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BUREAU OF LAND MANAGEMENT

MANUAL TRANSMITTAL SHEET

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Subject

6340 – Management of Designated Wilderness Areas (Public)

1. Explanation of Material Transmitted: This release transmits the revised manual for the BLM's Management of Designated Wilderness Areas. This manual provides the line manager and program staff professionals with general policies for the administration and management of BLM Wilderness Areas designated by Congress. This manual outlines procedures to ensure the congressional mandate to manage each Wilderness Area "to preserve its wilderness character" will be met.

2. Reports Required: Changes in Wilderness Character Monitoring Report

3. Material Superseded: BLM Manual 8560, Management of Designated Wilderness Areas; H-8560-1, Management of Designated Wilderness Areas

4. Filing Instructions: File as directed below.

REMOVE	INSERT
All of 8560 (Rel. 8-22)	6340
(45 pages)	(91 pages)
All of H-8560-1 (Rel. 8-37)	
(30 pages)	

/s/ Mike Pool

Acting Director,

Bureau of Land Management

Table of Contents

1.1 Purpose. 1-1
1.2 Objectives. 1-1
1.3 Authority. 1-1
1.4 Responsibility. 1-1
1.5 References. 1-2
1.6 Policy. 1-4
A. Congressional Direction and General Principles 1-4
1. **Mandate from the Wilderness Act and FLPMA** 1-4
2. **Preserve Wilderness Character** 1-4
3. **Monitor Wilderness Character** 1-7
4. **Manage for Public Purposes** 1-7
5. **Manage in Concert with Other Legislation** 1-9
6. **Some Change is Unavoidable** 1-10
7. **Every Wilderness is Unique** 1-11
B. Prohibited Uses 1-12
1. **Introduction** 1-12
2. **The Prohibited Uses** 1-12
3. **Special Provisions and Exceptions to the Prohibitions.** 1-15
C. Managing Resources and Resource Uses in Wilderness 1-17
1. **Introduction** 1-17
2. **Aircraft** 1-17
3. **Collection for Personal Use** 1-19
4. **Commercial Enterprises and Services** 1-20
5. **Cultural Resources** 1-21
6. **Education and Interpretation** 1-24
7. **Fire** 1-25
8. **Grazing** 1-27
9. **Inholdings and Edgeholdings** 1-29
10. **Law Enforcement.** 1-32

11. **Minerals** 1-34
12. **Paleontological Resources** 1-37
13. **Recreational Use** 1-39
14. **Research** 1-44
15. **Restoration and Vegetation Management** 1-45
16. **Rights-of-Way** 1-48
17. **Search and Rescue** 1-49
18. **Soil, Water, Air** 1-51
19. **Traditional Use by Native Americans** 1-54
20. **Wild Horses and Burros** 1-55
21. **Wildlife** 1-56

D. Wilderness Planning and Decision-Making 1-63

1. **Boundaries** 1-63
2. **Analysis of Impacts to Wilderness Character from Activities Outside of Wilderness Areas** 1-64
3. **NEPA Compliance** 1-65
4. **Public Notification** 1-65

1.7 File and Record Maintenance. 1-66

1.8 Data Standards. 1-66

Glossary of Terms Glossary-1

Appendix A A-1

Appendix B Minimum Requirements Analysis (and the MRDG) B-1

Appendix C C-1

1.1 Purpose.

The purpose of this manual is to provide guidance to Bureau of Land Management (BLM) personnel on managing BLM lands that have been designated by Congress as part of the National Wilderness Preservation System. These lands are also managed as part of the BLM's National Landscape Conservation System.

1.2 Objectives.

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

A. Manage and protect BLM wilderness areas in such a manner as to preserve wilderness character.

B. Manage wilderness for the public purposes of recreational, scenic, scientific, education, conservation, and historic use while preserving wilderness character.

C. Effectively manage uses permitted under Section 4(c) and 4(d) of the Wilderness Act of 1964 while preserving wilderness character.

1.3 Authority.

A. Wilderness Act of 1964 (16 U.S.C. 1131 *et seq*.)

B. Federal Land Policy and Management Act of 1976 (U.S.C. 1701 *et seq*.) (FLPMA)

C. Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202)

D. National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq*.) (NEPA)

E. Specific acts of Congress designating BLM wilderness

1.4 Responsibility.

A. The Director, Bureau of Land Management, through the Assistant Director, National Landscape Conservation System and Community Partnerships, shall:

1. Establish policy and guidance to support the management and protection of BLM wilderness areas so as to leave these areas unimpaired for future use as wilderness.

2. Provide budget and planning guidance related to the administration of BLM wilderness areas.

3. Coordinate wilderness policy and budget with other BLM programs at the national level.

4. 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 regarding BLM wilderness areas.

5. Review land use plans, revisions, amendments, and major projects affecting wilderness areas and ensure that these conform to the Wilderness Act and other

applicable laws, relevant designating legislation, and national policies and guidance.

B. State Directors shall:

1. Provide policy guidance and direction reflecting national goals for BLM wilderness areas.
2. Implement budget and planning guidance related to the administration of BLM wilderness areas.
3. Coordinate wilderness policy and budget with other BLM programs at the state level and with other BLM state offices for wilderness areas with common boundaries.
4. 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 regarding BLM wilderness areas.
5. Approve land use plans, revisions, amendments, and major projects affecting wilderness areas and ensure that these conform to the Wilderness Act and other applicable laws, relevant designating legislation, and national policies and guidance.
6. Ensure that potential impacts to wilderness areas are appropriately analyzed in conformance with NEPA.

C. District and Field Managers with wilderness areas within their purview shall:

1. Ensure that all activities within BLM wilderness conform to the Wilderness Act, establishing legislation, and BLM wilderness policies and guidance.
2. 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 regarding BLM wilderness areas.
3. Develop and implement land use and activity-level plans addressing wilderness areas that conform to the Wilderness Act, the establishing legislation, and BLM wilderness policies and guidance.
4. Ensure that potential impacts to wilderness areas are appropriately analyzed in conformance with NEPA.

1.5 References.

A. American Indian Religious Freedom Act of 1978, (42 U.S.C. 1996)

B. Americans with Disabilities Act, as amended, (12101 et seq.)

C. Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. 470aa et seq.)

D. Clean Air Act, (42 U.S.C. 7401-7431)

E. Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.)

F. Migratory Bird Treaty Act, as amended (16 U.S.C. 703-712)

G. National Environmental Policy Act of 1969, (42 U.S.C. 4321 et seq.) (NEPA)

H. National Historic Preservation Act of 1966, (16 U.S.C. 470 et seq.)

I. Paleontological Resources Preservation Act of 2009 (16 U.S.C. 470aaa et seq.)

J. Religious Freedom Restoration Act of 1993, (42 U.S.C. 2000bb to 2000bb-4)

K. The Native American Graves Protection and Repatriation Act, (25 U.S.C. 3001-3013)

L. Executive Order 13007—Indian Sacred Sites

M. Title 36 Code of Federal Regulations, Part 60—National Register of Historic Places

N. Title 36 Code of Federal Regulations, Part 68—The Secretary of the Interior's Standards for Historic Preservation Projects

O. Title 36 Code of Federal Regulations, Part 800—Protection of Historic Properties

P. Title 40 Code of Federal Regulations, Part 1502—Environmental Impact Statement

Q. Title 43 Code of Federal Regulations, Part 24—Department of the Interior Fish and Wildlife Policy: State-Federal Relationship

R. Title 43 Code of Federal Regulations, Part 2920—Leases, Permits and Easements

S. Title 43 Code of Federal Regulations, Part 2930 – Permits for Recreation on Public Land

T. Title 43 Code of Federal Regulations, Part 3715— Use and Occupancy Under the Mining Laws

U. Title 43 Code of Federal Regulations, Part 3809—Mining Claims Under the General Mining Laws—Surface Management

V. Title 43 Code of Federal Regulations, Part 4100—Grazing Administration—Exclusive of Alaska

W. Title 43 Code of Federal Regulations, Part 6300—Management of Designated Wilderness Areas

X. Title 43 Code of Federal Regulations, Part 8365.1-6—Supplemental Rules

Y. Manual 6100—National Landscape Conservation System

Z. Manual 6120—Congressionally Required Maps and Legal Boundary Descriptions for NLCS Designations

AA. Manual 8100 series—Managing Cultural Resources

BB. Manual 8270—Managing Paleontological Resources

CC. BLM Manual 8561—Wilderness Management Plans

DD. Handbook 1601-1—Land Use Planning

EE. Handbook H-1790-1—BLM National Environmental Policy Act

FF. Handbook H-8120-1—Guidelines for Conducting Tribal Consultation

GG. Handbook-8270-1—General Procedural Guidance For Paleontological Resource Management

HH. A Framework to Evaluate Proposals for Scientific Activities in Wilderness, U.S. Forest Service General Technical Report RMRS-GTR-234WWW

1.6 Policy.

A. Congressional Direction and General Principles

1. **Mandate from the Wilderness Act and FLPMA**

In 1964, the Wilderness Act (the Act) established the National Wilderness Preservation System to be managed by the U.S. Forest Service, National Park Service, and U.S. Fish and Wildlife Service. In 1976, with the passage of the Federal Land Policy and Management Act (FLPMA), Congress made the Bureau of Land Management (BLM) the fourth agency with wilderness management authority under the Wilderness Act. Section 603(c) of FLPMA directed that for BLM lands "designated [by Congress] for preservation as wilderness, the provisions of the Wilderness Act that apply to national forest wilderness areas shall apply with respect to the administration and use of such designated area."

2. **Preserve Wilderness Character**

a. Section 2(a) of the Wilderness Act sets forth the Congressional declaration of policy regarding the National Wilderness Preservation System. (See Appendix A for the complete Wilderness Act text).

b. Section 4(b) further sets forth the agencies' responsibilities in administering wilderness areas and states that the preservation of wilderness character is the primary management mandate. In the relevant part, the Act states: "Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area." Section 4(c) of the Act identifies certain uses that are generally

prohibited in order to preserve wilderness character. Section 4(d) of the Act sets forth certain "special provisions" for managing certain uses in wilderness areas that may impair wilderness character; details on how to manage these uses within a wilderness context are found in Section 1.6.C of this manual.

c. As set forth in Section 2(c) ("Definition of Wilderness") of the Wilderness Act, wilderness character is composed of four mandatory qualities and a fifth, optional, quality. These are:

i. *Untrammeled.* The Wilderness Act states that wilderness is "an area where the earth and its community of life are untrammeled by man." A "trammel" is literally a net, snare, hobble, or other device that impedes the free movement of an animal. Here, used metaphorically, "untrammeled" refers to wilderness as essentially unhindered and free from modern human control or manipulation. This quality is impaired by human activities or actions that control or manipulate the components or processes of ecological systems inside wilderness.

ii. *Natural.* The Wilderness Act states that wilderness is "protected and managed so as to preserve its natural conditions." In short, wilderness ecological systems should be as free as possible from the effects of modern civilization. Management must foster a natural distribution of native wildlife, fish, and plants by ensuring that ecosystems and ecological processes continue to function naturally. Watersheds, water bodies, water quality, and soils are maintained in a natural condition; associated ecological processes previously altered by human influences will be allowed to return to their natural condition. Fire, insects, and diseases are allowed to play their natural role in the wilderness ecosystem except where these activities threaten human life, property, or high value resources on adjacent non-wilderness lands. Additional guidance on this is provided in section 1.6.C of this manual, which addresses the management of specific activities in wilderness. This quality may be affected by intended or unintended effects of human activities on the ecological systems inside the wilderness.

iii. *Undeveloped.* The Wilderness Act states that wilderness is an area "of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation," "where man himself is a visitor who does not remain," and "with the imprint of man's work substantially unnoticeable." Wilderness has minimal evidence of modern human occupation or modification. This quality is impaired by the presence of structures or installations, and by the use of motor vehicles, motorized equipment, or mechanical transport that increases people's ability

to occupy or modify the environment. More detail on the activities that impair this quality is found in Section 1.6.B of this policy.

iv. *Solitude or Primitive and Unconfined Recreation.* The Wilderness Act states that wilderness has "outstanding opportunities for solitude or a primitive and unconfined type of recreation." Wilderness provides opportunities for people to experience: natural sights and sounds; remote, isolated, unfrequented, or secluded places; and freedom, risk, and the physical and emotional challenges of self-discovery and self-reliance. Any one wilderness does not have to provide all these opportunities, nor is it necessary that they be present on every acre of a given wilderness. Where present, however, the preservation of these opportunities is important to the preservation of wilderness character as a whole. This quality is impaired by settings that reduce these opportunities, such as visitor encounters, signs of modern civilization, recreation facilities, and management restrictions on visitor behavior.

v. *Unique, Supplemental, or Other Features.* The Wilderness Act states that wilderness areas "may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value." Though these values are not required of any wilderness, where they are present they are part of that area's wilderness character, and must be protected as rigorously as any of the four required qualities. They may include historical, cultural, paleontological, or other resources not necessarily considered a part of any of the other qualities. These values are identified in a number of ways: in the area's designating legislation, through its legislative history, by the original wilderness inventory, in a wilderness management plan, or at some other time after designation.

d. The relationship between the components of wilderness character is important: though the qualities listed above are generally thought of separately, it is these qualities working in concert that actually define the whole of wilderness character. There are other intangible components of wilderness character, such as its inspirational value, that have been considered components of wilderness character in subsequent wilderness designations. Implications of managing for all qualities of wilderness character include:

i. The qualities of wilderness character are all important.

ii. Each wilderness may have unique aspects of these qualities.

iii. Wilderness character is affected by stewardship decisions to take action or not to take action. A single decision or action may impair and/or improve more than one quality.

3. **Monitor Wilderness Character**

Monitoring wilderness character, as outlined in Appendix C of this manual, is an ongoing responsibility of the agency. In addition to tracking progress on fulfilling the congressional mandate, monitoring changes in wilderness character will help the BLM understand how stewardship decisions influence trends in wilderness character, and will help the BLM prioritize stewardship actions. The following principles should be considered when monitoring:

a. Baseline data for a consistent set of indicators of wilderness character (see Appendix C for details) will be gathered within the first two years after designation, unless the Washington, D.C., Office Assistant Director (WO 400) approves a substitute schedule.

b. Though some data will be gathered annually, each wilderness will report values for all established indicators every five years.

c. Specific data sources will be referenced in reports, so that departures from baseline conditions can be tracked over many years. Field Offices will maintain individual files for each wilderness in their jurisdictions, including inventory maps, data-gathering protocols, or other metadata sufficient for tracking trends.

d. The monitoring described by the framework in Appendix C is likely to be only part of the monitoring plan needed for an individual unit of the National Wilderness Preservation System. For example, managers may need to monitor outfitter/guide permit compliance, or track water quality at popular campsites. Individual Wilderness Stewardship Plans may identify additional monitoring parameters specific to each wilderness area.

4. **Manage for Public Purposes**

a. Section 4(b) of the Wilderness Act states that: "Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use." In most cases the public purposes reflect one or more qualities of wilderness character.

b. The purpose of the Wilderness Act is to preserve the wilderness character of designated areas. The public purposes shall be administered so as to preserve the wilderness character of the area.

c. This manual describes the public purposes as follows:

i. **Recreational**: The public purpose of recreation encompasses opportunities that allow visitors to experience wilderness. Examples of wilderness recreational use include hiking, camping, hunting, fishing, and wildlife

viewing. The Recreational public purpose is usually reflected in the Solitude or Primitive and Unconfined Recreation quality of wilderness character, but the need to accommodate recreation use does not override the mandate to preserve the qualities of wilderness character. For example, a proposal to replace an existing trail bridge may be consistent with the public purpose of recreational use. However, as a structure, a trail bridge is a Section 4(c) prohibited use that may be allowed only if it is necessary to meet minimum requirements for administration of the area for the purpose of the Act and impairs the Undeveloped quality of wilderness character. The manager would need to determine if a bridge is the minimum necessary action needed to address visitor safety or resource protection requirements that cannot be addressed another way.

ii. **Scenic**: The scenic use public purpose addresses the view of natural features (vegetation, geology, water, etc.) seen by visitors inside or outside the wilderness. The scenic use public purpose does not include views of land beyond the wilderness boundary, as seen from inside a wilderness. Managing for this public purpose would not justify cutting trees (trammeling) inside wilderness to provide a view point along a trail. The scenic public purpose is usually reflected in the Natural quality of wilderness character. Natural events (e.g. fire, flood, mudslide, insect and disease infestations, etc.) do not constitute an adverse effect on the scenic use public purpose. A management action may not be consistent with the scenic use public purpose if a structure or installation in the wilderness impairs the natural scenery.

iii. **Scientific**: Section 2 (a) of the Wilderness Act include**s "…**gathering and dissemination of information regarding their use and enjoyment…" as part of the necessary administration of wilderness areas. In addition, Section 2(c) lists "scientific" as one of the supplemental values that may be found in the Unique or Other Features quality of wilderness character. Section 4(d)(2) provides that "nothing in this Act shall prevent...gathering information about…resources, if such activity is carried on in a manner compatible with the preservation of the wilderness." The public purpose of scientific use does not require that all proposals for research or scientific activities be authorized but, instead, recognizes the value of research activities that are necessary for wilderness management or can best be accomplished in wilderness. The public purpose of scientific use includes gathering information about the effects of outside forces on wilderness. The BLM may approve an otherwise prohibited use for the purposes of scientific research only if a suitable location outside wilderness cannot be found, the

prohibited use is the minimum necessary to successfully complete research, and the information to be gathered through the research is necessary for the management of the area as wilderness or is essential to protect human health and safety.

iv. **Educational**: The educational public purpose of wilderness is provided through learning about wilderness, understanding the role of wilderness ecosystems, and appreciating wilderness visitor opportunities. Educational values are part of the Unique or Other Features quality of wilderness character. However, the public purpose of education does not require interpretation inside wilderness (e.g. signs) nor does it require that recreation opportunities be advertised if that is contrary to management objectives and would impair the preservation of wilderness character.

v. **Conservation**: The conservation use public purpose is closely related to both the Natural and Untrammeled qualities of wilderness character. Section 2(c) also includes "ecological" as one of the supplemental values that may be found in wilderness as part of the Unique or Other Features in wilderness character. A management action may be consistent with the conservation use public purpose when the action benefits the natural conditions and the natural function of ecological processes in wilderness. The conservation use public purpose does not require that all possible biophysical restoration actions be implemented in every situation.

vi. **Historical**: The public purpose of historical use is represented by historic and pre-historic sites, artifacts, structures, or cultural landscapes that may be within wilderness and by the human activities that once occurred there. This public purpose reflects the call for the protection of these Unique or Other Features in an area's wilderness character, but it does not mandate that every structure must be preserved or restored or that every past use of wilderness must continue.

5. **Manage in Concert with Other Legislation**

a. The legislation establishing each wilderness area may include management provisions in addition to the basic management authority in the Wilderness Act. In some cases, special provisions have been incorporated into the legislation that provide specific direction to manage an activity in a way that would normally not be allowed under the Wilderness Act. For example, Public Law 111-11, Title 1, Subtitle I, which designated the Oregon Badlands Wilderness, gave a named individual special mechanized access on a specific trail that is prohibited to others. Such provisions override the general management

provisions of the Wilderness Act and must be regarded as specific direction for management of the area in question.

b. Other laws must also be satisfied in managing wilderness areas. For example, applicable procedural laws such as NEPA must be satisfied in managing wilderness areas. In addition, laws such as the Endangered Species Act, the National Historic Preservation Act, and the Americans with Disabilities Act may, in some cases, require that action be taken that may impair wilderness character. In such cases, to the extent possible, the action should have the least impact to wilderness character while still meeting the requirements of the law. More guidance on this is provided in Section 1.6.C of this manual, which addresses the management of specific activities in wilderness. Managers should consider consulting the Office of the Solicitor with questions on how to satisfy the requirements of two or more laws that appear to be in conflict.

6. **Some Change is Unavoidable**

a. Wilderness areas are managed to preserve wilderness character, which includes preventing deterioration caused by visitor use or other activities and, when necessary, restoring degraded areas to an appropriate condition. However, most uses will result in some change in the condition of the wilderness resource. The following should be considered in evaluating a change to the wilderness resource:

i. The BLM should use the wilderness management plan (see BLM Manual 8561 Preparation of Wilderness Management Plans) to define acceptable levels of change to the wilderness resource.

ii. Under the provisions of the Wilderness Act, actions that impair one or more qualities of wilderness character may be allowed under certain limited circumstances. For more information on these circumstances see 1.6.C of this manual.

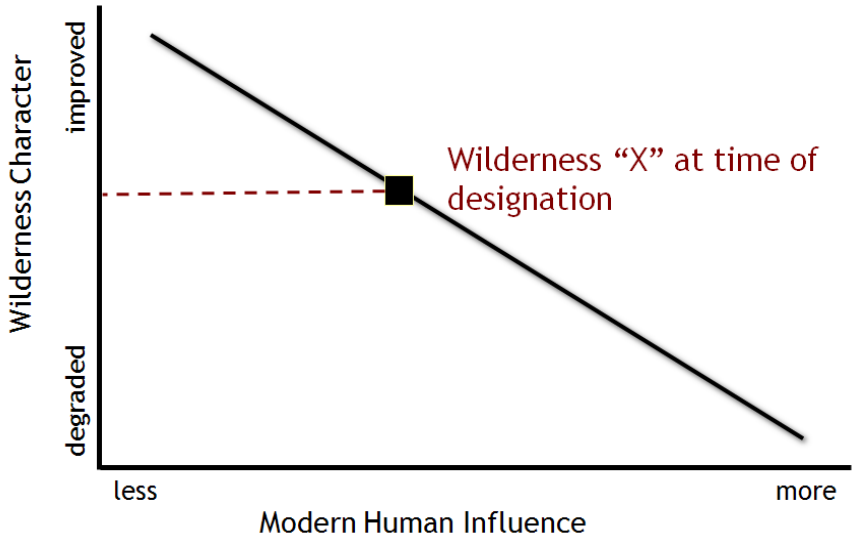
iii. Change in wilderness character is measured against the benchmark of the conditions *generally* prevailing in each wilderness at the time of congressional designation. Management efforts should be made to maintain the benchmark quality of wilderness character and to improve it when possible. Guidance on how to monitor changes in wilderness character is found in this policy at 1.6.A.3, and in Appendix C.

iv. Wilderness areas are living ecosystems in a constant state of evolution. It is not the intent of wilderness stewardship to arrest this evolution in an attempt to preserve the character existing at the time of designation. Management of ecological changes will attempt to distinguish natural from human-caused events in determining whether any action is warranted.

7. **Every Wilderness is Unique**

   a. The exact combination of the qualities of wilderness character will be at least slightly different in any two wilderness areas. There is often variation in the level of naturalness, solitude, types of primitive recreation, and special features present within a wilderness or between different wilderness areas. Also, different lands have different capabilities to sustain types and amounts of use. While the principles guiding stewardship of these areas should be applied with consistency across the National Wilderness Preservation System, management should not homogenize these differences.

   b. A graphic representation of the primary goal of wilderness management—to preserve wilderness character—is shown below. There is an inverse relationship between wilderness character and modern human influence, represented in the diagram below as the diagonal line. Because every wilderness is unique, where the wilderness "enters" the National Wilderness Preservation System on the diagonal line (the black box in the diagram) will vary from wilderness to wilderness and is immaterial. What is important is that wilderness managers fulfill the congressional mandate to "preserve wilderness character," and not to allow that box to slide down the diagonal line. While managers may make decisions that temporarily impair one or more qualities of wilderness character, wilderness character as a whole must be sustained or improved. *NOTE: this schematic diagram illustrates a general concept, and should not be taken literally or as any kind of representation of a mathematical relationship.*



B. Prohibited Uses

1. **Introduction**

Section 4(c) of the Wilderness Act lists uses and activities that are specifically prohibited in wilderness: "Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area." The BLM will also consider legal requirements of other applicable laws. See also section 1.6.B.3.d.iv of this manual.

2. **The Prohibited Uses**

There are ten developments and uses that are referred to in the Act as "Prohibited Uses" and are also known as "the Section 4(c) prohibitions." Definitions and discussion of each prohibited use are provided below.

a. **commercial enterprise.** *Any use or activity undertaken for the purpose of the sale of products or services, for the generation of funds or revenue, or for the promotion of a product, individual, or business, regardless of whether the use or activity is intended to produce a profit, including any use or activity where an entry or participation fee is charged.* The Wilderness Act allows some commercial services to be permitted "to the extent necessary … for realizing the recreational or other wilderness purposes of the area" (Section 4(d)(6)). Section 1.6.C.4 of this manual provides additional information on authorized commercial uses in wilderness. "Commercial enterprise" includes, but is not limited to: mining, timber harvesting, and geothermal leasing.

b. **permanent roads.** *Routes used by motor vehicles or mechanical transport over an indefinite period of time.* "Permanent roads" do not include cherry-stemmed routes (see Glossary), which are outside the wilderness boundary. Permanent roads must be associated with a valid existing right (as noted in 1.6.B.3.b), or explicitly identified in the legislation designating a particular wilderness. Permanent roads will be removed (or allowed to restore naturally, if that would be less harmful to overall wilderness character) if the valid existing right or other permitted use is retired or otherwise ends. The definition of permanent roads for the purposes of wilderness management is not necessarily the same as the definition of "road" in the context of BLM transportation planning or the

"wilderness inventory road" definition used in Manual 6310-Inventory for Lands with Wilderness Characteristics.

c. **temporary roads.** *Routes used by motor vehicles or mechanical transport over a finite period of time*. Temporary roads may only be allowed in wilderness areas if they are associated with a valid existing right (as noted in 1.6.B.3.b), necessary to meet minimum requirements for the administration of the area for the purpose of the Wilderness Act (as noted in 1.6.B.3.c), including measures required in emergencies involving the health and safety of persons within the area, allowed under a special provision of Section 4(d) of the Act, or explicitly identified in the legislation designating a particular wilderness. The definition of temporary roads for the purposes of wilderness management is not necessarily the same as the definition of "road" in the context of BLM transportation planning or the "wilderness inventory road" definition used in Manual 6310-Inventory for Lands with Wilderness Characteristics.

d. **motor vehicles.** *Any means of transportation over land, snow, or ice that is powered by a motor, engine, or other non-living power source*. "Motor vehicles" include, but are not limited to: trucks, motorcycles, ATVs, and snowmobiles. Use of motor vehicles may only be allowed in wilderness areas if it is associated with a valid existing right (as noted in 1.6.B.3.b), if necessary to meet minimum requirements for the administration of the area for the purpose of the Wilderness Act (as noted in 1.6.B.3.c), including measures required in emergencies involving the health and safety of persons within the area, allowed under a special provision of Section 4(d) of the Act, or explicitly identified in the legislation designating a particular wilderness.

e. **motorized equipment.** *Any machine that applies force by transferring energy from a motor, engine, or other non-living power source*. "Motorized equipment" includes, but is not limited to: chainsaws, power drills, suction dredges, and generators. The prohibited power sources include, but are not limited to: internal combustion engines, batteries, wind, solar, and hydro-power. "Motorized equipment" does not include machines where no force is applied (electronics), or small personal equipment where the force is negligible (such as watches, electric shavers, or flashlights). Use of motorized equipment may only be allowed in wilderness areas if it is associated with a valid existing right (as noted in 1.6.B.3.b), if necessary to meet minimum requirements for the administration of the area for the purpose of the Wilderness Act (as noted in 1.6.B.3.c), including measures required in emergencies involving the health and safety of persons within the area, allowed under a special provision of Section 4(d) of the Act, or explicitly identified in the legislation designating a particular wilderness.

f. **motorboats.** *Any means of transportation over water that is powered by a motor, engine, or other non-living power source*. "Motorboats" include, but are not limited to: airboats, jet-boats, and jet-skis. Motor boats may only be allowed in wilderness areas if it is associated with a valid existing right (as noted in 1.6.B.3.b), if necessary to meet minimum requirements for the administration of the area for the purpose of the Wilderness Act (as noted in 1.6.B.3.c), including measures required in emergencies involving the health and safety of persons within the area, allowed under a special provision of Section 4(d) of the Act, or explicitly identified in the legislation designating a particular wilderness.

g. **landing of aircraft.** *Bringing down to the surface of the earth (land, water, snow, or ice) any means of transportation through the air, whether or not it is motorized, or anything attached to or carried by such aircraft during or after a flight*. By regulation (43 CFR 6302.20(e)), "landing" includes dropping or picking up any material, supplies or person by means of aircraft; it does not include overflights. "Aircraft" include, but are not limited to: helicopters, fixed-wing airplanes, parachutes, hang-gliders, parasails, kite-sails, and motorized remotely-controlled flying machines (such as drones). Landing of aircraft may only be allowed in wilderness areas if it is associated with a valid existing right (as noted in 1.6.B.3.b), if necessary to meet minimum requirements for the administration of the area for the purpose of the Wilderness Act (as noted in 1.6.B.3.c), including measures required in emergencies involving the health and safety of persons within the area, allowed under a special provision of Section 4(d) of the Act, or explicitly identified in the legislation designating a particular wilderness.

h. **mechanical transport.** *Any vehicle, device, or contrivance for moving people or material in or over land, water, snow, ice, or air that has moving parts as essential components of the transport and which apply a mechanical advantage, regardless of the power source*. "Mechanical transport" includes, but is not limited to: bicycles, game carts, wagons, and wheelbarrows. It does not include devices that may provide mechanical advantage but are not used for transporting material over great distances (e.g., pulleys, pry bars, or winches) or for methods of transport where the mechanical advantage is from non-moving parts (e.g., travois) or is incidental to primary means of transport (e.g., ski bindings, horse bits, or oarlocks). It does not include wheelchairs suitable for indoor use when used by a person with a mobility impairment (see B.3.d.iii, below, and Glossary). Use of mechanical transport may only be allowed in wilderness areas if it is associated with a valid existing right (as noted in 1.6.B.3.b), if necessary to meet minimum requirements for the administration of the area for

the purpose of the Wilderness Act (as noted in 1.6.B.3.c), including measures required in emergencies involving the health and safety of persons within the area, allowed under a special provision of Section 4(d) of the Act, or explicitly identified in the legislation designating a particular wilderness.

i. **structures.** *Anything made by humans that is intended for human occupation and is left behind when the builder leaves the wilderness*. It is immaterial to this definition whether building materials are found in the wilderness or brought into the wilderness. "Structures" include, but are not limited to: cabins, lean-tos, and constructed tent pads. They do not include temporary mobile shelters such as tents (while the user is in the wilderness). Structures may only be allowed in wilderness areas if they are associated with a valid existing right (as noted in 1.6.B.3.b), if necessary to meet minimum requirements for the administration of the area for the purpose of the Wilderness Act (as noted in 1.6.B.3.c), including measures required in emergencies involving the health and safety of persons within the area, allowed under a special provision of Section 4(d) of the Act, or explicitly identified in the legislation designating a particular wilderness.

j. **installations.** *Anything made by humans that is not intended for human occupation and is left behind when the installer leaves the wilderness*. "Installations" can be stationary (including, but not limited to: weather stations, physical geocaches, and trail signs) or mobile (including, but not limited to, radio collars or other remote tracking devices when they are installed in the wilderness). Installations include things that remain on the landscape such as trails and bridges. They do not include non-motorized devices that are carried by people in the wilderness and leave with them (including, but not limited to: GPS units, emergency location transmitters, cell phones, watches, and computers). It may be appropriate to regulate the length of time an installation may be unattended without requiring a special permit (e.g., water caches in desert areas or food caches on long trails) in an individual wilderness area. (Also see C.13.c.i and C.21.c.ix.A.II) Installations may only be allowed in wilderness areas if they are associated with a valid existing right (as noted in 1.6.B.3.b), if necessary to meet minimum requirements for the administration of the area for the purpose of the Wilderness Act (as noted in 1.6.B.3.c), including measures required in emergencies involving the health and safety of persons within the area, allowed under a special provision of Section 4(d) of the Act, or explicitly identified in the legislation designating a particular wilderness.

3. **Special Provisions and Exceptions to the Prohibitions.**

a. **specifically provided for in the Wilderness Act.** Section 4(d) of the Wilderness Act covers Special Provisions that include exceptions to the 4(c) prohibitions. There are also other parts of the Act that allow certain

prohibited uses, e.g. Section 5(a). Details of how the Special Provisions provide exceptions to the Prohibited Uses are found in section 1.6.C of this policy.

b. **valid existing rights.** Any of the ten Prohibited Uses may be allowed where valid rights exist. Details of which uses may apply to a particular right are found in section 1.6.C of this policy. In general, valid existing rights must have been:

   i. in existence on the date of the wilderness designation or on a date provided for in the act that designated the area as wilderness; and have been either:

      A. created by a legally binding conveyance, lease, deed, contract, or other document; or

      B. otherwise provided for by Federal law.

c. **minimum requirements.** Eight of the Prohibited Uses (commercial enterprises and permanent roads are not included) may be allowed if they are "necessary to meet minimum requirements for the administration of the area for the purpose of [the Wilderness] Act." Details on applying the "minimum requirements" exception can be found in Appendix B of this policy.

d. **other legislation.** In addition to the exceptions to the Prohibited Uses that are listed in Section 4(c) of the Wilderness Act, exceptions may be included in other legislation in one of four different ways:

   i. **individual exception in a designating act.** Designating legislation may create an exception to the Prohibited Uses for one specific wilderness**.** For example: Section 102(1) of the California Desert Protection Act of 1994 gave the Navy fifteen years to request a right-of-way across the Argus Range Wilderness "notwithstanding the designation of such lands as wilderness."

   ii. **general exception in a designating act.** One or more exceptions may be permitted in all wilderness areas designated by an act. For example, Section 1110(a) of the Alaska National Interest Lands Conservation Act allows the use of snowmobiles, airplanes, and motorboats in all the wilderness areas designated by that act "for traditional activities...and for travel to...villages and homesites."

   iii. **specific exception in other legislation.** Rarely, a specific exception may be included in legislation that does not designate wilderness. For instance, Section 508(c) of the Americans with Disabilities Act (ADA) allows people with mobility impairments to use wheelchairs in wilderness. For

the purpose of wilderness, the ADA defines a wheelchair as "a device designed solely for use by a mobility-impaired person for locomotion that is suitable for use in an indoor pedestrian area." It should be noted, however, the ADA says "no agency is required...to construct any facilities or modify any conditions of the lands within a wilderness to facilitate such use."

iv. **general requirements of other legislation.** Non-wilderness legislation may place responsibilities on wilderness managers that can only be met by allowing some exception to the Prohibited Uses even though those exceptions (and perhaps wilderness itself) are not explicitly cited in the other legislation. For example, it may not be possible to ensure survival of a particular species protected under the Endangered Species Act without the use of some motorized equipment or structure that would not be employed if the species were not protected. However, the Prohibited Use must still be limited to the minimum necessary to satisfy the requirements of, in this case, the Endangered Species Act without unnecessarily compromising the purposes of the Wilderness Act.

C. Managing Resources and Resource Uses in Wilderness

1. **Introduction**

No manual can address every potential situation. Managers must use their best judgment in applying the policies and guidelines in this manual to particular situations. Managers should weigh various options against all the policies presented in this manual to arrive at the course of action that is most consistent with the policy as a whole, keeping in mind that the overarching mandate from Congress is to preserve wilderness character. Some of the resources uses outlined below may impair wilderness character but are permitted by law in wilderness areas under the exceptions in 4(c) and 4(d) of the Wilderness Act.

2. **Aircraft**

a. **Background**. The landing of aircraft within wilderness areas is governed by sections 4(c) and 4(d) of the Wilderness Act and discussed in section .06 B of this manual. Also, by regulation, at 43 CFR 6302.20 (e) ("*What is prohibited in wilderness?"*) landing is a prohibited use in wilderness and is defined as "drop[ping] or pick[ing] up any material, supplies, or person by means of aircraft, including a helicopter, hang-glider, hot air balloon, parasail, or parachute." Therefore, launching any form of aircraft from a wilderness is prohibited, except as may be allowed in the exceptions described below. See also sub-section B.2.g of this Manual.

b. **General principles**. Generally, landing of aircraft can only be allowed as necessary to meet minimum requirements for the administration of the area for the purpose of preserving wilderness character (See section 1.6 B of this manual), including measures required in emergencies involving the health and safety of persons within the area. The exception to the general prohibition on aircraft use also includes some law enforcement actions. See also sections 1.6.C.10 and 1.6.C.17 of this manual.

Section 4(d)(1) of the Wilderness Act states that "the use of aircraft …where these uses have already become established, may be permitted to continue subject to such restrictions as" the BLM "deems desirable." Generally, this provision applies to non-administrative public use associated with an identified facility (an airstrip or helispots) on the ground that was established prior to wilderness designation. The BLM has discretion to either allow or prohibit the continuation of aircraft use where it has already been legally established prior to the designation of a wilderness area. Administrative use of aircraft is normally authorized under section 4(c) of the Wilderness Act, only where it is necessary to meet minimum requirements for the administration of the area for the purpose of the Wilderness Act. (Note that the 4(d)(1) provision also applies to public use of motorboats, which do not have their own sub-section in this manual because their use is so rare in BLM wilderness areas.)

c. **Specific implementation**. The BLM will use the following criteria in managing aircraft within wilderness areas**:**

i. Landing of aircraft in wilderness may be allowed: when the specific designation for a wilderness area explicitly allows the landing of aircraft; when the BLM authorizes the landing of aircraft because it is the minimum necessary, including for an emergencies involving the health and safety of persons within the area; or where that use has become established, subject to restrictions that the BLM deems desirable.

ii. No new airfields or helispots will be constructed in wilderness, except in emergency situations or as determined to be necessary through the use of the MRDG and subsequent NEPA analysis. Emergency construction will be rehabilitated immediately after the emergency has passed.

iii. All existing airfields and helispots will be closed and rehabilitated unless specifically authorized in the area's wilderness designation or as determined to be necessary through the use of the MRDG and subsequent NEPA analysis.

iv. Though there is no specific prohibition of overflight of wilderness by aircraft, this activity may disrupt wildlife and the wilderness visitor's

experience. Low flight should be discouraged except in emergencies (such as search and rescue), essential military missions, and wildlife operations. Where low overflight is a problem, or expected to become a problem, wilderness management plans should include outreach to military authorities, State agencies, the Federal Aviation Administration, and pilots in the general area in an effort to reduce low flight.

3. **Collection for Personal Use**

a. **Background.** Gathering (removing or disturbing) of a reasonable amount of a common resource for non-commercial personal use, either by hand or with the use of non-motorized hand tools resulting in only minimal surface and in a manner that preserves wilderness character, may be allowed.

b. **General principles**. In general, casual collection of small quantities of renewable resources (such as wood, fruit, or other vegetation) is permitted for use within the wilderness or for non-commercial, personal use. Collection of common rock and mineral specimens is normally allowed. (Also see 1.6.C.12. Paleontological Resources.) Note, however, that State law may further restrict the collection of some resources. The collection of archaeological resources is prohibited without a permit.

c. **Specific implementation**. The BLM will use the following guidelines in managing casual collection within wilderness areas**:**

i. Restrictions on the collection of resources within wilderness for personal use should be explicitly stated in the applicable wilderness management plan, mentioned in all public materials, and posted at applicable trailheads or common entry points. Supplemental rules, or other regulatory mechanisms, should be used and developed pursuant to 43 CFR Part 8365.1-6 where necessary.

ii. Wilderness management plans may specify the amount of various renewable resources that may be removed from the wilderness and may also set requirements such as the mandatory alteration of collected material to prevent commercial use (such as requiring splitting mushroom caps to eliminate commercial value or requiring collected mushrooms be carried in a porous basket or bag to allow spores to be redistributed).

iii. Only non-commercial collection of renewable animal resources by the public is permitted within wilderness, as outlined in section 1.6.C.21.c.ix.E. To assure that collection activities remain non-commercial, enforcement restrictions such as possession limits may be placed on the public that do not apply outside of the wilderness. When restrictions are deemed necessary to

assure collection activities remain non-commercial, they will be developed in coordination with the responsible State agency.

iv. Commercial collection of any resource is not allowed within wilderness.

v. Non-commercial collection that requires the use of any tool or method prohibited by Section 4(c), or that would result in impairment of wilderness character, is not allowed without a permit.

4. **Commercial Enterprises and Services**

a. **General principles**. Commercial enterprises are prohibited in wilderness areas, except for valid existing rights and as otherwise provided for in Section 4(d) of the Wilderness Act. Section 4(d)(6) allows those commercial *services* necessary for activities that are proper for realizing the recreational or other wilderness purposes of the areas. Commercial services are allowed to the extent necessary for realizing these wilderness purposes. Allowable commercial services may include those provided by packers, outfitters, and guides, and may also include commercial filming (see sub-section b, below) or restoration stewardship contracts (see 1.6.C.15.f.vi of this manual). Determining the "extent necessary" is based on the following guidance:

i. The BLM should determine through analysis if one or more of the public purposes of wilderness would go unrealized if there was no commercial use. If a given purpose can be adequately realized in a given place and time without commercial services then the commercial service is not necessary.

ii. Commercial services may serve visitors who lack the necessary physical or cognitive ability or specialized knowledge, skills, or equipment to engage in wilderness recreation. To be allowable a commercial service must be necessary to realize wilderness purposes rather than only to provide a desired activity in a wilderness setting.

iii. Commercial services may be necessary to address specific resource concerns, provide support for research or other projects, or provide wilderness education or interpretation.

iv. In all instances, commercial services may be performed within the wilderness to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the area. For example, an overnight pack trip to a distant valley to experience wilderness solitude may be dependent on a wilderness setting and therefore would likely satisfy the statutory requirement that the service is proper for realizing the wilderness purposes of the area.

v. Commercial services can be allowed only where their authorization will not impair wilderness character as a whole. Where commercial services are likely to impair wilderness character as a whole, reduction in commercial service use or non-commercial use (or both) may be necessary. Reductions will be based on levels of demand, need, equity, and availability of similar experiences in the vicinity of the wilderness.

b. **Commercial filming**. Commercial filming—the use of motion picture, videotaping, sound recording, or other moving image or audio recording equipment for commercial purposes—is considered a "commercial service" and is not permitted in wilderness unless it is necessary for realizing the recreational or other wilderness purposes of the area and does not otherwise utilize a prohibited use. Allowable examples could include a film that explains the importance of preserving the wilderness resource, describes the primitive recreational opportunities of the wilderness, describes the scenic beauty of the resource, or analyzes the educational and scientific value of the wilderness.

i. The commercial nature of the filming is not dependent on the profit or not-for profit status of the filmmaker. A commercial film project involves the advertisement of a product or service, the creation of a product for sale, or the use of on-screen actors, models, sets, or props. The creation of a product for sale includes recouping production costs or television broadcast on either commercial or non-commercial broadcast stations, but does not include activities associated with broadcasts for news programs.

c. **Still photography**. Still photography is not prohibited, whether it is used for a commercial purpose or not, unless it involves the use of models or props, physical modification of the wilderness, or utilizes one of the prohibited uses described in 1.6 B 2.b.-j.

5. **Cultural Resources**

a. **Background**. The Wilderness Act states that wilderness "may contain…features of scientific, educational…or historical value." This language acknowledges the presence of cultural resources, both historic and pre-historic, as a unique and nonrenewable part of an area's wilderness character. These resources, which include objects and artifacts, structures, sites, areas, and even whole landscapes, connect us to our nation's past in ways that are inseparable from the wildernesses in which they may occur. Cultural resources in wilderness are managed in accordance with the Wilderness Act and several other laws, including, but not limited to, the National Historic Preservation Act (NHPA), the Archaeological Resources Protection Act (ARPA), and the Native American Graves Protection and Repatriation Act (NAGPRA).

b. **General principles** Cultural resources found in wilderness are protected as contributing components to wilderness character, in accordance with the Wilderness Act. For specifics on managing the traditional use of wilderness areas by Native Americans, see section 1.6.C.18 of this policy.

c. **Specific implementation.** The BLM will use the following guidelines in managing cultural resources within wilderness areas**:**

   i. As in non-wilderness areas, the BLM is required by law to conduct an inventory and evaluation of cultural resources. Using the criteria found in 36 CFR 60, cultural resources will be evaluated for eligibility to the National Register of Historic Places.

   ii. In general, any structure or installation found to be **not eligible** for the National Register will be removed unless it is determined:

      A. to fall under the Section 4(c) exception as "necessary to meet minimum requirements for administration of the area" to preserve wilderness character; or

      B. to be necessary for a use specifically permitted by the Wilderness Act or by the law designating the affected wilderness area; or

      C. to be a cemetery or other burial site. Human remains repatriated under NAGPRA may be re-interred in wilderness areas if no prohibited use (as described in 1.6.B.2) is employed; or

      D. to be over 100 years old, in which case removal is optional; or

      E. that removal of the structure or installation would unduly impair wilderness character and allowing it to deteriorate naturally would not create a safety hazard.

   iii. Cultural resources that do not meet the definition of a structure or installation will be managed as elsewhere on lands administered by the BLM and in keeping with the preservation of wilderness character.

d. **Structures and installations**. Any structure or installation found to be **eligible** for the National Register may be retained as a historic feature of the wilderness. For the purposes of this policy, "retained" does not necessarily mean stabilized, restored, or maintained. Rather, it may be allowed to deteriorate without preventative action other than appropriate documentation by qualified persons per the Secretary of the Interior’s standards, in consultation with State Historic Preservation Office the property may be subject to a detailed recording (including mapping, surveying, photogrammetry or other photographic techniques, and narrative descriptions) to document those aspects of the cultural

property that contribute to historical or scientific knowledge without substantially modifying the resource. Archaeological excavation and removal, including archaeological data recovery, may be appropriate, as outlined in BLM Manuals 8140 and 8150. In general:

i. If structures or installations are required within the wilderness, eligible historic structures will be used in preference to new construction.

ii. Eligible structures or installations that are necessary for the administration of the area may be stabilized, rehabilitated, or maintained in a way that preserves their historic character and other aspects of wilderness character and in accordance with 36 CFR 68 and Executive Order 13287.

iii. Eligible structures or installations that do not have additional uses necessary in the administration of the area may be stabilized, rehabilitated, or maintained if, in consultation with the State Historic Preservation Office and appropriate federally-recognized tribes, it is determined that such actions are necessary to preserve the contribution of an extraordinary structure or installation to the area's wilderness character. Otherwise, they will be allowed to deteriorate naturally, subject to the forces of nature in the same manner as other wilderness resources.

iv. Eligible structures or installations that have adverse impacts on other qualities (that is, other than the Undeveloped quality) of the area's wilderness character (e.g., altering the natural ecosystem) may not be stabilized, rehabilitated, or maintained, and may be removed. In this case, the eligible structure or installation will be documented.

v. Any decision to remove, stabilize, rehabilitate, maintain, or allow the deterioration of an eligible structure or installation is a Federal undertaking that will affect cultural resources. As a result, these actions must comply with Section 106 of the National Historic Preservation Act, 36 CFR 800, and BLM's National Programmatic Agreement (see BLM Manual 8140, Appendix 1).

e. **Signing and fencing**. Law enforcement signs and protective fences or other barriers should be placed only if they have been determined to be the minimum necessary structure or installation through the use of the MRDG (See Appendix B in this manual). Interpretive signs should not be placed in the wilderness, but may be appropriate at trailheads or other entry points.

f. **Control of natural processes**. In general, there will be no interference with broad-scale ecological processes (e.g., fire or erosion) to preserve cultural resources in wilderness unless those ecological processes are outside their range of historical variability due to past human intervention. Exceptions to this

general rule, should be identified in wilderness management plans, may include the following:

i. when necessary to preserve the contribution of an extraordinary structure, installation, other archaeological site, or traditional cultural property to the area's wilderness character; or

ii. for situations involving burial sites that would be governed under Section 3 of the Native American Graves Protection and Repatriation Act.

g. **Research** on cultural and historic resources is encouraged under the general direction contained in section 1.6.C.14 of this manual and the BLM Manual 8100 series. The BLM may permit, on a case-by-case basis, the excavation of archaeological resources or other archaeological research employing a use generally prohibited by the Wilderness Act (see 1.6.B in this manual) through the use of the MRDG (see Appendix B) . See also 1.6.C.14.

6. **Education and Interpretation**

a. **Background**. In order to preserve the wilderness experience, the BLM will use education and interpretation as a means to manage visitor use of wilderness. The BLM will use locations outside of wilderness to provide visitors with information about area conditions, wilderness stewardship, and the inherent risks of recreating in remote areas in order to minimize search and rescue operations and the need for rules governing primitive and unconfined recreation.

Wilderness managers are encouraged to make maps available in brochures or on visitor websites, and to use these opportunities to share wilderness stewardship messages to accomplish other management goals.

As noted in section 1.6.A.3.iv, while education is a public purpose of wilderness, this does not require the BLM to provide interpretive and educational information within wilderness areas or to advertise all recreational opportunities available if such advertising could impair preservation of wilderness character.

b. **Interpretive and educational signs and displays**. With the exception of boundary signs and signs necessary to protect visitor safety or sensitive wilderness resources, all interpretive and educational displays and signs must be located outside of wilderness areas. More information on signs in wilderness can be found under section 1.6.C.13.c.iii.

c. **Education and interpretation in Wilderness**. On-the-ground education and interpretive programs within wilderness areas are permissible where they promote a better understanding and appreciation of the wilderness resource and

do not impair wilderness character or the experience of visitors not participating in the program.

d. **Youth education and interpretation**. When practicable, the BLM will provide, and encourage partners to provide, youth-directed education and interpretation designed to enhance understanding, appreciation, and stewardship of wilderness. There should be a specific focus on the importance of providing opportunities for youth to experience wilderness first hand.

7. **Fire**

a. **Background**. This section of the manual is not meant to stand alone and supplements BLM fire management policies and techniques not repeated here.

i. The overall goal of managing fire in wilderness is to allow the frequency and intensity of an ecosystem's natural fire regime to play its inherent role in that ecosystem. This means both allowing fire where ecosystems evolved in the presence of fire and preventing unnatural spread of fire in ecosystems that evolved without broad-scale fires. See also 1.6.C.15.f. The overall goal may be affected by management constraints including budgets and national fire management demands.

ii. The principles described in this manual will continue to apply even as fire management terminology changes over time.

b. **Wildfires**. These are unplanned ignitions or prescribed fires that are subsequently declared to be wildfires because they exceed the prescription parameters.

i. Wildfires can be controlled under Section 4(d)(1) of the Wilderness Act, which dictates that "such measures may be taken as may be necessary in the control of fire…subject to such conditions as the Secretary deems desirable." To the extent possible, all fires in wilderness will:

A. be managed using minimum impact suppression techniques wherever possible while providing for the safety of firefighters and the public and meeting fire management objectives.

B. be managed, if feasible, without equipment that would ordinarily be prohibited by Section 4(c) of the Wilderness Act. For examples of such equipment, see section 1.6.B of this manual.

C. have a resource advisor with knowledge and experience in wilderness stewardship assigned to the firefighting team to assist in the protection of wilderness character.

ii. The management response to a wildfire within a wilderness may vary along a continuum from monitoring to suppression according to objectives outlined in the applicable Resource Management Plan, Wilderness Management Plan, or Fire Management Plan. The management response to a fire can change due to variations in weather, topography, fuels, and resources available. Responses involving prohibited uses described in section 1.6.B.2 of this manual must be authorized by the applicable BLM State Director unless this authority has been delegated to the District or Field Manager.

iii. Stabilization, rehabilitation, and restoration of impacts to wilderness from wildfires should be conducted as part of the fire incident. Where wildfires have been managed for resource benefits, most stabilization, rehabilitation, and restoration activities are expected to be limited to the effects from suppression actions. Any stabilization, rehabilitation, and restoration activities are likely to be more intensive where the effects of the fire were greater than would be expected from the natural fire regime. Any stabilization, rehabilitation, and restoration should seek to establish, or re-establish, the natural vegetative community.

c. **Prescribed fires**. These are fires—otherwise known as "planned ignitions" — that are ignited by the BLM. The goal of prescribed fires is to make conditions possible for natural wildfire to return to the wilderness.

i. Prescribed fires can be used in wildernesses only to clearly enhance the land's wilderness values, including restoring natural vegetative communities. Generally, enhancing wilderness values means reestablishing the natural role of wildfire where both the following conditions are met:

A. the natural role of wildfire cannot be returned solely by reliance on wildfire, or, relying on wildfires might create unacceptable risks to life, property, or natural resources outside the wilderness; and

B. the use of wildland fire or other fuel reduction treatments outside of wilderness is not sufficient to reduce the risks from wildfire within the wilderness to life, property, or natural resources outside the wilderness.

ii. Except as necessary to control exotic species or contribute to the survival of threatened or endangered species, or species for which Federal protection has been found to be warranted by the U.S. Fish and Wildlife Service, prescribed fire cannot be used to enhance specific wildlife species, specific vegetative types, or forage production, although secondary effects to these resources may occur. As noted above, however, prescribed fire may be used to restore natural vegetative communities.

d. **Fuel treatment**. This includes thinning or removing native vegetation, either mechanically or chemically, in advance of, or as a replacement for, wildland fire (either wildfire or prescribed fire). The goal of fuel treatment is to make conditions possible for wildfire to return to the wilderness where past management practices have reduced the historic frequency and intensity of wildfire.

i. Fuel treatment is not allowed in wilderness, except in rare circumstances. Due to the controversial nature of fuel treatments and the complexities of analyzing the effects of these on the totality of wilderness character, when they are to be used as a replacement for wildland fire they may require analysis through an EIS. Fuel treatments *may* be permitted:

A. To remove non-native vegetation (see also section 1.6.C.15); or

B. When prescribed fire without pretreatment in the wilderness will inevitably cause unacceptable risks to life, property, or wilderness character (including cultural resources, as outlined in 1.6.C.5.f); or

C. When any wildland fire will inevitably cause unacceptable risks to life, property, or wilderness character.

ii. Because it more closely mimics a natural wildfire event, repeated low-intensity prescribed fires are preferable in most circumstances where fuel treatment is contemplated. This is true even if this increases the time and cost of treatment, or would necessitate burning at a different time of year as long as other impacts to the Natural quality of wilderness character can be sufficiently mitigated.

8. **Grazing**

a. **Background**. The Wilderness Act, Section 4(d)(4)(2) states: "the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the [administering agency]." In 1990, the House of Representatives issued House Report 101-405, Appendix A— Grazing Management Guidelines, in association with the Arizona Desert Wilderness Act of 1990. Although the Wilderness Act provides the authority for managing grazing in wilderness, this report (and its predecessor, House Report 96-1126, issued in association with the Colorado Wilderness Act of 1980) has been cited in many subsequent wilderness bills and provides helpful information. Grazing is specifically permitted in wilderness under Section 4(d)(4)(2) of the Act.

After designation of an area as wilderness, Allotment Management Plans may need to be revised or developed for allotments within a wilderness to ensure they are consistent with this policy.

b. **Continuation of livestock grazing**. Where grazing of livestock has been authorized by a grazing permit or grazing lease for land within a wilderness, and the use was established before Congress established the wilderness area, under Section 4(d)(4)(2) of the Act it "shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the [administering agency]." The continuation of existing grazing may apply to not only the utilization of the forage resource, but also the use and maintenance of livestock management developments and facilities that were associated with the grazing activity at the time of designation and have been authorized by the BLM. Grazing management activities, including the construction, use, and maintenance of livestock management developments, must comply with the BLM grazing regulations 43 CFR 4100, as well as this manual.

c. **Adjustments in levels of authorized use**. There will be no automatic reduction in the amount of livestock use permitted simply because an area is designated as wilderness. Reductions should be made only as a result of normal changes in grazing management based on range condition and in accordance with the BLM's grazing regulations. For example, an increase in the number of livestock may be permitted if it can be demonstrated that the increase will have no negative impact on wilderness character.

d. **Grazing facilities**.

i. *Structures and installations used for livestock management existing at the time of designation* may be maintained. Maintenance may be done by the occasional use of motorized equipment where:

A. practical non-motorized alternatives do not exist; and

B. the motorized use is expressly authorized in the grazing permit and advanced written permission for each maintenance activity is granted by the BLM; and

C. the motorized use was allowed prior to wilderness designation.

In most situations, authorization for motorized use would be considered on a case-by-case basis—for example, to remove sediment from a stock reservoir. In some cases, a schedule could be established—for example, hauling water to fill a tank. In all cases, authorization should be for no more than is practically necessary to support the livestock grazing program and for actions that would not have a significant adverse impact on the natural

environment. The use of an existing route and mode of travel also must cause the least impact on wilderness character and be similar to what was allowed prior to wilderness designation. These decisions are made during the grazing permitting process with the use of a Minimum Requirements Analysis (see Appendix B),completed in conjunction with the associated NEPA analysis, through which alternatives are analyzed to determine the method that least impacts wilderness character while remaining consistent with the rule of practical necessity and reasonableness in supporting the livestock grazing program. Actual authorization is granted, consistent with the NEPA analysis, in a letter of authorization. Authorizations need to be consistent with the Decision Document, including specified design features or mitigation measures and any specified follow-up actions. Authorizations will include exact travel routes to be followed by any motorized equipment or mechanical transport, as well as rehabilitation requirements.

Where practical alternatives to the use of motor vehicles exist—for example, using horses to distribute small quantities of salt or repair short sections of fence—the BLM will only authorize non-motorized activities.

ii. *Reconstruction or replacement of existing facilities* will require the use of natural materials if their use would not impose unreasonable added cost for the grazing permittee. An exception is when use of other materials would require less frequent motorized or mechanized access to perform maintenance.

iii. *New facilities* will be permitted by the BLM only for the purpose of enhancing the protection of wilderness character.

e. **Use of motorized equipment**. Except as allowed under sub-section 9.d, above, the use of motor vehicles, motorized equipment, or mechanical transport to carry out a lawful grazing-associated activity is limited to emergencies only, such as rescuing sick animals or placing feed in emergency situations. In emergencies, permittees do not need prior authorization for these uses, but must notify the BLM of their use reasonably soon thereafter. The use of motor vehicles, motorized equipment, or mechanical transport is not allowed for herding animals or routine inspection of the condition of developments or the condition of the range.

9. **Inholdings and Edgeholdings**

a. **Background**. The BLM will give owners of inholdings (inholders) specific rights of access as authorized by the Wilderness Act and specified in regulations at 43 CFR 6305 and as detailed below. For the purposes of this manual, parcels at the end of cherry-stemmed routes are technically outside of the wilderness

boundary and are considered edgeholdings, not inholdings (see Glossary). This is because the boundary of such parcels is not completely surrounded by the adjacent wilderness boundary. Parcels touching wilderness only at a corner are not edgeholdings.

b. **Access authorizations**. These will vary depending on whether the parcel in question is a wilderness inholding or edgeholding.

i. Inholders will be given a right to adequate and reasonable access to their inholdings. Adequate and reasonable access is defined as the access that was enjoyed by the inholder on the date Congress designated the area surrounding the inholding as wilderness. This right is limited to the route and modes of travel used by the inholder at the time of designation, which should be determined and documented by the BLM as soon as possible after designation. Documentation of the access should be added to the wilderness area's permanent case file. (see 43CFR 6305.10)

A. Absent a valid right-of-way on the access route, the BLM will authorize the access route under the authority of 43 CFR 2920. Prior to authorization, the BLM may attempt to acquire the inholding (see below, sub-section 10.c). Rights-of-way that terminate upon a wilderness study area's designation by Congress as wilderness are not considered "valid right-of-way" for these purposes; access on such routes must be authorized under 43 CFR 2920.

B. If there is a valid right-of-way, the BLM may manage that route to protect wilderness character to the greatest extent possible while ensuring the continuation of the use and enjoyment of the access to the inholding that existed on the date of designation.

C. If more than one route of access existed at the time of designation, the BLM will grant access on only the one route that enjoys the greatest degree of access (unless the inholder prefers the route with the lesser degree of access). If the routes of access have approximately equal degrees of access at the time of designation, the BLM will grant access on the route that causes the least impact on wilderness character.

D. If no routes of travel existed on the date of designation, only non-motorized, non-mechanical transport to the inholding is allowed. No grant of access is necessary unless cross-country travel through the wilderness is prohibited under the applicable RMP or Wilderness Management Plan. In such cases, an access authorization identifying the route and type of non-motorized, non-mechanical travel may be issued to the inholder.

E. No construction of new access routes to inholdings is allowed.

F. No improvement of an access route to a condition more highly developed than existed on the date of designation is allowed, except as the BLM determines is necessary to protect the wilderness from impairment.

G. The BLM does not regulate access to inholdings by aircraft.

ii. There is no right of access across the wilderness to edgeholdings, absent specific language in legislation dictating otherwise.

A. Access to cherry-stemmed edgeholdings is by way of the cherry stem.

B. Access routes across wilderness to edgeholdings that are not on cherry stems may not be used for motorized or mechanical transport, even if there are no other existing routes to the edgeholding.

c. **Acquisition of inholdings and edgeholdings**. Where Congress has specifically authorized acquisition from a willing seller, the BLM, through the Secretary, will prioritize such acquisitions. Acquisitions may also be made of lands within a wilderness area when the owner concurs in the acquisition. Wilderness inholdings (including mineral rights) are one of the BLM's highest acquisition priorities. Field offices with BLM wilderness within their purview will identify priorities for acquisition of lands and other interests within or adjacent to wilderness areas, prioritizing lands where wilderness resources are at greatest risk.

i. Inholdings acquired through exchange or donation are automatically included in and managed as wilderness without further Congressional action.

ii. As provided for under Section 6(a) of the Wilderness Act, donated edgeholdings can be accepted by the BLM to become part of the wilderness without further Congressional action after sixty days advance notice to Congress. This provision is for donated lands only and does not apply to exchanged or purchased edgeholdings. When wilderness edgeholdings are donated to the BLM, the following process should be followed when submitting notice to Congress:

A. Upon the receipt of a donated wilderness edgeholding, a briefing paper, transmittal letters to the President of the Senate and the Speaker of the House, donor form DI-3680, and map of the donated land should be submitted by the State Director to the BLM Assistant Director for NLCS and Community Partnerships.

B. The BLM Assistant Director for NLCS and Community Partnerships will review the materials for completeness and transmit them to the BLM Director for approval. Once the materials have been approved, the BLM Division Chief for Legislative Affairs will transmit the transmittal letters and map to the President of the Senate and the Speaker of the House.

C. Once the document receipts are obtained from the President of the Senate and the Speaker of the House, they should be transmitted by the BLM Division Chief for Legislative Affairs to the Division Chief for the National Landscape Conservation System. The receipts and the copies of the relevant documents will then be transmitted to the State Office for inclusion in the Wilderness Area's serialized case file.

D. Sixty days after the transmittal to the President of the Senate and the Speaker of the House the land becomes part of the wilderness area involved. Appropriate maps and legal descriptions should be updated to reflect the addition. The public should be notified as appropriate.

10. **Law Enforcement.**

a. **Background**. Law enforcement actions that may take place within wilderness (outside of search and rescue missions, detailed in section 1.6.C.17) include actions: immediately involved in "hot pursuit," taken to investigate accidents or illegal activities, taken to rehabilitate wilderness as a result of an accident or illegal activities, and taken in support of the security of international borders.

b. **General principles**. It is the BLM's objective to preserve wilderness character to the maximum extent possible while allowing necessary law enforcement actions regardless of whether those actions are taken by BLM law enforcement personnel or by officers from another agency. The BLM is encouraged to develop Memoranda of Understanding and other cooperative tools to facilitate coordination with law enforcement agencies (for example, with appropriate State agencies on enforcement activities associated with reporting fish and wildlife violations).

c. **Specific implementation**. The BLM will use the following guidelines in managing law enforcement operations within wilderness areas**:**

i. *"Hot pursuit*." Under the "emergencies" exception to the 4(c) prohibited uses, law enforcement officers of the BLM or other federal, tribal, state, or local agencies may use, without prior approval from a BLM Line Officer, any prohibited tool in a wilderness when not doing so would endanger their lives or the lives of others or would lead to the escape of the alleged perpetrator.

As soon as possible after a hot pursuit incident in which a 4(c) prohibited use was employed, the BLM law enforcement officer (or other law enforcement agency) will notify the BLM District or Field Manager and submit a written report that includes:

A. the date(s) of the action

B. the location of the action

C. the nature of the initial report and, if different, the nature of the actual situation

D. the number of responding personnel, and the number, type, and amount of use of any prohibited tool

ii. *Investigations*. In the case of accident investigations, investigations of wildlife law violations, or criminal investigations not involving "hot pursuit," prior approval from a BLM Line Officer is required for any law enforcement officers of the BLM or other federal, tribal, state, or local agencies to use any generally prohibited tool in a wilderness. Due to the sensitive nature of such investigations, completing a documented Minimum Requirements Analysis as outlined in Appendix B is not required, but the BLM Line Officer should be satisfied that the use of the prohibited tool is in fact the "minimum necessary." The Line Officer in question is usually the Field Manager but, depending on the sensitivity of the investigation, may be the District Manager, State Director, or BLM Director. For NEPA requirements, see the BLM NEPA Handbook (Handbook H-1790-1), section 2.3 (Emergency Actions) and Appendix 3 (Departmental Categorical Exclusions), which apply to arrests and investigations.

As soon as possible after the investigation, subject to exceptions necessary due to on-going legal actions, the BLM law enforcement officer (or other law enforcement agency) should submit a written report to the Line Officer that includes:

A. the date(s) and location(s) of the investigation

B. the name of the approving BLM official

C. the purpose of the investigation (except when disclosure would compromise on-going legal actions)

D. the number of personnel involved, and the number, type, and amount of use of any prohibited tool

iii. *Rehabilitating results of accidents or illegal activities*. Though usually not emergencies, the results of accidents or illegal activities will be rehabilitated

as soon as possible. There are two types of rehabilitation in the context of law enforcement, urgent and non-urgent rehabilitation. Employing any tool prohibited by Section 4(c) of the Wilderness Act will require the use of the MRDG in all cases involving non-urgent rehabilitation. Examples of urgent rehabilitation include: cleaning drug production sites where dangerous chemicals or other materials are present that pose an imminent danger to human safety or the environment, or recovering unexploded bombs from a military aircraft crash. Examples of non-urgent rehabilitation include: dismantling drug production/cultivation sites where no immediate safety or health hazards are present or recovering non-explosive and non-toxic airplane wreckage. Using relevant authorities, every effort should be made to recover the costs of rehabilitation from the perpetrator(s). However, inability to identify a perpetrator, or the perpetrator's inability to pay for rehabilitation, is not a sufficient rationale for not rehabilitating the impacts. See also section 1.6.C.15 of this manual.

iv. *U.S. Border issues*. As a result of the Illegal Immigrant Responsibility Act of 1996 (as amended in 2005 by Section 102 of the Real ID Act), actions taken to build barriers and associated roads in order to secure international borders are exempt from many restrictions that might be imposed by the Wilderness Act, including the general Congressional direction to "preserve wilderness character." All actions should be undertaken within the framework provided by the latest Memorandum of Understanding (MOU) among the U.S. Departments of Homeland Security, Interior, and Agriculture Regarding Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States' Borders. The overarching goal of the MOU is to secure the borders of the United States and address emergencies involving human health and safety, while preventing or minimizing environmental damage arising from cross-border illegal entry on public lands. For further direction, see the most recent MOU.

11. **Minerals**

a. **Background**. Sections 4(d)(2) and 4(d)(3) of the Wilderness Act describe how minerals and mining activities are to be managed in wilderness areas. The BLM manages mineral resources within designated wilderness to honor valid existing rights while preserving wilderness character to the greatest extent possible. As provided for under the Wilderness Act, the BLM also permits activities related to gathering information about mineral resources to the extent that they are compatible with the preservation of wilderness character.

b. **Gathering information on minerals**. Section 4(d)(2) specifies that nothing in the Wilderness Act prevents "any activity, including prospecting, carried out for

the purpose of gathering information about mineral or other resources, if such activity is carried out in a manner compatible with the preservation of the wilderness environment." In accordance with this, the BLM will not authorize an otherwise prohibited use (as set forth in Section 4(c) (see 1.6.B of this manual) or an activity that would impair wilderness character (see 1.6.A.2 of this manual) for the purpose of gathering information about mineral resources within wilderness.

Section 4(d)(2) of the Wilderness Act also requires that wilderness areas be surveyed for minerals and other resources by the United States Geological Survey on a recurring basis. The BLM will ensure that motor vehicles, motorized equipment, mechanical transport, the landing of aircraft, and any structures or installations are used in this effort only if they are the minimum tools required for conducting the surveys.

c. **Withdrawal**. All BLM wilderness areas, if not already withdrawn, are withdrawn from mineral entry, on the date of wilderness designation subject to valid existing rights.

   Valid existing rights must be verified prior to the approval of any activities related to the development of mineral resources in wilderness.

d. **Mineral leasing and material sales**. No new mineral or geothermal leases, licenses, or permits under the mineral or geothermal leasing laws or sales contracts or free use permits (other than for research) under the Materials Act are permitted in designated wilderness areas. Collection of petrified wood that does not require a permit, as outlined in 43 CFR 3622.2, may be prohibited to preserve wilderness character. As provided for in 43 CFR 6302.15, prohibiting personal collection of petrified wood requires explicitly closing the wilderness to such collection in a wilderness management plan.

   The BLM may offer lands adjacent and up to the wilderness area boundary for lease. Prior to the approval of a permit to drill, the portion of the boundary of the Wilderness adjacent to the lease must have an official survey. NEPA analysis for a lease of public lands outside the boundary of a wilderness should address impacts to adjacent wilderness values; mitigation measures should be considered to the extent reasonable and feasible (see also 1.6.D.2.a in this manual).

   Mineral leases, permits, or licenses existing prior to the date of an area's designation as wilderness, can be operated under the original terms and conditions.

e. **Locatable minerals**. Exploration and development of mining claims, mill sites, or tunnel sites within wilderness are only permitted if the claim or site was valid

as of the date of an area's designation or at the time of withdrawal if the area was withdrawn prior to designation and remains valid at the time of any subsequent validity examination. Mining claims and sites cannot be located or established within a wilderness area subsequent to the date of the area's designation.

i. *Mineral Patents*. Mineral patents in wilderness areas will only be issued for valid mining claims existing prior to the date of designation. Where the claimant established a right to a patent as of the date of designation, the claimant may obtain a full fee simple patent. Otherwise, patents issued for valid mining claims in designated wilderness convey only title to mineral deposits and reserve to the United States title in or to the surface of the claim. Where a patent is issued in designated wilderness with a reservation of the surface, the surface of the claim and its resources may only be used by the patentee for activities reasonably required for mining or prospecting.

ii. *Use of Timber Resources on Valid Mining Claims and Mining Claims Patented with a Reservation of the Surface Estate*. Timber on former mining claims patented with a reservation of the surface estate under section 4(d)(3) of the Wilderness Act must be harvested in accordance with the principles of sound forest management, as defined in 43 CFR 5500.

iii. *Surface Use Authorization*. All mining operations on Federal lands in wilderness areas must have an approved plan of operations under 43 CFR part 3809 (unpatented mining claims) or a right-of-way authorization under 43 CFR part 2920 (mining claims patented with a reservation of the surface). The surface use authorization must describe all access, functions, work, facilities, and activities related to prospecting, development, extraction, processing of mineral deposits, and reclamation of the mining operation. See the BLM 3809 Manual for more information on this topic.

A. Validity Determination. The BLM must make a validity determination for all unpatented claims prior to approving a plan of operations for the development of a claim within a wilderness area. This examination will determine both whether the claimant made a discovery of a valuable mineral deposit prior to the date of the area's mineral withdrawal and whether the claim remains valid as of the date of the examination. The BLM will disapprove the application for a plan of operations and any mining claim that it determines to lack a discovery of a valuable mineral deposit by the pertinent date or that is invalid for any other reason. The operator may appeal the denial of a plan of operations under the provisions of 43 CFR 3809.800.

B. Protecting Wilderness Character. The plan of operations under part 3809 must include reasonable stipulations to protect wilderness character to the extent consistent with the rights associated with the valid mining claim. All surface use authorizations should include undertaking reasonable measures to prevent erosion and the obstruction, pollution, and siltation of streams, lakes, and springs, and the deterioration of the land.

C. Authorization of Generally Prohibited Uses. Uses that are generally prohibited in wilderness under Section 4(c) of the Wilderness Act, including the use of motorized vehicles and equipment, mechanized transport, and the landing of aircraft, may be authorized in the plan of operations for a valid claim.

D. Reclamation. The surface use authorization must provide a timeline for the removal of all structures, equipment, and other facilities from the mining site and the initiation of activities to return the site to as natural an appearance as possible. Such activities must commence as soon as practicable and comply with the provisions of the authorization under the applicable regulations. The surface of the site must be restored as nearly as practicable to the appearance and contour of the surface before mining operations began, as specified in the approved plan of operations. Where possible, the area must be revegetated using native plant species.

E. Performance Bond. In order for the BLM to approve a plan of operations, the operator must post a financial guarantee in order to ensure completion of reclamation.

f. **Access to valid mineral rights**. The BLM will grant access to valid mineral rights that are wholly within a designated wilderness, as provided for in Section 5(b) of the Wilderness Act, in a manner consistent with other areas in the National Wilderness Preservation System similarly situated. In most cases, this means such access will be treated in the same way as access to inholdings, but in some instances applying the regulations found at 43 CFR 6305.30 may result in granting mineral rights holders (whether patentees or mining claimants) a greater degree of access than would be granted an inholder. Further guidance on inholder access can be found in section 1.6.C.9 of this manual.

12. **Paleontological Resources**

a. **Background**. Paleontological resources—the fossilized remains, traces, or imprints of organisms preserved in or on the earth's crust—are a nonrenewable scientific record of the history of life on earth and represent an important

component of America's natural heritage. Where found in wilderness, paleontological resources are features of scientific, educational, and, at times, scenic value, making them part of the Unique or Supplemental quality of the area's wilderness character. Paleontological resources in wilderness are managed in accordance with the Wilderness Act and Public Law 111-11, Title VI, Subtitle D, known by its popular name, the Paleontological Resources Preservation Act (PRPA).

b. **General principles**. Paleontological resources found in wilderness are protected as contributing components to wilderness character, in accordance with the Wilderness Act. In many instances, paleontological resources are subject to the forces of nature in the same manner as other wilderness resources. However, once damaged, destroyed, or improperly collected, their scientific and educational value may be greatly reduced or lost forever. Therefore, on a case-by-case basis it may be appropriate to permit the collection of fossils (also see 1.6.C.3.b regarding collection for personal use.

c. **Specific implementation**. The BLM will use the following guidelines in managing paleontological resources within wilderness areas**:**

i. Casual collection of vertebrate paleontological materials is prohibited by the PRPA anywhere on lands administered by the BLM. In addition, when developing wilderness management plans, the BLM should consider including prohibitions on the casual collection of common invertebrate and plant fossils in order to preserve wilderness character. Collection of petrified wood is addressed in 1.6.C.11.d of this manual.

ii. Regulated collection of any fossil material in a wilderness may be allowed under permit. Conditions for such permits must meet the requirements of the PRPA and the requirement to preserve wilderness character as determined by the manager considering terms and conditions jointly proposed by staff wilderness specialists and paleontologists. See also 1.6.C.14 in this manual.

A. The BLM may permit the survey and limited surface collection of fossils by qualified paleontologists, where such resources are likely to have important scientific value. Unless otherwise provided for in law, such activities must be carried out without employing any Section 4(c) prohibited use and in a manner that would not otherwise impair the wilderness character.

B. The BLM may permit on a case-by-case basis, where such resources are likely to have important scientific value, the excavation of fossils using a

tool prohibited by Section 4(c) if it is found to be the "minimum necessary" using the MRDG.

13. **Recreational Use**

a. **Background**. The human experience of wilderness through solitude or primitive and unconfined recreation is an intrinsic part of wilderness character. Management of recreational uses is based on three factors: maintaining solitude, maintaining a primitive setting, and keeping recreation as unconfined as possible. Though recreational uses of wilderness are important, the overall mandate of preserving wilderness character as a whole, rather than just the recreational component, must take precedence. In general, natural conditions will not be altered to make the wilderness safer for recreational users.

b. **Solitude** is the sense of being alone or remote from the sights and sounds of other people; it is the experience of a lonely, unfrequented, or secluded place.

i. Solitude is not required on every acre of a wilderness for this opportunity to be preserved. Nor is there a mandate to create opportunities for solitude which were not present at the time of designation.

ii. Activities outside of wilderness areas cannot be prohibited to maintain solitude within wilderness areas. However, if an activity on wilderness-adjacent land is entirely within the BLM's purview (e.g. recreational developments) special consideration should be given to carrying out the project so as to minimize impacts to solitude. In all cases reasonable mitigation should be considered and impacts solitude should be analyzed in any applicable NEPA document. Typical mitigation includes screening, camouflaging, or placing facilities in such a way as to decrease visibility from the wilderness, muffling ongoing sources of noise, and temporal restriction of operations.

iii. Solitude can be maintained where there is increasing use by, for example:

A. Providing educational information to wilderness visitors outside of the wilderness regarding methods to minimize impacts to other visitors.

B. Limiting entry at one or more entry points.

C. Limiting camping to designated campsites.

Note that the techniques described in B. and C. must be employed with caution since they decrease the opportunities for unconfined recreation by imposing management restrictions (see subsection 14.d, below). Management restrictions are easier to justify if also taken to protect the area's Natural quality. However, restrictions such as these may be

appropriate to maintain solitude in iconic areas whose popularity dramatically increases. Techniques employed are determined by analysis of options using the MRDG.

c. **Primitive recreation** encompasses dispersed and undeveloped recreational opportunities that are appropriate in wilderness and require neither facilities nor motorized equipment. Recreational opportunities for physical and mental challenge and self-discovery are important underlying benefits of wilderness. For BLM's policy regarding recreational activities associated with fish and wildlife, see C.21.6 c. ix.

i. *Structures and installations*, including those that predate wilderness designation, that do not meet the criteria provided in this section should be removed unless they are deemed eligible for the National Register of Historic Places. (See sections 1.6.C.2.j and 1.6.C.5.)

A. Facilities that make recreation more convenient or safer may be provided only where they are the minimum necessary to protect the wilderness character, typically only in the following circumstances:

I. To protect the Natural quality, or other qualities of wilderness character. For example, a bridge may be placed across a stream to protect fish habitat. Regulatory signs may be placed within wilderness areas as a management tool to correct specific problems and protect Unique or Other Features such as cultural sites.

II. To address an inherently unsafe condition known to present an extraordinary hazard to recreation users. For example, a bridge may be placed across a stream that cannot be forded safely at any time of the primary use season. *However*, recreational use in wilderness involves certain risks to the visitor as a consequence of isolation from the conveniences of a technological world.

III. To address human-made unsafe conditions. For example, a gate may be placed at the entrance to a mine adit.

Note that these facilities make the area more developed, and wildernesses are defined as "undeveloped." Consequently, facilities should be placed with caution and all structures and installations must meet the test of being the minimum required (See Appendix B). Except as noted above, informational and regulatory signs will be located outside the wilderness boundary.

ii. *Trails and trail systems*. Existing trails must be evaluated to determine if they are the minimum necessary to preserve wilderness character. Trails

may be relocated or closed and restored as a result of the evaluation. The evaluation should include closure or consideration of conversion to hiking trails of any existing motorized routes, abandoned logging roads, old firebreaks, etc.

A. New trails may be constructed only if they are needed to preserve wilderness values and resources and will not significantly impair the degree of naturalness or solitude in the area. Trails must not be constructed with treads of more than 24 inches in width except where a wider trail is justified to protect the wilderness resource. Trails should follow natural contours where possible and result in minimum disturbance to soil and ground cover. Trail location and design standards should minimize the need for trail installations such as water bars.

B. Where possible, trailhead/access points should be located well outside the wilderness boundary to reduce their impact upon the wilderness area.

C. Construction techniques should always give first consideration to using native materials found within the wilderness (e.g. logs, rocks, etc.) A minimum requirements analysis will be used to determine the necessity of using any non-natural materials for trail construction (e.g. sawn lumber, plastic pipe, landscape fabric etc.) (See Appendix B).

iii. *Signs*. Only a minimum of signs should be installed within wilderness areas. Instead, emphasis should be on making accurate maps, route descriptions, or brochures available to visitors.

A. Signs with directional arrows may be placed at trail junctions; trail signs may also be placed for marking routes where animal trails may create confusion. No signs should be used to indicate streams, lakes, mountain peaks, passes, or other points of interest. Although mileages may appear on signs, mile markers may not be used.

B. In areas without trails, signs or cairns should be placed only to indicate preferred routes of travel to prevent resource damage, and not as a convenience to the visitor.

C. Except for regulatory signs (see Unconfined Recreation, below), signs should appear to be made of native materials. Do not use paint, either on trees or rocks, to mark trails.

iv. *Campsites* or camping areas may be established if necessary for preserving wilderness character. They will be located sufficiently distant from lakes, streams, trails, and each other so as to allow for a reasonable degree of solitude without unacceptable degradation of wilderness resources.

v. *Hitch racks, corrals, or other developments to facilitate stock use* may be used as necessary to prevent damage to wilderness resources, and must be constructed of materials that appear to be native.

vi. *In dealing with human waste*, encourage proper Leave No Trace methods, which can include requiring pack-out methods where necessary to preserve wilderness character. Install pit toilets for resource protection as a last resort after other methods fail to protect wilderness character.

vii. *No shelters or lean-tos will be constructed*, and existing shelters must be removed unless eligible for the National Register of Historic Places. Eligible properties will be managed primarily for their historic, rather than recreational uses. An exception to shelter removal is when removal would unduly impair wilderness character, in which case the shelter may be allowed to deteriorate naturally so long as it does not create a safety hazard

viii. *"Leave No Trace"* or similar wilderness travel ethics should be promoted.

ix. *For members of the public, no exceptions to the prohibited uses* found in Section 4 (c) of the Wilderness Act, are allowed—including creating structures or installations—without explicit, case-by-case authorization from the BLM managing office. Unauthorized structures and installations will be dismantled or removed as soon as practicable. Authorizations may be appropriate for:

A. allowing the placement of permanent, fixed climbing anchors. The BLM will not authorize the public to install permanent, fixed anchors using motorized equipment;

B. allowing the caching of food or water for through-hiking or extended wilderness trips; and/or

C. allowing temporary structures or installations as part of a commercial service permitted under section 4(d)(6) of the Wilderness Act

d. **Unconfined recreation** is enjoyed without management restriction. This sense of freedom has long been acknowledged as an important component of the wilderness experience. Visitor education should be used to achieve management objectives where feasible, and only the minimum amount of regulation necessary to achieve desired objectives may be used. However, biophysical and social carrying capacities may vary widely within and between wilderness areas due to variations in types and amounts of uses and resource characteristics. Decisions on management restrictions should be made during the wilderness planning process.

i. Management restrictions can be applied only to protect some quality of wilderness character. Indirect methods of reducing visitors' impact, such as trail design, information, and education are generally preferred over direct (regulatory) methods, such as requiring permits, requiring certified weed-free hay for recreational livestock, designating campsites, or limiting the number of recreationists, party size, or length of stay. Often, however, indirect methods are insufficient to adequately protect the resources at risk.

ii. It may be appropriate to issue restrictions only on selected portions of the wilderness, or to regulate only some of the wildernesses in a group in proximity with similar wilderness values. For example, campfires may be prohibited only at certain popular areas, rather than through the entire wilderness.

iii. Activities that are not wilderness-dependent may be prohibited without degrading opportunities for unconfined recreation. Non-wilderness-dependent activities may also impair aspects of wilderness character and, when this is the case, should be prohibited. Such activities may include:

A. Contests, such as physical or mental endurance of a person or animal,, foot races, canoe or boat races, competitive trail rides or other forms of competition, and survival contests;

B. military exercises; and/or

C. recreational or hobby collecting of specific types of rock or common mineral specimens (see also section 1.6.C.3 above).

e. **New activities and technologies** will be evaluated as they are developed. Neither the Wilderness Act nor this manual can anticipate all possible uses and technologies that may arise over time. When a new technology or activity is proposed for recreational use in a wilderness area, the BLM must first consider whether the technology or activity violates one of the prohibitions of Section 4(c), as defined in section 1.6.B and the Glossary. For example, geocaching with a physical cache is not permitted in wilderness since this activity violates Section 4(c) through its use of installations.

If a new activity or technology does not violate one of the Section 4(c) prohibitions, the BLM may allow it as long as it does not otherwise impair wilderness character. Geocaching with virtual caches, for example, does not violate any of the 4(c) prohibitions and may be allowed at the discretion of the manager. However, if this activity impacts an area's wilderness character—by drawing visitors to sensitive wilderness resources or impacting solitude, for example—the manager may prohibit this activity.

14. **Research**

a. **Background**. Wilderness offers important and unique opportunities for biophysical and social science research in areas that are relatively unmodified by modern people; these studies may improve wilderness stewardship and benefit both science and society. Educational benefits derived from such research can be significant. All research in wilderness will be managed to minimize impairment of wilderness character through the use of the MRDG and applicable NEPA analysis. Though its use is not required for BLM managers, *A Framework to Evaluate Proposals for Scientific Activities in Wilderness* (U.S. Forest Service General Technical Report RMRS-GTR-234WWW) may be of assistance to both managers and researchers in developing and analyzing research proposals. See also Appendix B of this manual.

b. **General principles**. All research proposals may be subject to additional program-specific requirements beyond the guidance provided in this section.

c. **Research proposed with a use prohibited by Section 4(c) of the Wilderness Act**. Section 4(c) of the Act prohibits an array of uses and activities, including erecting structures and installations; using motor vehicles, motorized equipment, non-motorized mechanical transport; and landing aircraft, including dropping or picking things up from aircraft that do not land (see also section 1.6.B). Exceptions to these prohibitions can be made "as necessary to meet minimum requirements for the administration of the area" as wilderness. Administrative purposes include research that will enhance knowledge and effective protection of wilderness resources. Science activities related to health and safety concerns also may be exempt from the Section 4(c) prohibitions.

i. Generally, any research that **must** employ a prohibited use and **can** be done outside the wilderness **must** be done outside the wilderness. In some circumstances, the BLM may determine through the use of the MRDG and associated NEPA analysis that a 4(c) prohibited use may be allowed for research that would provide substantial benefits to the preservation of wilderness character even if such research could take place outside of wilderness.

ii. Any research that **can** be done without a prohibited use **must** be done without a prohibited use if it is conducted in wilderness. When a research project is broken down into component actions, each action that can be done without a prohibited use **must** be done without a prohibited use.

iii. Research, or any component action of research, that **must** employ a prohibited use and **must** be done in wilderness may be permitted if the use meets the minimum necessary test and the benefits to wilderness character

outweigh the impacts. In considering whether to allow this research, managers must take into account all the positive and negative effects to the various qualities or components of wilderness character. Be sure to include both the Undeveloped quality and the Unique or Supplemental quality that encompasses the scientific values of the wilderness.

iv. In determining if a prohibited use is in fact necessary, factors such as cost, efficiency, and time constraints based on non-wilderness concerns should not be used as criteria for excluding non-prohibited methods or alternate locations.

d. **Research proposed without a use prohibited by Section 4(c) of the Wilderness Act**. These activities must still be analyzed to weigh both benefits and negative impacts to wilderness character. The fact that no prohibited use would be employed does not automatically mean the research would be allowed since some research could impair wilderness character even if it does not involve prohibited uses.

15. **Restoration and Vegetation Management**

a. **General principles.** Generally, wilderness areas must, at a minimum, be managed to maintain the baseline degree of wilderness character that existed when the area was designated by Congress. When possible, management activities should emphasize enhancement of wilderness character over time. Natural processes should always be favored to restore disturbed vegetation in order to maintain the Untrammeled, Natural, and Undeveloped qualities of wilderness character, as well as outstanding opportunities for Solitude or Primitive and Unconfined Recreation. However, in some cases, restoration management activities may be needed to restore vegetation and to preserve or enhance the area's wilderness character, despite the impacts of such activities on the Untrammeled quality of wilderness character. The need for active restoration and the alternatives available for conducting restoration activities must be analyzed using the MRDG.

b. **Use of Minimum Requirements Decision Guide**. An analysis using the MRDG must be made in non-urgent situations to determine whether or not any restoration action within a wilderness is warranted. The MRDG must also be used to determine the most appropriate method to use in order to minimize impacts to wilderness qualities. See section Appendix B.

c. **Structures**. When structures exist in a wilderness and are not eligible for listing in the National Register of Historic Places, the management plan should evaluate whether they must be maintained or can be removed.

An example of a structure that may be removed is a range line cabin that is no longer needed.

d. **Surface disturbances**. When surface disturbance exists, the management plan should evaluate whether the disturbance can be removed or made less noticeable. Common examples are routes that once were used by motor vehicles but have been closed by the wilderness designation. Reclamation of these routes can enhance the area's wilderness qualities. Reclamation can also discourage or prevent illegal motorized and mechanical transport.

e. **Unauthorized or illegal activities**. Some wilderness areas have evidence of activities that are unauthorized or illegal. Examples are desecration of cultural sites, establishment of dump sites, graffiti, and vandalism of signs and other authorized installations. Reclamation activities designed to reduce or eliminate the evidence of such activities will enhance the wilderness qualities of the area by increasing naturalness.

f. **Vegetation**. Whenever possible, the BLM will rely on natural processes to maintain native vegetation and to influence natural fluctuations in populations within wilderness. Natural disturbance processes, including fire, insect outbreaks, and droughts, are important shapers of the ecosystem. In some cases, vegetation in a wilderness has been altered by past human activities. Fire suppression, livestock grazing, and introduction of invasive species are examples of activities that may have changed the vegetative composition within the wilderness.

Manipulation of vegetation through prescribed fire, chemical application, mechanical treatment, or introduced biological agents, is normally not permitted. Exceptions may include emergencies, actions taken to recover a federally listed threatened or endangered species, control of non-native species, and restoration actions where natural processes alone cannot recover the area from past human intervention. All management activities must be designed to strive towards natural vegetative composition and processes that reflect what would likely have developed with minimal human influence.

i. *Emergencies*. Vegetation may be manipulated when there is no effective alternative for controlling wildfires, insects, or diseases that threaten non-Federal lands. Reseeding or planting of native species may be undertaken following wildfire or other natural disaster if natural seed sources are not adequate to compete with non-native vegetation or substantial unnatural soil loss is expected.

ii. *Restoration for the preservation of wilderness character*. There are three primary types of restoration for preservation of wilderness character:

A. Restoration of site specific disturbances. Restoration of pre-designation human impacts, authorized disturbances, or violations normally includes treatments to restore the appearance of site specific areas and to promote regrowth of native vegetation on the disturbed site.

B. Restoration of native vegetative communities and control of non-native vegetation. Non-native vegetation that interferes with ecosystem function, or illegally cultivated plants (e.g. marijuana), may be controlled using the method or combination of methods known to be effective while causing the least damage to non-target species. Reseeding or planting of native species may be done following weed treatment where natural seeding is not adequate and to prevent non-native vegetation from becoming reestablished.

C. Restoration of broad-scale landscape function. Some landscapes in which wilderness areas are located have undergone intentional and unintentional human-caused transformation during the modern industrialized era. In some cases, these landscapes cannot be returned to a natural state without further intervention as a result of departures from the natural composition, structure, and density of native plant species, with impacts to native animal habitats, soil stability, and watershed function. Management actions may be taken to restore vegetation to characteristic conditions of the ecological zone in which the area is situated, to the extent that they will not cause unacceptable impacts to other components and processes of the ecosystem or to wilderness character as a whole and where:

I. natural successional processes have been disrupted by past human activity and to the extent that intervention is necessary in order to return the ecosystem to a condition where natural process can function; or

II. restoration through natural processes would require lengthy periods of time during which the impacted area would suffer other degradation of wilderness character without intervention

iii. *Required Analysis.* Restoration projects are based on landscape assessments that identify historical range of variability, current condition, restoration targets, and cumulative effects of management. The decision to manipulate an ecosystem must be based upon clearly articulated, well-supported management objectives and the best scientific information available. To adequately address the impacts to wilderness character, this manual requires

that, at a minimum, the EA or EIS for any proposed manipulation of vegetation must address the following:

A. a description of the natural vegetative community and processes, based on historical and scientific evidence, that would have existed prior to the effects of industrialized humans,

B. the existing condition and the departure from the natural vegetative community and processes,

C. evidence from existing research/application that the proposed treatment will bring about the desired result, and

D. an evaluation of the likelihood of the natural system to be self-sustaining after the treatment. Treatments should allow for natural processes to resume. Where this is not possible because of conditions outside the wilderness (e.g. a fire regime influenced by adjacent private land development), the contributing conditions and factors must be described. All other projects should be designed to emphasize the role of natural restoration processes.

iv. Restoration treatments should use the least disruptive techniques. Normally, patient, incremental treatments should be favored over aggressive attempts to restore long-term changes all at once.

v. Monitoring programs must be in place prior to treatment and must be sufficient to evaluate responses of key ecosystem components and processes at multiple scales.

vi. Establishing non-native plants within a wilderness is normally not permitted. Exceptions may be made where native species cannot be grown to adequately compete with non-native species, and replacing one non-native with another non-native species will prevent further degradation of wilderness character and ecological function.

vii. Trees, shrubs, or other vegetative products removed as part of a restoration activity ordinarily may not be sold. Stewardship contracts, where the removed products become the property of the contractor, may be permitted as commercial services under Section 4(d)(5) of the Wilderness Act "to the extent necessary for...wilderness purposes." See also section 1.6.C.4 of this manual.

16. **Rights-of-Way**

a. **Background**. This section deals with rights-of-way not covered elsewhere (1.6.C.9 and .11) in this manual.

b. **New rights-of-way**. No new rights-of-way will be approved unless required by law.

c. **Existing rights-of-way**. Rights-of-way predating the designation of the areas as wilderness may be renewed if they are still being used for their authorized, pre-designation purpose. Adding other purposes post-designation is not allowed. Necessary, routine maintenance to keep an existing right-of-way facility in a safe and reliable condition, as well as any additional actions authorized in the original permit, may be permitted to continue, but may be subject to analysis through the MRDG (see Appendix B) and NEPA as applicable.

17. **Search and Rescue**

a. **Background**. As described in section 1.6.B of this manual, "emergencies involving the health and safety of persons within the area" are an exception to the majority of the Section 4(c) prohibited uses, including the use of motor vehicles and the landing of aircraft. See both section 1.6.B of this Manual and the Glossary for more information on prohibited uses. It is the BLM's policy goal for search and rescue activities to be conducted, to the greatest extent possible, with non-motorized equipment and non-mechanical transport of supplies and personnel.

b. **General principles**. Generally, otherwise prohibited uses can be employed in search and rescue operations only in emergency situations—that is, matters of immediate and urgent necessity. In most cases on BLM-administered lands, the local sheriff's office (or other State or local entity) will have responsibility for search and rescue operations and is generally the organization best equipped to handle them. However, the BLM retains the authority to approve the landing of aircraft, the use of motorized equipment or mechanical transportation (including wheeled carts), or other uses generally prohibited by Section 4(c). In emergency situations, a detailed Minimum Requirements analysis is inappropriate and the decision on authorization of normally prohibited uses should always err on the side of protecting human life.

For most wilderness areas, a Search and Rescue Plan is useful to establish and document emergency procedures between the BLM and the lead search authority. Use of the "minimum requirements" concept is appropriate during preparation of the Search and Rescue Plan so that all parties involved are following established procedures during the emergency and applying the minimum requirements concept, without unnecessary delays or risks to victims or rescuers. The plan may also address training needs and practices. When training is identified as a possible need inside a wilderness the MRDG must be

used to assure this is the minimum tool necessary to achieve training needs. As part of this Plan, preparation of a Memorandum of Understanding can help all parties better understand the mission, responsibility, and authority of various organizations related to search and rescue.

c. **Managing search and rescue**. The BLM will use the following guidelines in managing search and rescue within wilderness areas**:**

i. Generally, uses prohibited by section 4(c) of the Act may not be employed in non-emergency situations, such as training. This includes lowering rescue trainees out of aircraft or pre-positioning rescue equipment within a wilderness.

ii. Search and rescue emergencies may include the recovery of deceased persons.

iii. The BLM should consider different alternatives to reduce the need for search and rescue missions. These include:

A. Informing wilderness visitors that they face inherent risks of adverse weather conditions, isolation, physical hazards, and lack of rapid communications; search and rescue may not be rapid or even possible, and should not be expected.

B. Requiring permits or other personal contact requirements.

C. Temporary closures during dangerous environmental conditions. This might include both uncommon events (wildfire in the area) and also common events (high winds making the rescue of stranded climbers more difficult).

iv. In developing a Memorandum of Understanding with the local lead search and rescue agency, the following general principles should serve as an outline.

A. Authority to approve the use of motorized equipment or mechanical transport in an emergency rests with the BLM State Director but may be delegated to the District or Field Manager. The BLM will allow, without prior request from the lead search and rescue agency, the landing of aircraft or the use of motorized equipment or mechanical transport (only to the extent necessary) in the wilderness to:

I. Search for and rescue when there is a good reason to believe that the person being searched for has a life-threatening injury or life-threatening illness, or is a child separated from her or his guardians;

II. Search for and rescue when there is good reason to believe the lost person will be placed in a life-threatening situation such as may happen as a result of a predicted adverse change in the weather;

III. Search for and rescue people with life-threatening injuries or illnesses;

IV. Search for and rescue people whenever there is the strong possibility that an injury may be life-threatening or a situation where an individual may face a life-threatening situation such as a result of a predicted adverse change in the weather; and

V. Search for and recover deceased persons.

B. The lead search and rescue agency will:

I. Use motorized equipment or mechanical transport within wilderness without prior request of the BLM only as described in iv.A. above;

II. Make advance request to the BLM for the use of motorized equipment or mechanical transport in the wilderness for all search and rescue operations that are not consistent with situations described in iv.A. above;

III. Identify a point of contact to make decisions regarding the use of motorized equipment or mechanical transport in wilderness;

IV. Make only the minimum necessary use of motorized equipment or mechanical transport within the wilderness;

V. Ensure that all search and rescue operations minimize resource impacts and impacts to wilderness visitors; and

VI. As soon as possible after the emergency, notify the BLM field manager of the search and rescue activities, and submit a written report at the conclusion of the mission that includes:

- the date(s) of the emergency;
- the location of the search or rescue activities;
- the nature of the initial report and, if different, the nature of the actual situation; and
- the number of responding personnel, and the number, type, and amount of use of any prohibited tool.

18. **Soil, Water, Air**

a. **Background**. Soil, water, and air are important components of the wilderness resource and may be protected more rigorously in wilderness than elsewhere. The BLM should use the Minimum Requirements Decision Guide (MRDG) and subsequent NEPA analysis (see section Appendix B of this manual) to determine if temporary or permanent monitoring installations may be allowed inside a wilderness area. For example, the BLM may determine through the use of the MRDG that a water quality monitoring installation is necessary to address potential threats to human safety.

b. **Soil resources**. The BLM will keep soils in as natural a condition as possible and will allow (or assist) associated ecological processes previously altered by human influences to return to their natural condition. Impacts to soils may be difficult to perceive and can vary widely in severity, particularly in desert soils. Impacts to mineral soils may be nonexistent, while those to areas with a highly developed biological community, such as cryptobiotic soils, may be severe and difficult to correct.

   i. Where recreational impacts threaten soil structure or function, visitor use management techniques should be employed. Indirect methods of reducing visitors' impact, such as providing information on how to reduce impacts, are generally preferred over direct (regulatory) methods. However, information and education alone may be insufficient. Direct methods, such as closing areas with cryptobiotic soils to off-trail use, may be needed to preserve wilderness character as a whole. See also section 1.6.C.13 of this manual.

   ii. If current livestock grazing management is contributing to a loss of soil integrity, management actions should be implemented. Management practices include, but are not limited to: change in season of use, use of herding practices, changes to salt and water locations, changes in numbers, etc. Additional installations to control livestock, such as fencing, identified through the use of the MRDG and applicable NEPA analysis (see 1.6.D.3), should be implemented only as a last resort and must enhance the protection of wilderness character. See also section 1.6.C.8 of this manual.

c. **Water resources**. The BLM will keep watersheds and water bodies in a naturally functioning condition and will allow (or assist) associated ecological processes previously altered by human influences to return to their natural condition. Because of the relative scarcity of water in many BLM wilderness areas, water quality and quantity are particularly important.

   i. Where recreational impacts threaten water quality, visitor use management techniques should be employed. Indirect methods of reducing visitors'

impact, such as providing information on how to reduce impacts, are generally preferred over direct (regulatory) methods. However, information and education alone may be insufficient. Direct methods, such as requiring camping setbacks from water or packing out human waste, may be needed to preserve wilderness character as a whole. See also section 1.6.C.13 of this manual.

ii. Where impacts from livestock grazing threaten water quality, modifying the terms and conditions of the grazing permit may be necessary. Additional installations to control livestock, authorized through the use of the MRDG and associated NEPA documentation (Appendix B), should be allowed only as a last resort and must enhance the protection of wilderness character. See also section 1.6.C.8 of this manual.

iii. Unless otherwise provided for in designating legislation, the BLM may assert a Federal reserved water right necessary to satisfy the primary purposes of the designated wilderness area.

d. **Air quality**. FLPMA directs the BLM to manage the public lands according to multiple use and sustained yield principles and in a way that protects the quality of resources, including air and atmospheric resources. FLPMA also requires that the BLM's land use plans provide for compliance with applicable air pollution standards or implementation plans. The Prevention of Significant Deterioration program under the Clean Air Act specifically addresses national wilderness areas and other "clean air resources."

The BLM has a few wilderness areas that are currently designated as "Class I" and receive the greatest protection under the Clean Air Act. However, almost all BLM wilderness areas are designated "Class II" under the Clean Air Act. This classification allows moderate impairment associated with controlled industrial and population growth. The BLM must consider the following regarding air quality in wilderness areas:

i. The BLM will continue to manage Class II areas consistent with FLPMA and the Clean Air Act requirements for Class II areas, unless an area is redesignated as "Class I" by the State through procedures under the Clean Air Act. The BLM will participate in the design and permitting phases of potential point sources of air pollution to ensure Best Available Control Technology requirements and other Clean Air Act obligations are met.

ii. The BLM will manage wilderness areas classified as Class I in a manner consistent with FLPMA and the Clean Air Act requirements. Under the Clean Air Act, the BLM has an affirmative responsibility to protect the Air Quality Related Values (including visibility) of the lands within such areas.

19. **Traditional Use by Native Americans**

a. **Background**. Many wilderness areas are, in whole or in part, also important locations for traditional uses by Native Americans, from areas important for the collection of natural materials, to places for traditional religious practice, and entire landscapes of cultural identity. Traditional uses in wilderness are managed in accordance with the Wilderness Act, the National Historic Preservation Act, the Archaeological Resources Protection Act, the American Indian Religious Freedom Act (AIRFA), the Religious Freedom Restoration Act (RFRA), the Native American Graves Protection and Repatriation Act, Executive Order 13007—Indian Sacred Sites, the Department of the Interior Tribal Consultation Policy of December 2011, and BLM Manual 8120.

b. **General principles.** The following are some examples of how Native Americans exercise their rights in wilderness:

i. Access to sacred sites important to their religion.

ii. Use and possession of sacred objects important to the exercise of religious rites and ceremonies.

iii. Freedom to worship through ceremonies and traditional rites without government intrusion or interference.

c. **Specific implementation**. The BLM will allow Native American traditional practices that are consistent with preserving wilderness character, as well as uses guaranteed by treaty rights which may impair wilderness character. In addition, the BLM will use the following guidelines in managing traditional uses in wilderness areas**:**

i. Traditional uses and sacred locations can only be identified by Indian tribes or tribal representatives. The BLM will consult with designated representatives of appropriate federally-recognized tribes to identify these uses and locations. If affected Indian tribes are reluctant to divulge this information, the BLM assumes that these sites and resources will be adequately protected if the area's wilderness character is preserved.

ii. Native Americans may have rights guaranteed by treaty to collect natural materials from a wilderness area for religious or subsistence purposes without additional authorization from the BLM. In addition, under AIRFA and RFRA, Native Americans may be permitted by the BLM to collect for religious purposes natural materials that are not allowed to be collected by other members of the public even though not explicitly guaranteed by treaty.

iii. In accessing a sacred site or collecting natural materials in wilderness, Native Americans may not use motor vehicles, motorized equipment,

motorboats, mechanical transport, or land aircraft, unless the use of such prohibited tools is guaranteed by treaty or any special provisions in enabling legislation.

iv. In general, the BLM will not close a wilderness or portion of the wilderness for Native American traditional practices. In rare instances, upon the request of an Indian tribe or Indian religious community, the BLM may temporarily close to the general public use of one or more specific portions of a wilderness area in order to protect the privacy of traditional cultural and religious activities in such areas by Native Americans. Any such closure will affect the smallest practicable area for the minimum period necessary for such purposes.

20. **Wild Horses and Burros**

a. **Background**. When managing wild horses and burros within wilderness the BLM must ensure that both herd population numbers and management techniques are compatible with the preservation of the area's wilderness character.

b. **Appropriate management level.** When determining the appropriate management level for heard management areas HMAs that are within or partially within wilderness areas, the BLM will ensure that the herd population does not exceed the productive capacity of the habitat, as determined by the best available science and monitoring activities, in order to maintain a thriving natural ecological balance and prevent degradation of wilderness character, watershed function, and ecological processes.

c. **Herd management area plans.** Herd management area plans (HMAPs) for HMAs that are within or partially within wilderness must identify management actions required to preserve wilderness character in addition to maintaining healthy populations of wild horses and burros.

d. **Prohibited uses and herd management.** In managing wild horses and burros within wilderness, the BLM may only employ uses prohibited by Section 4(c) of the Wilderness Act when they are necessary to meet the minimum requirements for administering the area for the purpose of the Wilderness Act or where the uses are required under the Wild Free-Roaming Horse and Burro Act of 1971. The MRDG will be used to determine when prohibited uses—such as motorized or mechanized vehicles, motorized equipment, and installations (such as traps, temporary corrals, and fences)—are permissible for the management of wild horses and burros. The location, frequency, and timing of prohibited uses that have been analyzed through the MRDG and determined to be the minimum requirements will be identified in the HMAP and the applicable wilderness

management plan. Installations associated with wild horse and burro management activities should not be built within wilderness areas where alternative non-wilderness public land locations are available.

21. **Wildlife**

a. **Background**. Wildlife management within wilderness is guided by all relevant laws, including the Wilderness Act, acts designating specific wilderness areas, the Endangered Species Act, the Migratory Bird Treaty Act, Native American treaty rights, 43 CFR 6300 (Management of Designated Wilderness Areas), 43 CFR 24 (Department of the Interior Fish and Wildlife Policy: State-Federal Relationships), and applicable State laws and policies regarding wildlife.

b. **General principles**. Both the BLM and State fish and wildlife agencies are responsible for strengthening cooperative management for fish and wildlife resources in wilderness. Stewardship of wilderness resources, including fish and wildlife, depends upon effective communication and consultation between the BLM and State agencies and respect for individual management responsibilities in accordance with applicable Federal and state laws. Toward that end, BLM state offices are encouraged to enter into individual agreements with their respective State fish and wildlife agencies consistent with the Wilderness Act, the Endangered Species Act, acts designating specific wilderness areas within their area of responsibility, and other applicable law. This policy should provide a framework for cooperation between the BLM and the states on the coordination of fish and wildlife management and in the development of cooperative agreements and management plans.

i. States have a primary and critical role in fish and wildlife management (43 CFR 24). “In general the States possess broad trustee and police powers over fish and wildlife within their borders, including fish and wildlife found on Federal lands within a State.” (43 CFR 24.3). Fish and wildlife management activities in BLM wilderness will be planned and carried out in conformance with the Wilderness Act's purpose of securing an "enduring resource of wilderness" for the American people through the preservation of each area’s wilderness character. See section 1.6.A.2 for a more complete discussion of wilderness character.

ii. The ultimate responsibility to preserve wilderness character rests with the BLM. The BLM’s wilderness regulations (43CFR 6303.1) state that in relevant part, “As necessary to meet minimum requirements for the administration of the wilderness area, BLM may:…(c) Authorize officers, employees, agencies, or agents of the Federal, State and local governments

to occupy and use wilderness areas to carry out the purposes of the Wilderness Act or other Federal statutes."

iii. Fish and wildlife management activities should emphasize the protection of natural processes in a wilderness context. It is expected that nature, not human intervention, will play the dominant role. In some cases, active management of wildlife or habitat will be necessary to preserve the Natural quality of wilderness character, despite the impairing nature of these actions on the Untrammeled quality of wilderness character. Management activities will be guided by communication and cooperation with the State wildlife agencies and the principle of doing only the minimum necessary to manage the area as wilderness, as determined by application of the MRDG.

iv. Non-native species may not need to be eradicated if they have become naturalized, but, other than as provided in sub-section 21.c.vi below, no prohibited use can be employed in their maintenance or propagation. All practicable effort will be made to keep non-native species new to a wilderness area from becoming naturalized.

v. To the extent practicable, all fish and wildlife management activities will be undertaken in such a way as to preserve wilderness character and minimize impacts to visitors.

c. **Project implementation**.

i. *Analysis of Project Proposals*. When an activity that could impair wilderness character is proposed in a wilderness, the BLM will evaluate whether the proposed activity is the "minimum necessary" for administration of the area for the purpose of the Wilderness Act. The BLM will coordinate with the State to conduct the appropriate analysis taking into account any existing agreements between the State and the BLM. The BLM will take into consideration any State analysis offered. In communication and cooperation with the state, the BLM will use the MRDG and any associated NEPA analysis to determine on a case by case basis the minimum requirements for projects. Advance approval from BLM is required for any project that could impair wilderness character prior to project implementation. Any use of Section 4(c) prohibited uses, such as use of motorized equipment, must be determined by the BLM to be the minimum necessary to preserve wilderness character.

ii. *Research and surveys*. Research on fish and wildlife, their habitats, and the recreational use of these resources can be an important tool in sustaining natural wildlife populations and preserving wilderness character. Where a research or management survey requires the use of a prohibited use (e.g.

motorized equipment, the landing of aircraft, including dropping material from aircraft, or the placing of any structure or installation) the BLM, in coordination with the state, using the MRDG and subsequent NEPA analysis, has the authority to approve or deny that use. The BLM should also consider whether research could impair wilderness character even if it does not involve prohibited uses (for example, social science surveys that could impair solitude and could be done outside of wilderness).

The BLM does not manage overflights conducted by other agencies, but every effort should be made to communicate and cooperate with State wildlife agencies or other researchers so that the overflights minimize the disturbance of visitors and wildlife. (Also see 1.6 C.14.)

iii. *Facility development and habitat alteration***.** In rare instances, facility development and habitat alteration may be necessary to preserve wilderness character by alleviating adverse impacts caused by human activities on fish and wildlife. These actions must be the minimum necessary, as determined through the use of the MRDG and associated NEPA analysis. These actions can only be used as replacement for resources lost as a result of human influence, not to supplement naturally occurring resources. (Also see 1.6 C.15.)

A. All structural habitat developments necessary for fish and wildlife management that were in existence before wilderness designation may be permitted by the BLM to remain in operation if they remain the minimum necessary for the preservation of wilderness character. Habitat developments that do not meet this criterion will be removed or relocated outside the wilderness unless specific enabling legislation provides an exception for the removal or relocation of such developments. Habitat developments for nonnative species are presumed not to be the minimum necessary and will be removed or relocated, unless this removal will unduly impair wilderness character, in which case they may remain and be made non-functional. The BLM will coordinate with the State wildlife agency in making decisions on the status of habitat developments for fish and wildlife management, and whether to remove or relocate installations.

B. If facilities or habitat alterations are necessary, priority will be given to locating new (or relocating existing) developments outside of wilderness. This is especially important for wildlife species that spend only part of the year in wilderness.

iv. *Threatened and Endangered species*. Many wilderness areas provide important habitat for federally listed threatened or endangered wildlife species. The BLM will manage wilderness areas to protect and recover known populations of federally listed threatened or endangered species and to aid in their recovery in previously occupied habitat.

A. To protect or recover threatened, endangered, or candidate species necessary actions, including habitat manipulation and special protection measures, may be implemented in wilderness to a degree greater than for unlisted species. Nevertheless, any wilderness-impairing actions must be necessary for the protection or recovery of the species and it must be demonstrated that the actions cannot be done as effectively outside wilderness. In coordination with the U.S. Fish and Wildlife Service and applicable State wildlife agencies, the BLM will use the MRDG to determine the actions that least impair wilderness character.

B. Threatened and endangered species may be transplanted into previously occupied habitat within wilderness. By policy, all transplants will require approval by the BLM in coordination with the applicable State wildlife agencies through the use of the MRDG and subsequent NEPA analysis. The BLM's NEPA analysis will evaluate the impacts of the activity on wilderness character.

C. When alternative areas outside of wilderness offer equal or better opportunities for habitat improvement for species protection, recovery actions will be taken outside of wilderness first, in cooperation, as applicable, with the U.S. Fish and Wildlife Service and State wildlife agencies,

v. *Use of chemicals*. Chemical treatment may be necessary to prepare habitat for the reestablishment of native species, to protect or recover federally listed threatened or endangered species, or to correct unnatural conditions resulting from the influence of humans.

A. Chemicals used to kill unwanted species are subject to additional restrictions:

- Use only registered pesticides according to label directions and applied only by certified pesticide applicators.
- In selecting pesticides, give preference to those that will have the least impact on non-target species and on the wilderness environment.

B. Any use of chemicals in wilderness must be approved by the BLM. Any use prohibited by the Wilderness Act employed in the delivery of chemicals must be approved through the use of the MRDG and subsequent NEPA analysis.

vi. *Fish stocking*. The BLM should coordinate with state agencies regarding fish stocking within wilderness. Any prohibited use must be approved through the use of the MRDG and associated NEPA analysis. Examples of fish stocking activities that may be appropriate include:

A. Stocking to perpetuate or recover a threatened or endangered species, or to reestablish or maintain a native species adversely affected by human influence.

B. Stocking non-native fish stocked prior to wilderness designation if the species is likely to survive. Otherwise, non-native species of fish must not be stocked and may be removed.

Selection of species for stocking will be determined jointly by the BLM and the State agency. Numbers and size of fish and timing of stocking will be determined by the State agency. The State agency will make proposed fish stocking schedules available to the BLM, indicating what species and numbers are planned for each water within a wilderness.

C. Naturally fishless lakes and streams may be considered for stocking only to perpetuate or recover a threatened or endangered species, and only if there is mutual agreement between the State agency and the BLM that the benefits to conservation, as supported by science, outweigh the adverse impacts to wilderness character.

vii. *Transplanting wildlife*. By policy, all transplants will require approval by the BLM in coordination with the applicable State wildlife agencies through the use of the MRDG and subsequent NEPA analysis. The BLM's NEPA analysis will evaluate the impacts of the activity on wilderness character. Examples of wildlife transplanting activities that may be appropriate include:

A. transplanting to perpetuate or recover a threatened or endangered species.

B. transplanting to restore the population of a native species eliminated or reduced by human influence. Transplants must be made in a manner compatible with preserving the wilderness character of the area.

viii. *Wildlife Damage Control*. Wildlife damage control in wilderness may be necessary to conserve Federally listed threatened, endangered species, or

candidate species, to prevent transmission of diseases or parasites affecting wildlife and humans, or to prevent serious losses of domestic livestock. Refer to MOUs between the Animal and Plant Health Inspection Service (APHIS) and the Federal administering agencies regarding permissible action in wilderness. Proposals that would involve uses generally prohibited under Section 4 (c) of the Wilderness Act will be considered and may be authorized by the Federal administering agency through the MRDG. The BLM should consider the following when reviewing wildlife damage control actions within wilderness areas:

A. Control measures should be implemented by the Animal and Plant Health Inspection Service, the BLM, the State fish and wildlife agency, or other approved State agency, pursuant to cooperative agreements or memoranda of understanding.

B. Control measures should be directed at the individual animals causing the problem.

C. Acceptable control measures include lethal and nonlethal methods. Criteria for choosing a particular method include need, location, environmental conditions, the preservation of wilderness character, and applicable federal and state laws. Only the minimum amount of control necessary to solve the problem should be used.

D. Wildlife may be killed, hunted, or otherwise controlled if necessary to protect federally listed threatened or endangered species, to prevent transmission of diseases or parasites affecting humans, or to prevent transmission of diseases or parasites affecting other wildlife.

E. Wildlife may be killed, hunted, or otherwise controlled if necessary to prevent serious losses of domestic livestock. In such cases, control must be directed only at the individual animals causing the problem.

F. Killing, hunting, or otherwise controlling nonnative species also may be necessary to reduce conflicts with native species. Killing, hunting, or otherwise controlling native species, including those reintroduced, to reduce conflicts with other native species (other than covered under sub-section viii.E, above) is not permitted, unless mutually agreed upon between the State agency and the BLM, and is consistent with preservation of wilderness character.

G. Nonnative, domestic, and feral animals maybe killed, hunted, or otherwise controlled by Federal and State agencies to protect wilderness character.

H. Poisons should be used only where other measures are not practicable, subject to additional restrictions:

I. Use only registered pesticides according to label directions and applied only by certified pesticide applicators.

II. In selecting pesticides, give preference to those that will have the least impact on non-target species and on the wilderness environment.

III. Place temporary warning signs at the entrance to the area where pesticides are being used to warn the public of any dangers to themselves or their pets. Maps that adequately indicate where the pesticides will be placed should be posted at access points, and made available to the public in the local office and through local public media outlets.

ix. *Visitor uses and management*. Angling, hunting, antler collecting, and trapping are legitimate wilderness activities subject to applicable federal and state laws and regulations. Recreational uses associated with fish and wildlife resources, such as hunting, fishing, and wildlife viewing, are important primitive recreational activities associated with many wilderness areas. The BLM will communicate and cooperate with State agencies regarding issues relating to recreational use involving fish and wildlife resources.

A. Firearms are not "motorized equipment."

B. Traps and snares may be left behind, for a reasonable period of time, when the trapper leaves the wilderness without being considered an "installation." However, placement of these devices may be subject to conditions of approval, developed in coordination with State wildlife agencies, which differ from trapping regulations on non-wilderness lands in the state.

C. To the extent it determines that that they are necessary for realizing the recreational use of the area, the BLM may issue permits to hunting and fishing outfitters and guides.

D. Except as provided in .ix.A.II, above, and in conformance with restrictions on other user-created recreational developments (see 1.6.C.13.c.xii), no structures or installations may remain in wilderness areas after the visitor has left that wilderness unless these prohibited uses are determined by the BLM to be the minimum necessary to manage the area as wilderness.

E. Because of the Wilderness Act prohibition on commercial enterprises (other than those covered in subsection ix.C, above, as allowed under Section 4(d)(5) of the Wilderness Act), the recreational activities described in this section can be undertaken in wilderness for personal use only. Sale of wildlife products gathered from wilderness is prohibited. This includes, but is not necessarily limited to:

I. sale or barter of fish or meat

II. sale or barter of skulls, skins, or mounts

III. sale or barter of antlers, either as collected or "value-added" furniture

IV. sale or barter of any trapped animals or their fur

To ensure angling, hunting, antler collecting, and trapping remain non-commercial, the BLM will communicate and cooperate with the State wildlife agency to determine if reasonable restrictions on these activities should be in place for the wilderness area. When restrictions are deemed necessary, they will be developed in coordination with the responsible State agency.

When necessary regulations may be developed and may include registration requirements, possession limits, equipment limits, seasonal limits, species limits, or combinations thereof. See also sections 1.6.C.3 and 1.6.C.13.d.iii of this manual for further details.

F. When necessary to minimize human disturbance to a wildlife species, the BLM, through communication and cooperation with the State agency, may take action to control visitor use. Indirect management actions are preferable, but direct actions that limit visitor use, including area closures or seasonal limitations to certain activities, may be enacted and enforced by the BLM.

D. Wilderness Planning and Decision-Making

1. Boundaries

a. In general, Congress specifies wilderness boundaries in the legislative language and on the legislative map(s) that accompany each wilderness bill. The wilderness boundaries established by Congress are fixed and cannot be changed except by law. Where boundaries are not specified in law or specific direction is not provided by Congress on setbacks, and legislative history gives no indication of the intended boundary, the following guidelines will apply:

i. Where the boundary follows a change of ownership, there is no setback for the wilderness boundary.

ii. Where the boundary follows a survey line, there is no setback for the wilderness boundary.

iii. Where the boundary follows a water course, the boundary will be assumed to be the near (the wilderness side of the water) ordinary high water mark or line of mean high tide, with no setback.

iv. Where the boundary follows an existing vehicle route, the following boundary will be observed:

A. For paved roads, the edge of the right-of-way, or, if no right-of-way, set back 300 feet from the centerline.

B. For regularly maintained unpaved roads, the edge of the right-of-way, or, if no right-of-way, set back 100 feet from centerline.

C. For unmaintained roads or primitive vehicular trails, the edge of the right-of-way, or, if no right-of-way, set back 30 feet from centerline.

v. Where the boundary follows an existing right-of-way not covered in iv., above, the boundary is the edge of the right-of-way.

b. Caves, portions of caves, and karst resources that are within the wilderness boundary are part of the wilderness and subject to the Wilderness Act, applicable regulations, and this manual.

c. Note that this policy does not address how to draw boundaries in preparation of a legislative map. Prior to designation, every effort should be made to draw maps where proposed wilderness boundaries can be easily identified and managed on the ground.

d. Where a BLM wilderness is co-managed with another agency, or is contiguous with another wilderness managed by another agency, every effort should be made to coordinate management between the agencies to minimize conflicting restrictions for visitors and to maximize unified stewardship on biophysical resources.

2. Analysis of Impacts to Wilderness Character from Activities Outside of Wilderness Areas

a. In general, the BLM does not prohibit uses outside a wilderness on public lands solely to protect the wilderness character of the designated lands. When activities on adjacent public lands are proposed, the potential impacts, if any, of those activities upon the wilderness resource and upon public use of the adjacent wilderness area must be analyzed in the applicable NEPA document.

In authorizing new uses, as long as the purpose and need can be met, a reasonable effort must be made to protect the character and values of the nearby wilderness.

b. If allowed by law and regulation, the BLM may require actions to mitigate potential impacts on public lands (such as minor changes to location, limited timing restrictions, using certain paint schemes on equipment, or requiring shades on lights) as identified through the NEPA process if they would not impose additional undue financial burden on the operator.

c. When undertaking completely internal and discretionary actions, such as locating trailheads or campgrounds, the BLM may consider impacts to nearby or adjacent wilderness areas.

3. **NEPA Compliance**

In conformance with BLM Handbook H-1790-1, Appendix 5, if any of the "extraordinary circumstances" are applicable to the action being considered, either an EA or an EIS must be prepared for the action. Among these "extraordinary circumstances" are actions that may "have significant impacts on...wilderness areas." The BLM interprets this language to mean that a categorical exclusion cannot be used to approve any action in a wilderness that would authorize a use listed in 1.6.B.2 of this manual: any commercial enterprise or service; any permanent or temporary road; the use of any motor vehicle, motorized equipment, or motorboat; the landing of any aircraft or the picking up or dropping off of people or material from an aircraft; the use of any other form of mechanical transport; the building or placement of any structure or installation. In addition, a categorical exclusion cannot be used to approve any action in a wilderness that may have a significant impact to wilderness character.

4. **Public Notification**

Field office managers must provide public notice of proposed actions within wilderness areas. Notification should occur as soon as practicable, such as when the purpose and need for a proposal (which may be the same as the "purpose and need" for purposes of NEPA) is defined. Notification may occur through the agency website, local media, and the use of mailing lists of interested parties. In certain instances, such as projects with regional or national interest, Federal Register publication may also be warranted. Any substantive comments from the public (e.g. NEPA scoping comments), solicited or not, should be considered during the NEPA process.

The notice should include enough information for the recipient to understand the purpose, location, nature, size, and expected implementation date of the proposed action.

5. **Wilderness Management Plans**
   Wilderness management plans, which are implementation-level plans that tier to allocation decisions in resource management plans, will be written as soon as is practicable after designation. Where a number of wilderness areas are in close proximity and have similar wilderness character and issues, they may be addressed in a single plan. Details on the form and content of wilderness management plans are found in BLM Manual 8561—Wilderness Management Plans.

1.7 File and Record Maintenance.

A. Offices must create and maintain maps and legal boundary descriptions for Wilderness Areas in accordance with BLM Manual Section 6120**.**

B. After wilderness character baseline data has been gathered, offices will monitor all measures at least every five years, and monitor a selected subset of these measures every year. See Appendix C of this manual for further detail.

1.8 Data Standards.

All offices must utilize the NLCS data standards when developing, amending, or maintaining electronic wilderness geographic datasets. NLCS data standards will be compatible with BLM corporate data standards such as those for the Geographic Coordinate Database, Land Status System (LR2000 etc.), and the Recreation Management Information System.

Glossary of Terms

-A-

Aircraft. Any means of transportation through the air, whether or not it is motorized or remotely controlled. See also 1.6.B.2.g.

Aircraft, Landing of. Bringing down to the surface of the earth (land, water, snow, or ice) any aircraft or anything attached to or carried by an aircraft, during or after a flight. See also 1.6.B.2.g.

Anchor, Permanent Fixed. Climber's hardware requiring the alteration of the rock where the installation is to occur and that is left behind when the climber leaves the wilderness.

-*C*-

Casual Collection. Gathering, without a permit, of a reasonable amount of a common resource for non-commercial personal use, either by hand or the use of non-motorized hand tools resulting in only negligible disturbance to the Earth's surface and other resources. See also 1.6.C.3.

Cherry-Stemmed Route. A dead-end route where the boundary of the wilderness extends up one side of the route, around its terminus, and down the other side.

Commercial Enterprise. Any use or activity undertaken for the purpose of the sale of products or services, for the generation of funds or revenue, or for the promotion of a product, individual or business, regardless of whether the use or activity is intended to produce a profit, including any use or activity where an entry or participation fee is charged. See also 1.6.B.2.a.

-*E*-

Edgeholding. Land owned or managed by an entity other than a wilderness-managing agency that is contiguous with, but not completely surrounded by, the designated wilderness boundary. Parcels touching a wilderness only at a corner are not edgeholdings. See also "Inholding."

Emergency. A situation that requires immediate action because of imminent danger to the health or safety of people or livestock. See also 1.6.:B.3.c, C.8.e, C.10, C.15.f, C.17, and Appendix B.

-I-

Inholding. Land owned or managed by an entity other than a wilderness-managing agency that is completely surrounded by the designated wilderness boundary. If two or more contiguous parcels owned by different parties are completely surrounded by designated wilderness except for their common borders, each is considered an inholding.

Installation. Anything made by humans that is not intended for human occupation and is left behind when the installer leaves the wilderness. See also 1.6.B.2.j.

-M-

Mechanical Transport. Any vehicle, device, or contrivance for moving people or material in or over land, water, snow, ice, or air that has moving parts as essential components of the transport and which apply a mechanical advantage, regardless of power source. (Wheelchairs or other mobility devices that meet the definition of "wheelchair" in the Americans with Disabilities Act, Section 508(c) are not prohibited in wilderness.) See also 1.6.B.2.h.

Motor Vehicle. Any means of transportation over land, snow, or ice that is powered by a motor, engine, or other non-living power source. See also 1.6.B.2.d.

Motorboat. Any means of transportation over water that is powered by a motor, engine, or other non-living power source. See also 1.6.B.2.f.

Motorized Equipment. Any machine that applies force by transferring energy from a motor, engine, or other non-living power source. See also 1.6.B.2.e.

-N-

Natural. Free from the effects of modern civilization. See also 1.6.A.2.c.ii.

-R-

Recreation, Primitive. Activities that provide dispersed, undeveloped recreation and do not require facilities or motorized equipment. See also 1.6.A.2.c.iv.

Recreation, Unconfined. Activities that are enjoyed without unnecessary management restriction. See also 1.6.A.2.c.iv.

Road, Permanent. A route used by motor vehicles or mechanical transport over an indefinite period of time. See also 1.6.B.2.b.

Road, Temporary. A route used by motor vehicles or mechanical transport over a finite period of time. See also 1.6.B.2.c.

-S-

Solitude. The state of being alone or remote from habitations or the sights and sounds of other people; the experience of a lonely, unfrequented, or secluded place. See also 1.6.A.2.c.iv.

Species, Native. With respect to a particular ecosystem, a species that, other than as a result of an introduction, historically occurred or currently occurs in that ecosystem.

Species, Naturalized. A non-native species that is capable of surviving and reproducing without human intervention for an indefinite period.

Species, Non-Native. With respect to a particular ecosystem, a species (sometime referred to as “alien”), including its seeds eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem.

Structure. Anything made by humans that is intended for human occupation and is left behind when the builder leaves the wilderness. See also 1.6.B.2.i.

-U-

Undeveloped. Retaining its primeval character and influence; without permanent improvement or modern human occupation. See also 1.6.A.2.c.iii.

Unique, Supplemental, or Other Features. Attributes not required of or found in every wilderness that reflect the wilderness character of a specific wilderness.

Untrammeled. Unhindered and free from modern human control or manipulation. See also 1.6.A.2.c.i.

-V-

Valid Existing Rights. Defined in Section 701 of FLPMA as any "valid lease, permit, patent, right-of-way, or other land use right or authorization" in existence at the passage of FLPMA or, for Legislative and Section 202 WSAs, the time of designation.

-W-

Wheelchair. A device that is designed solely for use by a mobility-impaired person for locomotion, and that is suitable for use in an indoor pedestrian area.

Wilderness Character. The combination of biophysical, experiential, and symbolic ideals that distinguishes wilderness from other lands. The five qualities of wilderness character are Untrammeled, Undeveloped, Natural, Solitude or Primitive and Unconfined Recreation, and Unique, Supplemental, or Other Features.

Appendix A

The Wilderness Act

Public Law 88-577 (16 U.S. C. 1131-1136)

88th Congress, Second Session

September 3, 1964

AN ACT

To establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Wilderness Act."

WILDERNESS SYSTEM ESTABLISHED STATEMENT OF POLICY

Section 2.(a) In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be designated as "wilderness areas" except as provided for in this Act or by a subsequent Act.

(b) The inclusion of an area in the National Wilderness Preservation System notwithstanding, the area shall continue to be managed by the Department and agency having jurisdiction thereover immediately before its inclusion in the National Wilderness Preservation System unless otherwise provided by Act of Congress. No appropriation shall be available for the payment of expenses or salaries for the administration of the National Wilderness Preservation

System as a separate unit nor shall any appropriations be available for additional personnel stated as being required solely for the purpose of managing or administering areas solely because they are included within the National Wilderness Preservation System.

DEFINITION OF WILDERNESS

(c) 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 untrammeled 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.

NATIONAL WILDERNESS PRESERVATION SYSTEM - EXTENT OF SYSTEM

Section 3.(a) All areas within the national forests classified at least 30 days before September 3, 1964 by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness", "wild", or "canoe" are hereby designated as wilderness areas. The Secretary of Agriculture shall—

(1) Within one year after September 3, 1964, file a map and legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made.

(2) Maintain, available to the public, records pertaining to said wilderness areas, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. Maps, legal descriptions, and regulations pertaining to wilderness areas within their respective jurisdictions also shall be available to the public in the offices of regional foresters, national forest supervisors, and forest rangers.

(b) The Secretary of Agriculture shall, within ten years after September 3, 1964, review, as to its suitability or nonsuitability for preservation as wilderness, each area in the national forests classified on September 3, 1964 by the Secretary of Agriculture or the Chief of the Forest Service as "primitive" and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as "wilderness" or other reclassification of each area on which review has been

completed, together with maps and a definition of boundaries. Such advice shall be given with respect to not less than one-third of all the areas now classified as "primitive" within three years after the enactment of this Act, not less than two-thirds within seven years after the enactment of this Act, 1964, and the remaining areas within ten years after the enactment of this Act. Each recommendation of the President for designation as "wilderness" shall become effective only if so provided by an Act of Congress. Areas classified as "primitive" on the effective date of this Act shall continue to be administered under the rules and regulations affecting such areas on the effective date of this Act until Congress has determined otherwise. Any such area may be increased in size by the President at the time he submits his recommendations to the Congress by not more than five thousand acres with no more than one thousand two hundred and eighty acres of such increase in any one compact unit; if it is proposed to increase the size of any such area by more than five thousand acres or by more than one thousand two hundred and eighty acres in any one compact unit the increase in size shall not become effective until acted upon by Congress. Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of primitive areas or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value. Notwithstanding any other provisions of this Act, the Secretary of Agriculture may complete his review and delete such area as may be necessary, but not to exceed seven thousand acres, from the southern tip of the Gore Range-Eagles Nest Primitive Area, Colorado, if the Secretary determines that such action is in the public interest.

(c) Within ten years after the effective date of this Act the Secretary of the Interior shall review every roadless area of five thousand contiguous acres or more in the national parks, monuments and other units of the national park system and every such area of, and every roadless island within the national wildlife refuges and game ranges, under his jurisdiction on the effective date of this Act and shall report to the President his recommendation as to the suitability or nonsuitability of each such area or island for preservation as wilderness. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendation with respect to the designation as wilderness of each such area or island on which review has been completed, together with a map thereof and a definition of its boundaries. Such advice shall be given with respect to not less than one-third of the areas and islands to be reviewed under this subsection within three years after enactment of this Act, not less than two-thirds within seven years of enactment of this Act, and the remainder within ten years of enactment of this Act. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress. Nothing contained herein shall, by implication or otherwise, be construed to lessen the present statutory authority of the Secretary of the Interior with respect to the maintenance of roadless areas within units of the national park system.

(d)(1) The Secretary of Agriculture and the Secretary of the Interior shall, prior to submitting any recommendations to the President with respect to the suitability of any area for preservation as wilderness –

(A) give such public notice of the proposed action as they deem appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land;

(B) hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the respective Secretaries involved deem appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: *Provided*, That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies;

(C) at least thirty days before the date of a hearing advise the Governor of each State and the governing board of each county, or in Alaska the borough, in which the lands are located, and Federal departments and agencies concerned, and invite such officials and Federal agencies to submit their views on the proposed action at the hearing or by no later than thirty days following the date of the hearing.

Any views submitted to the appropriate Secretary under the provisions of (1) of this subsection with respect to any area shall be included with any recommendations to the President and to Congress with respect to such area.

(e) Any modification or adjustment of boundaries of any wilderness area shall be recommended by the appropriate Secretary after public notice of such proposal and public hearing or hearings as provided in subsection (d) of this section. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recommendations shall become effective only in the same manner as provided for in subsections (b) and (c) of this section.

USE OF WILDERNESS AREAS

Section 4.(a) The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forests and units of the national park and national wildlife refuge systems are established and administered and -

(1) Nothing in this Act shall be deemed to be in interference with the purpose for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215).

(2) Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act (Public Law 539, Seventy-first Congress, July 10, 1930; 46 Stat. 1020), the

Thye–Blatnik Act (Public Law 733, Eightieth Congress, June 22, 1948; 62 Stat. 568), and the Humphrey-Thye-Blatnik-Andresen Act (Public Law 607, Eighty-Fourth Congress, June 22, 1956; 70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

(3) Nothing in this Act shall modify the statutory authority under which units of the national park system are created. Further, the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with the Act of August 25, 1916, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area, including, but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 et seq.); section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

PROHIBITION OF CERTAIN USES

(c) Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

SPECIAL PROVISIONS

(d) The following special provisions are hereby made:

(1) Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

(2) Nothing in this Act shall prevent within national forest wilderness areas any activity, including prospecting, for the purpose of gathering information about mineral or other

resources, if such activity is carried on in a manner compatible with the preservation of the wilderness environment. Furthermore, in accordance with such program as the Secretary of the Interior shall develop and conduct in consultation with the Secretary of Agriculture, such areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the United States Geological Survey and the United States Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.

(3) Not withstanding any other provisions of this Act, until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the extent as applicable prior to the effective date of this Act, extend to those national forest lands designated by this Act as "wilderness areas"; subject, however, to such reasonable regulations governing ingress and egress as may be prescribed by the Secretary of Agriculture consistent with the use of the land for mineral location and development and exploration, drilling, and production, and use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including where essential the use of mechanized ground or air equipment and restoration as near as practicable of the surface of the land disturbed in performing prospecting, location, and , in oil and gas leasing, discovery work, exploration, drilling, and production, as soon as they have served their purpose. Mining locations lying within the boundaries of said wilderness areas shall be held and used solely for mining or processing operations and uses reasonably incident thereto; and hereafter, subject to valid existing rights, all patents issued under the mining laws of the United States affecting national forest lands designated by this Act as wilderness areas shall convey title to the mineral deposits within the claim, together with the right to cut and use so much of the mature timber therefrom as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the national forest rules and regulations, but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except as otherwise expressly provided in this Act: *Provided*, That, unless hereafter specifically authorized, no patent within wilderness areas designated by this Act shall issue after December 31, 1983, except for the valid claims existing on or before December 31, 1983. Mining claims located after the effective date of this Act, within the boundaries of wilderness areas designated by this Act shall create no rights in excess of those rights which may be patented under the provisions of this subsection. Mineral leases, permits, and licenses covering lands within national forest wilderness areas designated by this Act shall contain such reasonable stipulations as may be prescribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed. Subject to valid rights then

existing, effective January 1, 1984, the minerals in lands designated by this Act as wilderness areas are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(4) Within wilderness areas in the national forests designated by this Act, **(1)** the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and **(2)** the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

(5) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, shall be in accordance with regulations established by the Secretary of Agriculture in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: *Provided*, That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats.

(6) Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

(7) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(8) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

STATE AND PRIVATE LANDS WITHIN WILDERNESS AREAS

Section 5.(a) In any case where State -owned or privately owned land is completely surrounded by national forest lands within areas designated by this Act as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State -owned or privately owned land by such State or private owner and their successors in interest, or the State -owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture: *Provided, however,* That the United States shall not transfer to a State or private owner any mineral interests unless the State or private owner relinquishes or causes to be relinquished to the United States the mineral interest in the surrounded land.

(b) In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

(c) Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this Act as wilderness if **(1)** the owner concurs in such acquisition or **(2)** the acquisition is specifically authorized by Congress.

GIFTS, BEQUESTS, AND CONTRIBUTIONS

Section 6.(a) The Secretary of Agriculture may accept gifts or bequests of land within wilderness areas designated by this Act for preservation as wilderness. The Secretary of Agriculture may also accept gifts or bequests of land adjacent to wilderness areas designated by this Act for preservation as wilderness if he has given sixty days advance notice thereof to the President of the Senate and the Speaker of the House of Representatives. Land accepted by the Secretary of Agriculture under this section shall become part of the wilderness area involved. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this Act, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

(b) Authorization to accept private contributions and gifts The Secretary of Agriculture or the Secretary of the Interior is authorized to accept private contributions and gifts to be used to further the purposes of this Act.

ANNUAL REPORTS

Section 7. At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system, including a list and descriptions of the areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make.

APPROVED SEPTEMBER 3, 1964.

Appendix B

Minimum Requirements Analysis (and the MRDG)

NOTE: The process described in this appendix is not a substitute for NEPA requirements, as set forth in 16 USC §1131 *et seq*., CEQ regulations at 40 CFR §1500.1 *et seq*., DOI NEPA regulations at 43 CFR Part 46, and the BLM's NEPA Handbook (Handbook H-1790-1). There are many opportunities to integrate the Minimum Requirements Analysis and NEPA analyses, and a Minimum Requirements Analysis should inform the BLM's NEPA analysis. For example, where the BLM's NEPA analysis relies on information or rationales developed through the Minimum Requirements Analysis, the relevant discussion could be summarized or incorporated by reference in the appropriate NEPA document(s).

To assist in documenting any decisions involving the uses listed in section 1.6.B.2 of this manual, and as noted elsewhere in section 1.6.C of this manual, the BLM will use the Minimum Requirements Decision Guide (MRDG) developed by the Arthur Carhart National Wilderness Training Center. The MRDG is subject to occasional revision; BLM employees should use the most recent version, which can be found at wilderness.net. All versions, however, are organized around answering two fundamental questions: 1) Is *any* action *necessary* (regardless of the tool or other use employed); and 2) if so, what is the minimum amount of a prohibited use necessary to address the issue at hand. The BLM will also use the MRDG to determine the minimum amount of other activities as noted in this manual that could impair wilderness character but do not involve a prohibited use. The MRDG should not be used at the time of response to an emergency. However, the minimum requirements concept should be incorporated into emergency planning so that the minimum necessary methods and tools can be used to resolve emergencies while preserving wilderness character to the greatest extent practicable. In addition, the MRDG concept could be used in determining the minimum necessary for activities that impair wilderness character other than those prohibited by Section 4(c) (e.g., the "minimum necessary" visitor regulation). The sections below serve as a guide for using the MRDG in wilderness areas managed by the BLM.

A. **Background**. As outlined in this policy at 1.6.B.3, except where provided for elsewhere in the Wilderness Act or subsequent legislation, and subject to valid existing rights, the following uses can be employed in wilderness only if they meet the "minimum requirements" criterion: temporary roads; use of motor vehicles, motorized equipment, or motorboats; landing of aircraft; use of other forms of mechanical transport; structures; installations. These uses are defined in this policy at B.2. Section 4(c) of the Wilderness Act states that these uses are prohibited "except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area.)" Hence, all the following conditions must be met:

1. "necessary": essential, indispensable, and inevitable
2. "minimum": the least possible amount, degree, or quantity
3. "requirement": something demanded or imposed as an obligation
4. "administration": the function of the BLM in exercising its land management duties; by extension this includes non-BLM employees officially acting on behalf of the BLM; "administration" includes, as the Act says, "measures required in emergencies involving the health and safety of persons within the area"
   a. "emergency": a situation requiring action of immediate and urgent necessity; see Glossary. "Emergencies" do not include placing structures that might be used at some future time, or using other prohibited tools in training for hypothetical future responses
   b. "health and safety": soundness of body and freedom from the unacceptable risk of injury; "health and safety" does not include personal convenience or the degree of freedom associated with managed or controlled environments
   c. "persons": human beings; "persons" does not include non-human organisms or inanimate objects
   d. "within the area": inside the boundary of the designated wilderness
5. "purpose of this Act": to secure for the American people of present and future generations the benefits of an enduring resource of wilderness through the preservation of an area's wilderness character

B. **Determining if Any Action is Necessary**.

1. *Background*. Describe a problem or situation that prompts a possible need for action. Include supporting information (e.g. cause, threat, existing use, etc.) as needed. Do not identify a specific method or tool unless it is necessary to understand the situation. The background description should not justify the use of motorized equipment or mechanical transport or the placement of a structure, facility, or temporary road.
2. *Determination Questions*. There are four questions that need to be answered before determining if any action is necessary.
   a. Is action necessary within wilderness? Determine if action can only be taken inside wilderness by identifying and describing any options outside of wilderness and whether the options are possible or impossible. A proposal that requires a prohibited use and can be satisfactorily addressed by taking action *outside* the wilderness must be denied *inside* the wilderness.
   b. Is action necessary to satisfy valid existing rights or a special provision in wilderness legislation (the Wilderness Act of 1964 or subsequent wilderness laws) that allows or

requires consideration of the Section 4(c) prohibited uses? If there is a valid existing right, or special provision language, consideration of some actions may be required even though they would otherwise be prohibited. Identify any valid existing rights or special provision in wilderness legislation and cite the applicable law and section; be careful to note whether the law says that a specific action "shall" be taken or that an action "may" be taken.

c. Is action necessary to meet the requirements of other laws? Laws that do not directly address wilderness (such as the Endangered Species Act or National Historic Preservation Act) may influence the need for actions in wilderness. Identify and cite applicable provisions of other laws and describe any conflicts between the provisions of other laws and the Wilderness Act or enabling legislation for your area. Apparent conflicts between the Wilderness Act and other legislation may require innovative approaches and not all apparent conflicts are genuine. No law over-rides another law (unless specifically stated in the superseding law). The requirements of all applicable laws must be met.

d. Is action necessary to preserve one or more of the qualities of wilderness character? Taking action in wilderness may be necessary to preserve one or more of the qualities of wilderness character, or the public purposes associated with them. For a detailed discussion of those qualities and purposes, see sections 1.6.A.2 and .3 of this policy.

3. *Step 1 Determination*. In determining whether any action is necessary, fully consider the responses to all four questions, as discussed above. It is possible that more information may be needed to determine if administrative action is needed. In rare instances, it may be useful to continue with Step 2 to evaluate the benefits and effects of alternatives to help determine if any administrative action is necessary.

C. **Determining the Minimum Activity**.

1. *Describing Alternatives*. For each alternative, describe what methods and techniques will be used, when the activity will take place, where the activity will take place, what mitigation measures are necessary, and the general effects to the wilderness resource and character. The level of detail required in the description of alternatives and effects varies by the complexity of the activity. Note that the alternatives considered in the MRDG analysis may be different from those analyzed under NEPA. (For instance, in some cases the MRDG may not look at a No Action alternative, required by NEPA.) If so, the MRDG and NEPA documents should indicate and explain the differences.

2. *Range of Alternatives*. Identify and describe a full range of feasible alternatives, including, as applicable:

- Action using originally proposed Section 4(c) prohibited uses

- Action using no Section 4(c) prohibited uses
- Action using minimal Section 4(c) prohibited uses (e.g. a combination of motorized and non-motorized methods or tools)
- A No Action alternative may be included to help confirm that action in wilderness is necessary and to facilitate a comprehensive comparison of effects useful for a subsequent NEPA analysis.
- Actions found in applicable guidance (such as wilderness plans, other BLM policies, or agreements with other agencies) may already exist that pertain to the situation or project under consideration. Pay careful attention to the context and requirements of the policy, plan or agreement; plans developed using a NEPA analysis are decisions that provide stronger guidance than MOUs or agreements developed with less public or interdisciplinary involvement.

Alternatives that are not feasible to implement should be identified along with the reasons for not fully considering them. Valid reasons for deciding that an alternative is not feasible should be limited to actions:

- impossible to accomplish by any means
- possible to accomplish but implementation would cause significantly greater adverse effects to wilderness character, or,
- causing a significant safety risk to workers or the public that cannot be mitigated.

Alternatives should not be eliminated from full consideration simply because implementation would take more time, require greater funding, or because the skills or equipment needed are not readily available on the local unit.

NEPA imposes requirements for analyzing alternatives that may not apply to a particular MRDG analysis. Make sure that alternatives analyzed under NEPA are consistent with section 6.6 of the BLM NEPA Handbook (Handbook H-1790-1) and 40 CFR § 1502.14.

3. *Information Required in the Description of Each Alternative*

   a. Include all methods and timing in sufficient detail to reasonably support the effects listed below. Where mitigation is possible, include mitigation measures. In describing the effects of the alternative, break down each alternative into its component actions and describe the effects of each action to each comparison criterion.

   b. Describe the positive and negative effects to:

      I. Wilderness Character. Describe the adverse effects or benefits of each alternative on the preservation of wilderness character in terms of the five qualities listed in Section 1.6.B.2 of this policy. Include any effects on protection or management

of historic or pre-historic artifacts, sites, structures, or landscapes in the section describing impacts to the unique quality of wilderness character.

II. Valid Existing Rights and Special Provisions. Explain how the special provisions identified in the Wilderness Act (Sections 4 or 5) or subsequent legislation, are managed to minimize impairment to the wilderness resource and character.

III. Maintaining Traditional Skills. Explain how the alternative helps maintain proficiency in the use of primitive and traditional skills, non-motorized tools, and non-mechanical travel methods.

IV. Economic and Time Constraints. Describe the costs for implementation of the alternative in terms of operations budget, personnel work time needed, timing constraints. While administrative activities should always be accomplished with economic efficiency, neither the cost nor the time required for implementation can be the overriding factors for administrative use of otherwise prohibited activities.

V. Safety of Visitors and Workers. Describe any safety concerns associated with implementing the alternative. Identify which hazards can be mitigated (through providing information to the public or through worker training, the use of protective equipment, or other requirements) and which hazards cannot be mitigated. Identify the degree of risk for each alternative after considering both the rate of occurrence and severity of injuries. Base the determination of the safety risks of implementing an alternative on adequate supporting evidence (i.e. agency accident data, project specific Job Hazard Analysis, agency specific guidelines, or other documentation).

4. *Comparison of Alternatives*. Alternatives are compared with the greatest importance given to the impacts to wilderness character. In some cases, the impacts of two alternatives to the qualities of wilderness character will be equal. Comparison of the other criteria can help decide which of these alternatives is most supportable. Because the safety of wilderness visitors, employees, volunteers, and contractors is a priority in all decisions and actions, you will also want to compare the various alternatives' safety risks that cannot be mitigated through training, use of protective equipment, and implementation of safety procedures. The MRDG Instructions and Worksheets include template tables useful for comparing alternative.

5. *Documenting the Decision*. The decision includes several necessary parts, listed below.

   a. Rationale. Explain why the prohibited use authorized (if chosen) is the minimum necessary requirement for the administration of the area as wilderness by briefly describing the benefits or adverse effects to the qualities of wilderness character. The rationale should demonstrate that the decision is clearly a result of objective evaluation of the alternatives and not the result of an inappropriate bias or justification of an alternative or method for non-wilderness reasons. Avoid selecting

an alternative based primarily on costs and the amount of time needed for implementation. If your selection is based at least in part on the Safety criterion, be sure to explain the rationale and include or reference supporting analysis or documentation.

b. Monitoring Requirements. Include monitoring or reporting requirements to meet other agency policy or guidelines, include both near-term and long-term impacts to wilderness character that are monitored and reported under Section X of this policy.

c. Approval. Any use of a Section 4(c) prohibition requires approval of the State Director. This can be delegated down to the District or Field Office if the approving official has been through the National or Regional Wilderness Stewardship Training offered by the Arthur Carhart National Wilderness Training Center. In either event, approval of the use of a Section 4(c) prohibition must be coordinated through the State Office Wilderness Program Lead. In the event that the State Office Lead is vacant, coordination is required through the Washington Office Wilderness Program.

d. Where the BLM's NEPA analysis relies on information or rationales developed through the MRDG analysis, the relevant discussion should be summarized or incorporated by reference in the appropriate NEPA document(s).

Appendix C

Monitoring Changes in Wilderness Character

From 2007 and 2008, an interagency team developed indicators and suggested possible measures for use in monitoring trends in wilderness character as described in *Keeping It Wild: an Interagency Strategy to Monitor Trends in Wilderness Character* (RMRS-GTR-212). This effort was based on earlier work of a Forest Service team, which included one representative from each of the Interior wilderness-managing agencies, which met from 2002 through 2005 and produced *Monitoring Selected Conditions Related to Wilderness Character: A National Framework* (RMRS-GTR-151). In 2010, a small interdisciplinary team of BLM employees selected the measures for fourteen indicators to be used in BLM wilderness areas and developed the techniques detailed to generate data for each measure in *Measuring Attributes Of Wilderness Character: BLM Implementation Guide* (hereinafter the "Implementation Guide").

The measures found in the Implementation Guide diverge from *Keeping It Wild* in the explicit development of the Unique, Supplemental, or Other Features quality. The measures of that quality, concerning cultural resources and threatened or endangered species, are likely to be important to many wilderness areas under the stewardship of the BLM. In addition, BLM employees may propose measures that address unique attributes of a particular wilderness area that are not measured elsewhere. While specifics contained in the Implementation Guide will likely be revised repeatedly over time, each iteration will adhere to the outline below, predicated upon monitoring changes to each of the qualities of wilderness character. (For definitions of these qualities, see Section 1.6.A.2.c and the Glossary.)

The data used in measures for wilderness indicators necessarily come from multiple sources and cover multiple disciplines. Successful monitoring and detection of trends require that wilderness specialists work closely with other BLM staff in practically every aspect of the BLM's programs. Specialists should confer with archaeologists, fire management specialists, botanists, range conservationists, recreation planners, geologists, invasive weed specialists, wildlife biologists (possibly including State agency wildlife staff), among others. Solid working relationships with field office and district staffs are essential to monitoring—and stewardship—of the wilderness resource.

Because of differences between wilderness areas due to geography, biology, legal constraints, and social pressures, the indicators of wilderness character should not and cannot be used to compare different wildernesses. They are designed to monitor changes at one wilderness over time. What will be compared and aggregated at a regional and national level is simply whether wilderness character is improving, stable, or degrading.

Every effort has been made to include indicators that might have measures that are both feasible and significant. Some measures might not be entirely within the control of the BLM; a few may be almost entirely outside the BLM's control. They would be included as important measures of changes in the indicators of wilderness character, but will not be used to evaluate management effectiveness. In addition, arguably important measures listed in *Keeping It Wild* might not be included because of anticipated limitations in BLM budget and personnel.

The outline below describes the indicators the BLM will use to assess change in each quality of wilderness character. The indicators answer specific questions that have been asked in order to determine the trends in each quality. The outline follows this structure:

Quality of Wilderness Character

Monitoring Questions for which answers are necessary to assess changes in each Quality

Indicators used to answer the Monitoring Questions

INDICATORS OF WILDERNESS CHARACTER

Untrammeled

What are the trends in actions that control or manipulate the "earth and its community of life" inside wilderness?

Actions authorized by the Federal land manager that manipulate the biophysical environment

Actions not authorized by the Federal land manager that manipulate the biophysical environment

Natural

What are the trends in terrestrial, aquatic, and atmospheric natural resources inside wilderness?

Plant and animal species and communities

Physical resources

What are the trends in terrestrial, aquatic, and atmospheric natural processes inside wilderness?

Biophysical processes

Undeveloped

What are the trends in non-recreational development inside wilderness?

Non-recreational structures, installations, and developments

Inholdings

What are the trends in mechanization inside wilderness?

Use of motor vehicles, motorized equipment, or mechanical transport

Solitude or Primitive and Unconfined Recreation

What are the trends in outstanding opportunities for solitude inside wilderness?

Remoteness from sights and sounds of people inside the wilderness

Remoteness from occupied and modified areas outside the wilderness

What are the trends in outstanding opportunities for primitive and unconfined recreation inside wilderness?

Facilities that decrease self-reliant recreation

Management restrictions on visitor behavior

Unique, Supplemental, or Other Features

What are the trends in cultural resources inside wilderness?

Loss of cultural resources

What are the trends in species of concern inside wilderness?

Status of plant and animal species of concern

Baseline data for established indicators of wilderness character will be gathered within the first year after designation, unless the National Wilderness Program Lead approves a substitute schedule. The Washington, D.C. Office Wilderness Program will maintain a schedule of both baseline and out-year reporting for every wilderness managed by the BLM.

In addition to the raw data, many measures are likely to contain narrative providing information about local conditions, circumstances, and context that affect the interpretation and use of the results of this trend assessment. This narrative will give local managers the opportunity to add qualitative information and insights from their professional judgment to complement and help interpret the data obtained from the measures. This narrative will be a valuable part of the legacy information passed to future wilderness managers and would help ensure consistency in reporting over time. The narrative should address questions such as:

- Is there confidence in the data generated by this monitoring protocol?
- Is the trend in the measure an accurate reflection of recent conditions in the wilderness?

The overall report for a wilderness area might also have a narrative that addresses additional questions, such as:

- Is the overall trend in wilderness character (or any of its qualities) an accurate reflection of recent conditions in the wilderness?

- How should the trend in wilderness character be interpreted if one of the five qualities is improving while another is degrading?
- Have decisions been made (for example, to not take certain actions) that would not be reflected in this monitoring and affect the interpretation of this trend in wilderness character?

Though some data will be gathered annually, each wilderness will report values for all established indicators every five years. The Implementation Guide details how data from each measure will be evaluated, how often it will be collected, and the amount of change necessary to see a statistically significant trend. The quantitative changes in the measures will be reported qualitatively as "Improved," "Stable," or "Degraded." Trends in each measure of one indicator are combined to create a trend for that indicator; trends in each indicator answering one monitoring question are combined to create a trend for that question; trends in each question answering one quality are combined to create a trend for that quality; and, finally, the trends in the five qualities are combined to create a trend in the wilderness character of that area. The Implementation Guide details the rules used to synthesize trends from the measure up to the overall trend in wilderness character.

Over time, data can be used to show if a change in the wilderness character of that indicator has occurred during the past five years or since designation. And while the measures themselves cannot be compared between wilderness areas, the trends in wilderness character can be aggregated by Field Office, State, throughout the BLM, or across the National Wilderness Preservation System.