

Wild Lands

Inventory and Planning Guidance Questions and Answers

Why is the Secretary issuing this Order; why is it necessary?

This Secretary's Order restores balance to the management of public lands by affirming 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.

The Order affirms the BLM's obligation to maintain wilderness resource inventories on a regular and continuing basis for the public lands under its jurisdiction. It further directs the BLM to protect wilderness characteristics through land use planning and project-level decisions unless the BLM determines, in accordance with the Order, that impairment of wilderness characteristics is appropriate and consistent with other applicable requirements of law and other resource management considerations.

Since the controversial out-of-court settlement between then-Secretary of the Interior Gale Norton and the state of Utah and other parties (Norton-Leavitt Settlement) on wilderness in 2003, the BLM has been without comprehensive national guidance on how to inventory and manage lands with wilderness characteristics that are not congressionally designated as "Wilderness" (with a capital "W") as part of the National Wilderness Preservation System or are not Wilderness Study Areas (WSAs) that are pending before Congress for possible inclusion in the National Wilderness Preservation System.

Why is it necessary for the BLM to issue new wilderness guidance?

The BLM is currently without comprehensive national guidance on how to inventory and manage lands with wilderness characteristics as a result of the Norton-Leavitt Settlement, making new internal guidance necessary. The guidance will bring consistency across the BLM and provide a process for conducting wilderness inventories and considering lands with wilderness characteristics in land use planning and project-level decisions. This guidance will bring clarity to an area of BLM management that has suffered in the wake of the 2003 Norton-Leavitt Settlement. These new policies will support the Secretary's Order and provide BLM State Offices with the structure needed to determine where wilderness characteristics exist on public lands and how to manage lands determined to have those characteristics.

When will the BLM issue the new policy guidance referenced in the Secretary's Order?

The BLM will issue new policy within 60 days of the Order's issue date. Before the policy is issued as final guidance, the Bureau is sending a draft of the policy to its State Offices for a 30-day review, asking for a preliminary assessment of impacts to workload and existing, ongoing, and upcoming land use planning efforts.

How will the BLM assess project proposals prior to finalizing the new policies?

The BLM will continue to conduct environmental analysis for project proposals in a conscientious and thorough public process based on sound science. The consideration of wilderness characteristics will be a part of that environmental analysis, consistent with the Secretary's Order, multiple-use management, and valid existing rights.

Does this new policy overturn the 2003 Norton-Leavitt Settlement ("Utah Settlement") that prohibited the BLM from identifying new WSAs?

The 2003 Norton-Leavitt Settlement does not apply to the BLM's broad authority to protect lands with wilderness characteristics under sections 102, 103, 201, 202, and 302, among others, of FLPMA. This Secretary's Order charts a new course for the BLM's management, through its multiple-use mission, of these special lands. The new BLM policy required by the Order will provide a process for the BLM to update its wilderness inventory information and provide guidance on how to evaluate lands with wilderness characteristics in the land use planning process.

Will this new policy require the BLM to do a national wilderness inventory or "re-inventory"?

No. The new policy provides a process for updating existing inventory information and for inventorying lands that have not previously been inventoried (e.g., acquired lands).

What will the BLM call newly identified areas with wilderness characteristics?

The wilderness inventory process will identify which lands should be classified as "Lands with Wilderness Characteristics (LWCs)." The land use planning process will consider a range of alternatives of protection and non-protection of LWCs.

What will the BLM call LWCs that are protected under a land use plan decision?

When the BLM decides to protect LWCs through a land use plan decision, it will designate these areas as "Wild Lands." This determination will be made through a public land use planning process, consistent with applicable requirements of law and other resource management considerations.

How can the BLM protect wilderness characteristics when it has a multiple-use mandate from Congress?

As affirmed by the Secretary's Order, "the protection of the wilderness characteristics of public lands is a high priority for the Bureau of Land Management, and is an integral component of its multiple-use mission." Section 102(8) of FLPMA specifically states that preservation and protection of lands in their natural condition is part of the BLM's mission. Wilderness lands provide a variety of uses and values—including hunting, fishing, camping, and a variety of other non-motorized and non-mechanized recreation—as well as wildlife habitat, clean water, etc.

Multiple-use does not mean that all uses of the public lands will occur on all public lands managed by the BLM. Under the new policy, the BLM will consider wilderness values among the broad range of other potential resource values and uses for the public lands in accordance with its multiple-use mission, and make a decision about whether and to what extent to protect those wilderness characteristics.

Does this policy affect existing land use plans?

The Secretary's Order directs the BLM to submit a report to the Secretary, within six months of the date of the Order, that describes the BLM's plan for considering wilderness characteristics in existing land use plans consistent with the Order. The BLM will initiate a land use plan conformance review to identify which existing land use plans are inconsistent with this policy. After completion of the conformance review, the BLM will determine the most appropriate means to update those plans.

Aren't the "Wild Lands" described in the Secretary's Order just WSAs under another name?

No. Lands with wilderness characteristics will be identified through a wilderness inventory or inventory update by the BLM. If the BLM concludes that these lands have wilderness characteristics, the bureau will consider these lands through an open, transparent, and public land use planning process, with full public participation and input. If the BLM concludes through this process that protection of wilderness characteristics is appropriate, the BLM shall designate these lands as "Wild Lands." This represents a new designation made through the land use planning process described above. Wild Lands will be managed under new BLM policy guidance and through protective measures that are identified in a land use plan, again as part of the BLM's public process. When the decision is to protect such lands as Wild Lands, the planning decision will identify what actions will be taken to protect those areas.

WSAs are managed under the BLM's WSA Interim Management Policy (IMP, Manual H-8550-1), last revised in 1995. The BLM manages WSAs, as units within the National Landscape Conservation System, to retain their wilderness characteristics until Congress makes a decision to designate the areas as Wilderness or to release the areas for non-wilderness uses. The IMP is the basic reference for WSA management and provides detailed direction on management of activities within WSAs.

This new policy does not change the management of existing Wilderness Study Areas pending before Congress or congressionally designated units of the National Wilderness Preservation System.

Will the BLM be identifying new WSAs?

No. The BLM will not be identifying new WSAs. However, through its public land use planning process, the BLM will determine whether lands with wilderness characteristics should carry the new designation of "Wild Lands" and be managed so as to protect their wilderness

characteristics. The BLM will also consider measures to minimize any potential impacts to lands with wilderness characteristics that are not designated as Wild Lands.

How will the BLM's new policy impact such uses as off-highway vehicle recreation or other uses of lands with wilderness characteristics?

The BLM will evaluate potential uses of lands with wilderness characteristics through an open, transparent, and public process. In accordance with the Secretary's Order, the BLM may determine through its public land use planning process, with full public participation and input, that designation of some areas as Wild Lands is appropriate, consistent with other applicable requirements of law and other resource management considerations. The BLM may also determine through a public process that authorization of uses that may impair wilderness characteristics is appropriate for some areas, consistent with other applicable requirements of law and other resource management considerations.

How will the BLM's new policy impact renewable and conventional energy development on public lands?

The policy is intended to restore balance in the management of public lands, consistent with the BLM's multiple-use mission, while honoring the BLM's commitment to help address the Nation's energy needs. This Administration is committed to balanced and responsible development of the Nation's energy resources as well as protection of its lands with wilderness characteristics as appropriate and consistent with other applicable requirements of law and other resource management considerations (such as energy development). Balance will be achieved through a public process where lands with energy potential and lands with wilderness characteristics will be identified, evaluated, and managed in accordance with the new policy and the BLM's multiple use mandate.

In accordance with the Secretary's Order, the BLM may determine through its public land use planning process, with full public participation and input, that designation of some areas as Wild Lands is appropriate. The BLM may also determine through a public process that authorization of uses, such as energy development, that may impair wilderness characteristics is appropriate for some areas, consistent with other applicable requirements of law and other resource management considerations.

Will Wild Lands be added to the BLM's National Landscape Conservation System?

Wild Lands will not be added to the National Landscape Conservation System.

Is the BLM going to designate more wilderness areas as a result of this new policy?

No. Only Congress can designate Wilderness or make determinations regarding the status of WSAs pending before it. The BLM may develop recommendations, with public involvement, regarding possible Congressional designation of lands into the National Wilderness Preservation System.

How will the BLM manage the newly identified lands that possess wilderness characteristics?

Decisions on whether or not and to what extent to protect lands with wilderness characteristics will be made in an open and public process. For proposed projects that are consistent with existing land use plans, the consideration of newly identified lands with wilderness characteristics will be a part of the environmental (NEPA) analysis for the proposed project. Consideration of whether to protect the wilderness characteristics as Wild Lands will be accomplished through the BLM's open and public land use planning process. When the decision is to protect such lands as Wild Lands, the decision will identify what actions will be taken to protect those areas.

What is the difference between a wilderness area and a WSA?

The 1964 Wilderness Act (P.L. 88-577) established the National Wilderness Preservation System (NWPS). A wilderness area is an area that has been included in the NWPS by act of Congress. WSA is the term the BLM uses to describe lands that were identified under the FLPMA Section 603 wilderness review process as possessing wilderness characteristics but have not been designated by Congress as wilderness areas. There are also some WSAs identified under Section 202 of FLPMA that are pending before Congress. These WSAs are managed so as not to impair their wilderness characteristics until Congress determines whether or not to designate them as Wilderness or to "release" them.

Will LWCs or Wild Lands be managed to the same non-impairment standard?

No. The non-impairment standard derives from Section 603 of FLPMA. For existing WSAs, the BLM will continue to manage these lands to the non-impairment standard. This Secretary's Order does not change the management of existing Wilderness Study Areas pending before Congress or congressionally designated units of the National Wilderness Preservation System.

In contrast, under this Secretary's Order, the BLM, as part of its multiple use mandate, will manage Wild Lands to protect wilderness characteristics. This Order outlines a process for making a decision to impair wilderness characteristics if it is appropriate and consistent with applicable requirements of law and other resource management considerations.

What are wilderness characteristics?

Wilderness characteristics are defined in Section 2(c) of the Wilderness Act and consist of size, naturalness, and outstanding solitude or primitive recreation, and may include other supplemental values, such as ecological, geological or other features of scientific, educational, scenic, or historical value.

When were Wildernesses and WSAs first established?

The Wilderness Act of 1964, signed into law by President Lyndon B. Johnson, created the legal definition of wilderness in the United States and protected 9.1 million acres of Federal land.

WSAs on BLM-administered lands were generally the result of a wilderness inventory conducted in the late 1970s under the authority of Section 603 of the FLPMA. Some WSAs were also designated under authority of Sections 201 and 202 of FLPMA.

How many acres does the BLM manage as wilderness areas and WSAs?

Less than 10% of the land managed by the Bureau of Land Management consists of Wilderness and WSAs. The Bureau of Land Management is the steward of 221 wilderness areas totaling over 8.7 million acres and 545 WSAs totaling nearly 13 million acres. (Total is 21.5 million acres out of 245 million acres or 8.8%.)

How will the BLM use the wilderness inventories conducted by many public groups in their land use planning process?

When public groups submit wilderness inventory information, the BLM will review and consider that information when updating its wilderness inventory.

Is the BLM's Washington Office going to draft this policy considering feedback from State and Field Offices?

Before the policy is issued as final guidance (which will be within 60 days as directed in the Order), the Bureau is sending a draft of the policy to its State Offices for a 30-day review, asking for a preliminary assessment of impacts to workload and existing, ongoing, and upcoming land use planning efforts.

Does the Secretary's Order apply to Alaska?

Yes, the Secretary's Order applies to BLM public lands in Alaska consistent with other legal requirements for BLM-administered lands in Alaska. There has never been a statewide wilderness inventory in Alaska. Alaska National Interest Lands Conservation Act, Pub. L. 96-487 (ANILCA) specifically recognizes the Secretary may "identify areas in Alaska which he determines are suitable as wilderness and [he] may, from time to time, make recommendations to the Congress for inclusion of any such areas in the National Wilderness Preservation System, pursuant to the provisions of the Wilderness Act."

Mindful of the balance struck in ANILCA, the Order permits Wild Lands to be designated in Alaska only through the BLM's comprehensive land use planning processes, which provides for robust public comment and involvement.

Does this policy overturn the 2003 Norton memorandum regarding wilderness inventory in Alaska?

When the policy guidance become final, it will supersede then-Secretary of the Interior Gale Norton's 2003 memorandum regarding wilderness inventories in Alaska. In order to promote greater understanding of the consequences of permitted actions, the Secretary's Order requires lands in Alaska to be inventoried for wilderness characteristics, and it accepts the invitation

extended by Congress in section 1320 of the Alaska National Interest Lands Conservation Act (ANILCA) to identify public lands in Alaska suitable for designation as wilderness.

Does the Order apply to the National Petroleum Reserve-Alaska (NPR-A)?

Yes. The BLM must inventory the lands in NPR-A and may designate Wild Lands in NPR-A as part of its integrated activity planning for the area. Consistent with controlling law, the BLM will continue to conduct an expeditious program of competitive oil and gas leasing in the Reserve.

Is the Order consistent with the Alaska National Interest Lands Conservation Act (ANILCA)?

Yes. The Secretary's Wild Lands Order provides a mechanism for the Secretary to accept the invitation extended by Congress in section 1320 of ANILCA to "identify areas in Alaska which he determines are suitable as wilderness and . . . from time to time, make recommendations to the Congress for inclusion of any such areas in the National Wilderness Preservation System, pursuant to the provisions of the Wilderness Act."

Wild Lands in Alaska will be designated as part of a comprehensive, multi-purpose land-use planning process and will not, without Congressional action, become new conservation-system units, national conservation areas or national recreation areas. Like all public lands, they will be managed by the BLM in accordance with land use plans and all applicable provisions of law, the arrangement that Congress presumed in ANILCA § 101(d) when it deemed its "designation and disposition of the public lands in Alaska" to afford "sufficient protection," and represent "proper balance."