fish and Wildlife Service to ensure that effects of actions they authorize, fund, or carry out will not jeopardize the continued existence of listed species. During consultation the “action” agency receives a “biological opinion” or concurrence letter the action.

The ESA also requires the designation of “critical habitat” for listed species when “prudent and determinable.” Critical habitat includes geographic areas that contain the physical or biological features that are essential to the conservation of the species and may need special management or protection. Critical habitat designations affect only Federal agency actions or federally funded or permitted activities. Federal agencies are required to avoid “destruction” or “adverse modification” of designated critical habitat. Critical habitat may include areas that are not occupied by the species at the time of listing but are essential to its conservation. An area can be excluded from critical habitat designation if an economic analysis determines that the benefits of excluding it outweigh the benefits of including it, unless failure to designate the area as critical habitat may lead to extinction of the listed species.

(Source: USFWS “ESA Basics” Fact Sheet, available online at <http://www.fws.gov/endangered/laws-policies/index.html>)

Other important definitions

There are several other procedures that the BLM follows in managing recreation and visual resources that may come up in stakeholder discussions. While these are not “special designations” in the sense of those identified above, they are classifications that affect how trade-offs are made and priorities are set for managing multiple uses on BLM-administered lands.

Special Recreation Management Area (SRMA): Public lands unit identified in land use plans to direct recreation funding and personnel to fulfill commitments made to provide specific, structured recreation opportunities (i.e., activity, experience, and benefit opportunities). (BLM land use planning handbook H-1601-1, Glossary).

Visual Resource Management Classes: Categories assigned to public lands based on scenic quality, sensitivity level, and distance zones. There are four classes. Each class has an objective which prescribes the amount of change allowed in the characteristic landscape (BLM land use planning handbook H-1601-1, Glossary).

- Class I Objective: The objective of this class is to preserve the existing character of the landscape. This class provides for natural ecological changes; however, it does not preclude very limited management activity. The level of change to the characteristic landscape should be very low and must not attract attention.
- Class II Objective. The objective of this class is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer.
- Class III Objective. The objective of this class is to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer.
- Class IV Objectives. The objective of this class is to provide for management activities which require major modifications of the existing character of the landscape. The level of change to the characteristic landscape can be high. (BLM Visual Resource Management Handbook H-8401)