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BUREAU OF LAND MANAGEMENT

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Release

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Subject

6302 – Consideration of Lands with Wilderness Characteristics in the Land Use Planning Process (Public)

1. Explanation of Materials Transmitted: This Manual contains the Bureau of Land Management's (BLM) policy, direction, general procedures, and guidance for considering Lands with Wilderness Characteristics (LWC) in the land use planning process under the Federal Land Policy and Management Act of 1976 (FLPMA) and other applicable law. This Manual also provides policy direction for designation of Wild Lands. It does not address or affect policy related to Congressionally-designated Wilderness or existing Wilderness Study Areas (WSA) pending before Congress. This Manual implements in part Secretarial Order 3310, Protecting Wilderness Characteristics on Lands Managed by the BLM. It incorporates principles from BLM guidance (e.g., Organic Act directives) and legal rules developed as part of the BLM's original wilderness inventories.

2. Reports Required: None

3. Materials Superseded: None

4. Filing Instructions: File as directed below

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(Total: 14 Sheets)

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Director**

6302 - CONSIDERATION OF LANDS WITH WILDERNESS CHARACTERISTICS IN THE LAND USE PLANNING PROCESS

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6302-CONSIDERATION OF LANDS WITH WILDERNESS CHARACTERISTICS IN THE LAND USE PLANNING PROCESS

.01 Purpose. This Manual contains the Bureau of Land Management's (BLM) policy, direction, general procedures, and guidance for considering Lands with Wilderness Characteristics (LWC) in the land use planning process under the Federal Land Policy and Management Act of 1976 (FLPMA) and other applicable law. This Manual also provides policy direction for designation of Wild Lands. It does not address or affect policy related to Congressionally-designated Wilderness or existing Wilderness Study Areas (WSA) pending before Congress.

.02 Objective. This Manual establishes BLM policy on considering LWCs in land use plans and land use plan amendments or revisions and management of LWCs as administratively designated Wild Lands.

.03 Authority. Principal authorities affecting the consideration of LWCs in the planning process are:

- A. FLPMA, 43 U.S.C. 1701 *et seq.*, exclusive of 43 U.S.C. 1782.
- B. Wilderness Act of 1964, 16 U.S.C. 1131 *et seq.*
- C. National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA).
- D. Naval Petroleum Reserves Production Act of 1976, 42 U.S.C. 6501 *et seq.* (NPRPA).
- E. Alaska National Interest Lands Conservation Act (ANILCA), Section 1320, 43 U.S.C. 1784.
- F. Council on Environmental Quality (CEQ) Regulations, 40 CFR 1500-1508.
- G. BLM Regulations, 43 CFR Part 1600, 43 CFR Part 2360.
- H. Oregon and California Lands Act of 1937, 43 U.S.C. 1181a-1181j.
- I. Department of the Interior (DOI) NEPA Regulations, 43 CFR Part 46.

.04 Responsibilities.

- A. The BLM Director shall:
 - 1. Develop policy, goals, objectives, and procedures for the consideration and protection of LWCs in land use plans.
 - 2. Coordinate with State Directors in considering and protecting LWCs in land use plans.

3. Establish and ensure adherence to proper delegations of authority related to decisions, actions, and policies concerning the consideration and protection of LWCs in land use plans.

4. Ensure compliance with NEPA, FLPMA, BLM planning regulations, and CEQ and DOI NEPA regulations, and serve as liaison with the DOI's Office of Environmental Policy and Compliance.

B. State Directors shall:

1. Implement policy and provide statewide program coordination and guidance for the consideration and protection of LWCs in land use plans.

2. Provide program development, technical management assistance, and support to District and Field Offices to ensure LWCs and potential resource conflicts are adequately analyzed and Wild Lands are appropriately designated in land use plans.

3. Ensure compliance with NEPA, FLPMA, BLM planning regulations, and CEQ and DOI NEPA regulations.

C. District Managers and Field Managers shall:

1. Update and maintain the wilderness inventory for lands within the planning area consistent with Manual 6301 Wilderness Characteristics Inventory. Review existing information regarding wilderness characteristics, and gather and evaluate such information submitted by the public or the BLM for consideration and protection of LWCs in land use plans. This evaluation shall include any new public proposals (meeting the minimum standard identified in Manual 6301) for identification of LWCs. Identify all LWCs within the planning area.

2. After consulting with the State Director, determine planning priorities as needed regarding LWCs and designation of Wild Lands.

3. Coordinate with other Federal agencies, Tribes, states, and local governments in considering and protecting LWCs in land use plans.

4. In carrying out any public participation requirements in accordance with applicable law, including 43 CFR 1610.2(c), ensure that the issues identified for consideration in the plan include LWCs when they are present.

5. Ensure that any planning criteria developed in accordance with applicable law, including 43 CFR 1610.4-2, include management of LWCs when they are present.

6. Disclose impacts of each alternative to identified LWCs.

7. Recommend a range of alternative management actions for LWCs to the State Director, including designation as Wild Lands with appropriate measures to protect LWCs in the land use plan.

8. Ensure compliance with NEPA, FLPMA, BLM planning regulations, and CEQ and DOI NEPA regulations.

.05 References. Principal references for this Manual are:

- A. FLPMA, 43 U.S.C. 1701 *et seq.*
- B. Wilderness Act, 16 U.S.C. 1131 *et seq.*
- C. NEPA, 42 U.S.C. 4321 *et seq.*
- D. NPRPA, 42 U.S.C. 6501 *et seq.*
- E. Oregon and California Lands Act of 1937 (O&C Lands Act), 43 U.S.C. 1181a.
- F. ANILCA Section 1320, 43 U.S.C. 1784.
- G. CEQ Regulations, 40 CFR 1500-1508.
- H. BLM Regulations, 43 CFR Part 1600.
- I. BLM Handbook H-1601-1, Land Use Planning.
- J. BLM Manual 6301, Wilderness Characteristics Inventory.
- K. Secretarial Order 3310, December 22, 2010.
- L. DOI NEPA Regulations, 43 CFR Part 46.

.06 Policy. Managing the wilderness resource is part of the BLM's multiple use mission. Proper management of this resource is a high priority for the BLM, and the natural state of such lands should be protected to the extent possible, consistent with the BLM's planning and management authorities and its multiple use mission. The BLM shall protect LWCs when undertaking land use planning by avoiding impairment of their wilderness characteristics unless the BLM concludes, as part of its decision-making process, that impairing wilderness characteristics is appropriate and consistent with applicable requirements of law and other resource management considerations. Where the BLM concludes that authorization of uses that may impair wilderness characteristics is appropriate, the BLM shall document the reasons for its determination and consider measures to minimize impacts on those wilderness characteristics. Where the BLM concludes, through land use planning, that protection of wilderness characteristics is appropriate, the BLM shall designate these lands as Wild Lands.

In some circumstances, consideration of Wild Lands designations in accordance with this

Manual may be outside the scope of a particular planning process. For example, a targeted amendment to address a specific project or proposal may not in all instances require consideration of designation of Wild Lands. In such circumstances, the BLM need not consider designation of Wild Lands. In cases where Wild Lands designation is not considered in accordance with this Manual, the BLM shall comply with the terms of Manual 6303, as applicable.

The process described in this Manual shall be integrated into land use plans in order to—

1. Document the rationale for wilderness resource decisions,
2. Ensure that LWCs and protective measures are being adequately evaluated in an environmental analysis, and
3. Consider measures to minimize potential impacts on LWCs and other resource values and uses.

.07 Background.

A. FLPMA states that preserving and protecting certain public lands in their natural condition is part of the BLM's mission. *See* 43 U.S.C. 1701(a)(8).

B. FLPMA provides direction for inventories in Sections 102(a)(2), 201(a), and 202(c)(4) and (9), and land use planning in Section 202. These sections direct the BLM to prepare and maintain an inventory of all public lands and their resources and values. These sections also direct the BLM to rely, to the extent available, on inventory information in the development of land use plans.

C. Secretarial Order 3310 affirms that the protection of the wilderness characteristics of public lands is a high priority for the BLM, and is an integral component of its multiple use mission.

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

.11 Introduction. The BLM will evaluate LWCs through the land use planning process. When LWCs are present, the BLM will examine options for managing these lands and determine the most appropriate land use allocations for them. The BLM will determine whether these areas should be designated Wild Lands and managed to protect their wilderness characteristics or managed for other uses that may be incompatible with protection of wilderness characteristics.

.12 Factors for Consideration of LWCs.

A. Wilderness Characteristics. Consider and document the wilderness characteristics for each area identified as an LWC through the inventory described in the Wilderness Characteristics Inventory Manual 6301, including the extent to which each of the identified wilderness characteristics contributes to the overall value of an LWC for designation as Wild Lands.

B. Manageability. Consider and document whether the LWCs can be effectively managed as Wild Lands to protect their wilderness characteristics. Consider whether boundary modification of potential Wild Lands would improve manageability. Manageability may vary depending on the planning alternative.

1. General. The BLM must determine whether the LWCs may be managed to maintain their wilderness values by protecting identified wilderness characteristics over the life of the plan, based on present knowledge of the resources, ongoing uses, and valid existing rights in the area. If LWCs have existing or ongoing uses that are not impairing the wilderness characteristics of the LWCs, it may be appropriate to allow these uses to continue. If the ongoing uses, including the likely exercise of valid existing rights, are expected to impair the area's wilderness characteristics even after any reclamation is completed, then the BLM may reasonably conclude and document that the affected portion should not be managed to protect wilderness characteristics as Wild Lands.

2. Documenting Land Status. Document the land status and mineral ownership of LWCs. Subsurface rights in an area owned by a party other than the Federal government may limit the BLM's ability to protect wilderness characteristics on the surface.

3. Access to State or Private Inholdings. In addressing manageability, assess the potential impact of providing access to non-Federal inholdings.

4. External Impacts. The fact that incompatible activities or uses can be seen or heard from areas within an LWC should not be a determining factor when analyzing the manageability of an LWC as Wild Lands unless these impacts are pervasive and omnipresent.

5. Other Statutory Requirements. Some lands managed by the BLM are subject to specific additional statutory requirements (e.g., the NPRPA and the O&C Lands Act). Consider those requirements where appropriate in determining whether an LWC can be effectively managed to protect its wilderness characteristics.

C. Resource Values and Uses. Consider and document both the extent to which other resource values and uses of an LWC would be forgone or adversely affected. Consider uses that could be accommodated and mitigated, as well as the benefits that may accrue to other resource values and uses as a result of designating the LWC as Wild Lands. Consider the following (and also refer to the resource considerations described in section .13.D of this Manual for additional guidance):

1. Presence of Other Resources. The degree to which other resources or uses are present in the LWC;

2. Development Potential. The potential for further development or use of the other resources in the LWC;

3. Resource Availability. The degree to which other resources or uses are present on other public and private lands outside the LWC;
4. Economic Importance. Local, regional, or traditional (i.e., Tribal) economic value of various resources in the LWC and the potential to enhance the economic importance of the LWC through Wild Lands designation; and
5. Compatibility with Protection. The degree to which use or development of each resource is compatible with or conflicts with management of the LWC as Wild Lands.

D. Congressional Release of Wilderness Study Areas (WSA). Periodically, Congress considers a WSA for Wilderness designation. When Congress decides not to designate a WSA or a portion of a WSA as Wilderness, the BLM shall take into consideration the Congressional action—as well as any changed circumstances—in the BLM’s subsequent land use planning decisions for the released land. Document the basis for the BLM land use planning decisions regarding the management of the released land.

.13 Land Use Planning Process. Additional information is included in the Land Use Planning Handbook H-1601-1.

A. Preparation Plan. The preparation plan provides the foundation for the entire planning process. The preparation plan should also identify the skills, data/meta-data, budget, and interim tasks (such as completing or updating the wilderness characteristics inventory) necessary to address the issues through the planning process.

1. Issue Identification. Planning issues include disputes or controversies about existing and potential land and resource allocations, levels of resource use, development, and protection opportunities for consideration in the preparation of the land use plan. Identify whether LWCs are a planning issue to be addressed and any associated management concerns.
2. Planning Criteria. Planning criteria guide development of the plan by helping define the decision space. Identify preliminary planning criteria related to wilderness characteristics and their protection, including plan parameters, constraints, or existing planning decisions—including designated Wild Lands—that will be carried forward.
3. Data Needs. The preparation plan should identify the information or data needed to resolve issues or to perform the requisite analysis. Identify existing LWC-related data sources, such as prior wilderness inventories and new externally proposed LWCs. Identify data gaps and other information necessary to address LWCs, such as completion of a new wilderness inventory.
4. Budget. Identify labor and operation support costs necessary to obtain skilled personnel, inventory information, and other data to address LWCs through the planning process. Include indirect costs and an allocation of support labor and operations costs. Include the land records and other documentation expenses.

B. Scoping. The Notice of Intent should include LWCs if they are a planning issue to be addressed. The Notice of Intent should also identify any LWC-related preliminary planning criteria. Initiate government-to-government consultation with Tribes potentially affected by planning decisions regarding the LWCs. In the Scoping Report, summarize comments related to LWCs received during the formal scoping period and describe any additional LWC-related issues from internal or external scoping meetings.

C. Analysis of the Management Situation (AMS). The AMS provides the basis for formulating reasonable alternatives and can begin as soon as the planning project is approved. Where LWCs have been identified in an inventory, describe current management direction relating to LWCs from existing planning documents. Prepare an area profile for LWCs that describes their locations and current trends and levels of other resource uses and activities in LWCs. Incorporate the analysis and documentation performed under section .12 of this Manual regarding LWC quality, manageability, and other resource values and uses. Identify management opportunities to respond to identified issues.

D. Resource Considerations and Formulation of Alternatives. As stated in Secretarial Order 3310, all BLM offices shall place a high priority on the protection of wilderness characteristics and Wild Lands designation when making planning decisions. The BLM shall designate LWCs as Wild Lands unless the BLM determines that impairment of wilderness characteristics is appropriate and consistent with other applicable requirements of law and other resource management considerations. In making this decision, the following examples of resources and uses should be considered in the context of (a) the type and extent of the resource or use, (b) the quality of the wilderness characteristics, and (c) the impact of the proposed or ongoing use on wilderness characteristics.

1. *Commercial Uses*: Consider the quality and availability of alternative sites for proposed new commercial uses. Some commercial activities, such as commercial or competitive special recreation permits, may be consistent with protection of LWCs.
2. *Fire*: Wildland fire management is generally consistent with protecting wilderness characteristics. However, fire management may require actions that are incompatible with protecting the wilderness characteristics. In these cases, priority should be given to fire management actions that are needed to protect human life or property.
3. *Maintenance*: Consider maintenance needs for facilities and structures within the area.
4. *Minerals - Leasable*: Consider opportunities to protect wilderness characteristics by closing the area to leasing or use of stipulations such as no surface occupancy, with no exceptions, waivers, or modifications.

5. *Native American Uses*: Consider individual and Tribal use of the area, including traditional use, subsistence use, treaty rights, and sacred sites, and whether these uses and associated access needs may be affected by protection of wilderness characteristics.
6. *Rangeland Management*: Livestock grazing is ordinarily consistent with protection of wilderness characteristics. In some cases, rangeland management practices—including some proposals for new range projects, vegetation manipulation, or needs for motorized access—could impact wilderness characteristics.
7. *Recreational Uses*: Consider a range of recreational settings and opportunities, including those that are compatible with primitive and unconfined recreation.
8. *Renewable Energy including Solar, Wind, and Geothermal*: Consider the quality and availability of appropriate sites for production of renewable energy and the value of the wilderness characteristics.
9. *Rights-of-Way*: Consider the purpose and need for the proposed right-of-way, and any impacts to wilderness characteristics.
10. *Scientific Research*: Scientific research may be consistent with protecting wilderness characteristics. Where significant scientific research opportunities exist, consider stipulations on the research to resolve potential conflicts.
11. *Travel and Transportation Management*: Limited or existing motorized or mechanized (e.g., mountain bike) access may be consistent with protection of wilderness characteristics. Consider the quality and availability of recreation opportunities, public access needs, modes of travel, and compatibility with resource management objectives and protection of wilderness characteristics. Consider LWCs in the development of travel management plans. Designated routes of travel may be identified for motorized or mechanized access.

Where LWCs have been identified through the inventory process (see Manual 6301 Wilderness Characteristics Inventory), the NEPA document used to support the land use plan (or land use plan amendment or revision) decision shall contain a full range of reasonable alternatives to provide a basis for comparing impacts to wilderness characteristics and to other resource values or uses. For any LWCs that are not designated as Wild Lands in the preferred alternative, the NEPA document must include the underlying rationale.

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

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

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

Management actions and restrictions pertaining to the protection of LWCs, including designation of Wild Lands, should be placed in a “Wild Lands and Lands with Wilderness Characteristics” subheading under the “Special Designations” category in planning documents.

In areas that are not designated as Wild Lands, consider measures to minimize impacts on wilderness characteristics.

During the development of all land use plans and land use plan amendments and revisions involving LWCs, the Washington Office will participate in the State Office review of the preliminary draft alternatives. The Washington Office will review draft planning decisions affecting LWCs and brief the Director. State, District, and Field Office staff shall participate in the Director’s briefing as appropriate.

E. Affected Environment. In the NEPA document used to support the planning decision, describe the inventory process, summarize any information received from the public (refer to Manual 6301 Wilderness Characteristics Inventory for additional guidance), and incorporate inventory information by reference. The NEPA document should include a brief description of each LWC, including a map and the acreage. Also describe the

existing administrative designations, land use allocations, uses, management actions, and mitigation measures that are currently in place.

F. Environmental Consequences. In the NEPA document used to reach the planning decision, describe the direct, indirect, and cumulative effects of (1) various alternatives on LWCs and (2) managing to protect wilderness characteristics on other affected resources.

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

1. The degree to which use or development of the resource is compatible with or conflicts with protective management of LWCs.
2. The degree to which protective management for LWCs enhances other multiple use benefits on or near the management area such as recreational opportunities, protection of watersheds, wildlife habitat, natural plant communities, cultural resources, scenic quality, and similar natural values.

G. Final Planning Decision. In making the final planning decision on whether to protect LWCs, consider both the resources that would be forgone or adversely affected, and the resources that would benefit. When the decision is to protect LWC, they are to be designated as Wild Lands and managed accordingly.

.2 Recommendations for Possible Future Congressional Designation. Subsequent to the completion of the land use planning process, the State Director will determine whether the BLM should develop a recommendation for Congress to designate Wild Lands as units within the National Wilderness Preservation System. This determination may be made for a single land use plan or several land use plans that have designated Wild Lands within a state. If the State Director determines that a recommendation should be developed, the State Director shall submit a proposal to develop recommendations to the Director for consideration. The process for developing recommendations must provide for public involvement.

.3 Glossary

Following are definitions for terms used in this Manual. Also see definitions for terms used in Section 103 of FLPMA, BLM planning regulations at 43 CFR 1601.0-5, the wilderness regulations at 43 CFR 6301.5, and the Wilderness Act. This glossary does not supersede those definitions or those in other laws or regulations.

Amendment: The process for considering or making changes in the terms, conditions, and decisions of approved land use plans using the prescribed provisions for resource management planning appropriate to the proposed action or circumstances. Usually only one or two issues are considered that involve only a portion of the planning area.

Goal: A broad statement of a desired outcome. Goals are usually not quantifiable and may not have established time frames for achievement.

Impair: To preclude the BLM from exercising its discretion to designate an LWC or a portion of an LWC as a Wild Land.

Impact: To make or cause to become worse, or to diminish in value.

Land Use Allocation: The identification in a land use plan of the activities and foreseeable development that are allowed, restricted, or excluded for all or part of the planning area, based on desired future conditions.

Land Use Plan: A set of decisions that establish management direction for land within an administrative area, as prescribed under the planning provisions of FLPMA; an assimilation of land-use-plan-level decisions developed through the planning process outlined in 43 CFR 1600, regardless of the scale at which the decisions were developed. As used in this Manual, land use plan also includes integrated activity plans used in the National Petroleum Reserve – Alaska.

Lands with Wilderness Characteristics (LWC): Lands that have been inventoried and determined by the BLM to contain wilderness characteristics as defined in Section 2(c) of the Wilderness Act.

Objective: A description of a desired condition for a resource. Objectives can be quantified and measured and, where possible, have established time frames for achievement.

Planning Criteria: The standards, rules, and other factors developed by managers and interdisciplinary teams for their use in forming judgments about decision making, analysis, and data collection during planning. Planning criteria streamline and simplify the resource management planning actions.

Revision: The process of completely rewriting the land use plan due to changes in the planning area affecting major portions of the plan or the entire plan.

Surface Disturbance: Any new disruption of the soil or vegetation, including vegetative

trampling, which would necessitate reclamation.

Wild Lands: A designation resulting from a land use plan decision to protect LWCs. In designating an area as Wild Lands, the land use plan will make decisions to protect the area's wilderness characteristics to avoid impairment. A wider range of actions and activities may be allowed in Wild Lands than can occur in Wilderness.

Wilderness: An area defined in Section 2(c) of the Wilderness Act, and included in the National Wilderness Preservation System.

Wilderness Characteristics: These attributes include the area's size, its apparent naturalness, and outstanding opportunities for solitude or a primitive and unconfined type of recreation. They may also include supplemental values.

Wilderness Study Area: Areas with wilderness characteristics identified and designated through the inventory and study processes authorized by Section 603 of FLPMA, and, prior to 2003, through the planning process authorized by Section 202 of FLPMA.

.4 Acronyms.

AMS – Analysis of the Management Situation

ANILCA – Alaska National Interest Lands Conservation Act

BLM – Bureau of Land Management

CEQ – Council on Environmental Quality

CFR – Code of Federal Regulations

DOI – Department of the Interior

FLPMA – Federal Land Policy and Management Act of 1976

LWC – Land with Wilderness Characteristics

NEPA – National Environmental Policy Act of 1969

NPRPA – Naval Petroleum Reserves Production Act of 1976

O&C Lands Act – Oregon and California Lands Act of 1937

U.S.C. – United States Code

WSA – Wilderness Study Area