

Appendix C – Applicable Laws, Regulations, Policies and Planning Criteria

When considering the affected environment, physical, biological, economic, and social environmental factors must be considered. In addition to NEPA there are other environmental laws as well as Executive Orders (EOs) to be considered when preparing EAs and EISs. These laws are summarized below.

Clean Air Act (CAA) of 1970 and Amendments of 1977 and 1990

The CAA recognizes that increases in air pollution result in danger to public health and welfare. To protect and enhance the quality of the Nation's air resources, the CAA authorizes the Environmental Protection Agency (EPA) to set six National Ambient Air Quality Standards (NAAQSs) which regulate carbon monoxide, lead, nitrogen dioxide, ozone, sulfur dioxide, and particulate matter pollution emissions. The CAA seeks to reduce or eliminate the creation of pollutants at their source, and designates this responsibility to State and local governments. States are directed to utilize financial and technical assistance as well as leadership from the Federal government to develop implementation plans to achieve NAAQS. Geographic areas are officially designated by the EPA as being in attainment or nonattainment to pollutants in relation to their compliance with NAAQS. Geographic regions established for air quality planning purposes are designated as Air Quality Control Regions (AQCR). Pollutant concentration levels are measured at designated monitoring stations within the AQCR. An area is designated as unclassifiable where insufficient monitoring data exists. Section 309 of the CAA authorizes the EPA to review and comment on impact statements prepared by other agencies.

An agency should consider what effect an action may have on NAAQS due to short-term increases in air pollution during construction as well as long-term increases resulting from changes in traffic patterns. For actions in attainment areas, a Federal agency may also be subject to EPA's Prevention of Significant Deterioration (PSD) regulations. These regulations apply to new major stationary sources and modifications to such sources. Although few agency facilities will actually emit pollutants, increases in pollution can result from a change in traffic patterns or volume. Section 118 of the CAA waives Federal immunity from complying with the CAA and states all Federal agencies will comply with all Federal and State approved requirements.

Clean Water Act (CWA) of 1977

The CWA, a 1977 amendment to the Federal Water Pollution Control Act of 1972, is administered by the EPA and sets the basic structure for regulating discharges of pollutants into U.S. waters. The CWA requires the EPA to establish water quality standards for specified contaminants in surface waters and

forbids the discharge of pollutants from a point source into navigable waters without a National Pollutant Discharge Elimination System (NPDES) permit. NPDES permits are issued by EPA or the appropriate State if it has assumed responsibility. Section 404 of the CWA establishes a Federal program to regulate the discharge of dredged and fills material into waters of the United States. Section 404 permits are issued by the US Army Corps of Engineers (USACE). Waters of the United States include interstate and intrastate lakes, rivers, streams, and wetlands which are used for commerce, recreation, industry, sources of fish, and other purposes. The objective of the Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. Each agency should consider the impact on water quality from actions such as the discharge of dredge or fill material into U.S. waters from construction, or the discharge of pollutants as a result of facility occupation.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 and the Superfund Amendments and Reauthorization Act of 1986 (SARA)

CERCLA authorizes the EPA to respond to spills and other releases of hazardous substances to the environment, and authorizes the National Oil and Hazardous Substances Pollution Contingency Plan. CERCLA also provides a Federal "Superfund" to respond to emergencies immediately. Although the "Superfund" provides funds for clean up of sites where potentially responsible parties (PRPs) cannot be identified, the EPA is authorized to recover funds through damages collected from responsible parties. This funding process places the economic burden for cleanup on polluters. SARA mandates strong cleanup standards, and authorizes the EPA to use a variety of incentives to encourage settlements. Title III of SARA authorizes the Emergency Planning and Community Right to Know Act (EPCRA), which requires facility operators with "hazardous substances" or "extremely hazardous substances" to prepare comprehensive emergency plans and to report accidental releases. EO 12856, "Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements," requires Federal agencies to comply with the provisions EPCRA. If a Federal agency acquires a contaminated site it can be held liable for clean up as the property owner/operator. A Federal agency can also incur liability if it leases a property, as the courts have found lessees liable as "owners." However, if the agency exercises due diligence by conducting a Phase I Environmental Site Assessment, it may claim the "innocent purchaser" defense under CERCLA. According to Title 42 United States Code (USC) 9601(35), the current owner/operator must show it undertook "all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice" before buying the property to use this defense.

Resource Conservation and Recovery Act (RCRA) of 1976

RCRA, an amendment to the Solid Waste Disposal Act, authorizes the EPA to provide for "cradle-to-grave" management of hazardous waste, and sets a framework for the management of non-hazardous municipal solid waste. Under RCRA, hazardous waste is controlled from generation to disposal through tracking and permitting systems, and restrictions and controls on the placement of waste on or into the land. Under RCRA, a waste is defined as hazardous if it is ignitable, corrosive, reactive, toxic or listed by the EPA as being hazardous. With the 1984 Hazardous and Solid Waste Amendments (HSWA), Congress targeted stricter standards for waste disposal and encouraged pollution prevention by prohibiting the land disposal of particular wastes. The HSWA amendments strengthen control of both hazardous and nonhazardous waste and emphasize the prevention of pollution of groundwater.

Safe Drinking Water Act (SDWA) of 1974

The SDWA establishes a Federal program to monitor and increase the safety of all commercially and publicly supplied drinking water. Congress amended the SDWA in 1986, mandating dramatic changes in nationwide safeguards for drinking water and establishing new Federal enforcement responsibility on the part of the EPA. The 1986 amendments to the SDWA require the EPA to establish Maximum Contaminant Levels (MCLs), Maximum Contaminant Level Goals (MCLGs) and Best Available Technology (BAT) treatment techniques for organic, inorganic, radioactive, and microbial contaminants, and turbidity. MCLGs are maximum concentrations below which no negative human health effects are known to exist. The 1996 amendments set current Federal MCLs, MCLGs, and BATs for organic, inorganic, microbiological, and radiological contaminants in public drinking water supplies.

Federal Land Policy and Management Act (FLPMA) of 1976

FLPMA and the regulations contained in 43 CFR Part 1600 govern the Bureau of Land Management planning process. Land Use Plans ensure that public lands are managed in accordance with the intent of Congress as stated in FLPMA, under the principles of multiple use and sustained yield. As required by FLPMA, the public lands must be managed in a manner that protects the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition, that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use by encouraging collaboration and public participation throughout the planning process. In addition, the public lands must be managed in a manner that recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands.

Taylor Grazing Act of 1934, as amended and supplemented

The Taylor Grazing Act was the Federal government's first effort to regulate grazing on federal public lands. The act established grazing districts of vacant, unappropriated and unreserved land from any parts of the public domain, excluding Alaska, which are not national forests, parks, and monuments, Indian reservations, railroad grant lands, or revested Coos Bay Wagon Road grant lands, and which are valuable chiefly for grazing and raising forage crops. Residents and stock owners pay an annual fee to obtain a grazing permit which is used to manage livestock grazing in established districts. Grazing Administration Regulations (43 CFR 4100) provide for the development of state Standards for Rangeland Health and Guidelines for Grazing Management. The Standards and Guidelines are approved through Bureau of Land Management planning and NEPA processes.

Public Rangelands Improvement Act of 1978

The Public Rangelands Improvement Act was instituted to improve the conditions on public rangelands. Rangelands are defined as lands administered by the Secretary of the Interior through the Bureau of Land Management or the Secretary of Agriculture through the Forest Service in 16 contiguous western states, including Arizona, on which there is domestic livestock grazing or which the appropriate Secretary determines may be suitable for domestic livestock grazing. Rangeland quality is determined by soil quality, forage values, wildlife habitat, watershed and plant communities, the current state of vegetation in a site in relation to its potential, and the relative degree to which the kinds, proportions, and amounts of vegetation in a plant

community resemble the desired plant community. The act requires a national rangelands inventory and consistent federal management policies. In addition, the act provides funding for range improvement projects.

Coastal Zone Management Act (CZMA) of 1972

The CZMA is concerned with the effective management, beneficial use, protection, and development of the Nation's coastal zone. The coastal zone refers to the coastal waters and the adjacent shorelines including islands, transitional and intertidal areas, salt marshes, wetlands, and beaches, and includes the Great Lakes. The CZMA declares a National policy to preserve, protect and develop, and where possible restore or enhance the resources of the Nation's coastal zone. The CZMA encourages states to exercise their full authority over the coastal zone, through the development of land and water use programs in cooperation with Federal and local governments. States may apply for grants to help develop and implement management programs to achieve wise use of the land and water resources of the coastal zone. Development projects affecting land or water use or natural resources of a coastal zone, must ensure the project is, to the maximum extent practicable, consistent with the state's coastal zone management program.

Toxic Substance Control Act (TSCA) of 1976

Title I of the Toxic Substance Control Act established requirements and authorities to identify and control toxic chemical hazards to human health and the environment. TSCA authorized the EPA to gather information on chemical risks, require companies to test chemicals for toxic effects, and regulate chemicals with unreasonable risk. TSCA also singled out polychlorinated bi-phenyls (PCBs) for regulation and as a result are being phased out. TSCA and its regulations govern the manufacture, processing, distribution, use, marking, storage, disposal, clean-up, and release reporting requirements for numerous chemicals like PCBs. PCBs are persistent when released into the environment and accumulate in the tissues of living organisms. They have been shown to cause adverse health effects on laboratory animals and may cause adverse health effects in humans. TSCA Title II provides statutory framework for "Asbestos Hazard Emergency Response," which applies only to schools. TSCA Title III, "Indoor Radon Abatement," states indoor air in buildings of the United States should be as free of radon as the outside ambient air. Federal agencies are required to conduct studies on the extent of radon contamination in buildings they own. TSCA Title IV, "Lead Exposure Reduction," directs Federal agencies to "conduct a comprehensive program to promote safe, effective, and affordable monitoring, detection, and abatement of lead-based paint and other lead exposure hazards." Further, any Federal agency having jurisdiction over a property or facility must comply with all Federal, State, interstate, and local requirements concerning lead-based paint.

Wild and Scenic Rivers Act (WSRA) of 1968

By recognizing the remarkable values of specific rivers of the Nation, the WSRA provides for a wild and scenic river system. These selected rivers and their immediate environment are preserved in a free-flowing condition, without dams or other construction. The policy not only protects the water quality of the selected rivers but also provides for the enjoyment of present and future generations. Any river in a free-flowing condition is eligible for inclusion, and can be authorized as such by an Act of Congress, an act of State legislature, or by the Secretary of Interior upon the recommendation of the Governor of the State(s) through which the river flows.

EO 11988, "Floodplain Management," May 24, 1977

EO 11988 directs agencies to consider alternatives to avoid adverse effects and incompatible development in floodplains. An agency may locate a facility in a floodplain if the head of the agency finds there is no practicable alternative. If it is found there is no practicable alternative, the agency must minimize potential harm to the floodplain, and circulate a notice explaining why the action is to be located in the floodplain prior to taking action. Finally, new construction in a floodplain must apply accepted floodproofing and flood protection to include elevating structures above the base flood level rather than filling in land.

EO 11990, "Protection of Wetlands," May 24, 1977

EO 11990 directs agencies to consider alternatives to avoid adverse effects and incompatible development in wetlands. Federal agencies are to avoid new construction in wetlands, unless the agency finds there is no practicable alternative to construction in the wetland, and the proposed construction incorporates all possible measures to limit harm to the wetland. Agencies should use economic and environmental data, agency mission statements, and any other pertinent information when deciding whether or not to build in wetlands. EO 11990 directs each agency to provide for early public review of plans for construction in wetlands.

Pollution Prevention Act (PPA) of 1990

The PPA encourages manufacturers to avoid the generation of pollution by modifying equipment and processes, redesigning products, substituting raw materials, and making improvements in management techniques, training, and inventory control. EO 12856, "Federal Compliance with Right-to Know Laws and Pollution Prevention Requirements," requires Federal agencies to comply with the provisions of the PPA, and also requires Federal agencies to ensure all necessary actions are taken to prevent pollution. In addition, in Federal Register Volume 58 Number 18 (January 29, 1993), the Council on Environmental Quality provides guidance to Federal agencies on how to "incorporate pollution prevention principles, techniques, and mechanisms into their planning and decision making processes and to evaluate and report those efforts, as appropriate, in documents pursuant to NEPA."

Biological Factors

Endangered Species Act (ESA) of 1973

The ESA establishes a Federal program to conserve, protect and restore threatened and endangered plants and animals and their habitats. The ESA specifically charges Federal agencies with the responsibility of using their authority to conserve threatened and endangered species. All Federal agencies must insure any action they authorize, fund or carry out is not likely to jeopardize the continued existence of an endangered or threatened species or result in the destruction of critical habitat for these species, unless the agency has been granted an exemption. The Secretary of the Interior, using the best available scientific data, determines which species are officially endangered or threatened, and the U.S. Fish and Wildlife Service (FWS) maintains the list. A list of Federal endangered species may be obtained from the Endangered Species Division, U.S. Fish and Wildlife Service (703-358-2171). States may also have their

own lists of threatened and endangered species which may be obtained by calling the appropriate State Fish and Wildlife office. Some species, such as the bald eagle, also have laws specifically for their protection (e.g., Bald Eagle Protection Act).

Migratory Bird Treaty Act of 1918, amended in 1936, 1960, 1968, 1969, 1974, 1978, 1986, and 1989

The Migratory Bird Treaty Act implements treaties and conventions between the United States, Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory birds. Unless otherwise permitted by regulations, the Act makes it unlawful to pursue, hunt, take, capture or kill; attempt to take, capture or kill; possess, offer to or sell, barter, purchase, deliver or cause to be shipped, exported, imported, transported, carried or received any migratory bird, part, nest, egg or product, manufactured or not. The Act also make it unlawful to ship, transport or carry from one state, territory or district to another, or through a foreign country, any bird, part, nest or egg that was captured, killed, taken, shipped, transported or carried contrary to the laws from where it was obtained; and import from Canada any bird, part, nest or egg obtained contrary to the laws of the province from which it was obtained. The U.S. Department of the Interior has authority to arrest, with or without a warrant, a person violating the Act.

EO 13186, "Conservation of Migratory Birds", January 10, 2001

EO 13186 creates a more comprehensive strategy for the conservation of migratory birds by the Federal Government. The Order provides a specific framework for the Federal government's compliance with its treaty obligations to Canada, Mexico, Russia, and Japan. The Order provides broad guidelines on conservation responsibilities and requires the development of more detailed guidance in Memoranda of Understanding (MOU) within 2 years of its implementation. The Order will be coordinated and implemented by the Fish and Wildlife Service. The MOU will outline how Federal agencies will promote conservation of migratory birds. The Order will requires the support of various conservation planning efforts already in progress; incorporation of bird conservation considerations into agency planning, including NEPA analyses; and reporting annually on the level of take of migratory birds.

EO 11514, "Protection and Enhancement of Environmental Quality," March 5, 1970

EO 11514 states the President, with assistance from the CEQ, will lead a national effort to provide leadership in protecting and enhancing the environment for the purpose of sustaining and enriching human life. Federal agencies are directed to meet national environmental goals through their policies, programs, and plans. Agencies should also continually monitor and evaluate their activities to protect and enhance the quality of the environment. Consistent with NEPA, agencies are directed to share information about existing or potential environmental problems with all interested parties, including the public, in order to obtain their views.

Economic and Social Factors

Environmental Quality Improvement Act (EQIA) of 1970

The EQIA ensures each Federal agency conducting or supporting public works activities affecting the environment implements policies established under existing law. The EQIA also created the Office Environmental Quality to provide professional and administrative staff for the Council on Environmental Quality (CEQ). The Director of the Office of Environmental Quality assists and advises the President on Federal policies and programs affecting environmental quality. The Office of Environmental Quality reviews the adequacy of existing environmental monitoring and predicting systems, and assists Federal agencies in appraising the effectiveness of existing and proposed facilities which affect environmental quality.

National Historic Preservation Act (NHPA) of 1966

The NHPA sets forth national policy to identify and preserve properties of state, local, and national significance. The act establishes the Advisory Council on Historic Preservation (Council), State Historic Preservation Officers, and the National Register of Historic Places (NRHP). The Council advises the President, Congress and Federal agencies on historic preservation issues. Section 106 of the act directs Federal agencies to take into account effects of their undertakings (actions and authorizations) on properties included in or eligible for NRHP. Section 110 sets inventory, nomination, protection and preservation responsibilities for federally owned cultural properties. Section 106 of the act is implemented by regulations of the Council, 36 CFR Part 800. The Bureau of Land Management in Arizona complies with Section 106 according to a national Programmatic Agreement dated March 26, 1997, supplemented by a Protocol between the BLM Arizona State Director and the Arizona State Historic Preservation Officer.

The agency should coordinate studies and documents prepared under Section 106 with NEPA where appropriate. However, NEPA and NHPA are separate statutes and compliance with one does not constitute compliance with the other. For example, actions which qualify for a categorical exclusion under NEPA may still require Section 106 review under NHPA. It is the responsibility of the agency official to identify properties in the area of potential effects, and whether they are included or eligible for inclusion in the National Register of Historic Places. Section 110 of the NHPA requires Federal agencies to identify, evaluate, and nominate historic property under agency control to the National Register of Historic Places.

Archaeological Resource Protection Act (ARPA) of 1979

ARPA protects archaeological resources on public and Indian lands. It provides felony-level penalties for the unauthorized excavation, removal, damage, alteration or defacement of any archaeological resource, defined as material remains of past human life or activities which are at least 100 years old. Before archaeological resources are excavated or removed from public lands, the Federal land manager must issue a permit detailing the time, scope, location and specific purpose of the proposed work. ARPA also fosters the exchange of information about archaeological resources between governmental agencies, the professional archaeological community, and private individuals. ARPA is implemented by regulations found in 43 CFR Part 7.

American Indian Religious Freedom Act of 1978 and Amendments of 1994

The American Indian Religious Freedom Act of 1978 recognizes that freedom of religion for all people is an inherent right, and traditional American Indian religions are an indispensable and irreplaceable part of Indian life. It also recognized the lack of Federal policy on this issue and made it the policy of the United States to protect and preserve the inherent right of religious freedom for Native Americans. The 1994 Amendments provide clear legal protection for the religious use of peyote cactus as a religious sacrament. Federal agencies are responsible for evaluating their actions and policies to determine if changes should be made to protect and preserve the religious cultural rights and practices of Native Americans. These evaluations must be made in consultation with native traditional religious leaders.

Native American Graves Protection and Repatriation Act (NAGPRA) of 1990

NAGPRA establishes rights of Indian tribes to claim ownership of certain “cultural items”, defined as Native American human remains, funerary objects, sacred objects and objects of cultural patrimony, held or controlled by Federal agencies. Cultural items discovered on Federal or tribal lands are, in order of primacy, the property of lineal descendants, if these can be determined, the tribe owning the land where the items were discovered, of the tribe with the closest cultural affiliation with the items. Discoveries of cultural items on Federal or tribal land must be reported to the appropriate Indian tribe and the Federal agency with jurisdiction over the land. If the discovery is made as a result of a land use, activity in the area must stop and the items must be protected pending the outcome of consultation with the affiliated tribe.

EO 11593, "Protection and Enhancement of the Cultural Environment," May 13, 1971

EO 11593 directs the Federal Government to provide leadership in the preservation, restoration, and maintenance of the historic and cultural environment. Federal agencies are required to locate and evaluate all Federal sites under their jurisdiction or control which may qualify for listing on the National Register of Historic Places. Agencies must allow the Advisory Council on Historic Preservation to comment on the alteration, demolition, sale, or transfer of property which is likely to meet the criteria for listing as determined by the Secretary of the Interior in consultation with the State Historic Preservation Officer. Agencies must also initiate procedures to maintain federally owned sites listed on the National Register.

EO 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," February 11, 1994

EO 12898 directs Federal agencies to make achieving environmental justice part of their mission. Agencies must identify and address adverse human health and/or environmental effects its activities have on minority and low-income populations, and develop agency-wide environmental justice strategies. The strategy must list "programs, policies, planning and public participation processes, enforcement, and/or rulemakings related to human health or the environment that should be revised to promote enforcement of

all health and environmental statutes in areas with minority populations and low-income populations, ensure greater public participation, improve research and data collection relating to the health of and environment of minority populations and low-income populations, and identify differential patterns of consumption of natural resources among minority populations and low-income populations." A copy of the strategy and progress reports must be provided to the Federal Working Group on Environmental Justice. Responsibility for compliance with this EO lies with each Federal agency.

EO 13007, "Indian Sacred Sites", May 24, 1996

EO 13007 provides that agencies managing Federal lands, to the extent practicable, permitted by law, and not inconsistent with agency functions, shall accommodate Indian religious practitioners' access to and ceremonial use of Indian sacred sites, shall avoid adversely affecting the physical integrity of such sites, and shall maintain the confidentiality of such sites. Federal agencies are responsible for informing tribes of proposed actions that could restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites.

EO 13287, "Preserve America", March 3, 2003

EO 13287 orders the Federal Government to take a leadership role in protection, enhancement, and contemporary use of historic properties owned by the Federal Government, and promote intergovernmental cooperation and partnerships for preservation and use of historic properties. The order established new accountability for agencies with regard to inventories and stewardship.

Planning Criteria

During preparation of the plan, the BLM with input from the public develops planning criteria that serves to:

- constrain and guide the development of the Plan,
- determine how the planning team approaches the development of Alternatives, and
- determine how the planning team approaches selection of the Proposed Alternative.

Additional planning criteria can be added at any point in the planning process. The following are the Draft Planning Criteria as of the printing of this document.

1. The Plans will be completed in compliance with the Federal Land Management and Policy Act, The Endangered Species Act, the National Environmental Policy Act, and all other relevant Federal laws and executive orders (including wilderness legislation), and management policies of the BLM. The National Monument Plan will meet the requirements of the Agua Fria National Monument Proclamation to protect the objects of geological, paleontological, archaeological, historic, and biological value within the monument.
2. Fire Management prescriptions will be consistent with the 2001 Federal Wildland Fire Policy and the National Fire Plan.
3. The planning team will work collaboratively with the State of Arizona, Maricopa and Yavapai Counties, tribal governments, municipal governments, other Federal agencies; and all other interested groups, agencies and individuals.

4. The National Monument Plan will establish the guidance upon which the BLM will manage the Agua Fria National Monument. BLM will rely on the Bradshaw Foothills Resource Management Plan Amendment Plan for management guidance for BLM's lands not covered by the Lower Gila Resource Management Plan Amendment. The Bradshaw Foothills and Agua Fria National Monument Resource Management Plans will replace and supersede all other BLM land use plans for the lands covered by them.
5. The National Monument Plan will determine what quantity of water will be needed for Monument purposes and will work within Arizona appropriate procedures to acquire those water rights.
6. Where planning decisions have previously been made that still apply, those decisions will be carried forward into these Plans.
7. The planning process will include an Environmental Impact Statement which will comply with the National Environmental Policy Act standards. Two Records of Decision will be issued, one for the Agua Fria National Monument and one for the lands in the Bradshaw Harquahala planning area.
8. Due to the desire to maintain the existing natural and cultural landscapes of the Agua Fria National Monument, any visitor facilities will be located near the Monument boundary or in neighboring communities. Facilities may be located within the Monument, but they will be placed in an unobtrusive location near the Monument boundary.
9. The Plans will set forth a framework for managing recreational activities in order to maintain existing natural landscapes and to provide for the enjoyment and safety of the visiting public.
10. The management of grazing is regulated by laws and regulations other than the Monument Proclamation. The Plans will incorporate the statewide standards and guidelines established by the Arizona Bureau of Land Management State Director and approved by the Secretary of the Interior. It will lay out a strategy for ensuring that proper grazing practices are followed while preserving habitats for sensitive plant and wildlife species. Livestock Grazing is permitted, pursuant to the terms and conditions of existing permits and leases. Appropriate best management practices will be followed to protect rangeland resources, and where necessary, to mitigate any conflicts with other uses and values. Administrative actions to assure compliance with existing permit/lease requirements, to modify permits and leases, to monitor and supervise grazing use, and to remedy unauthorized grazing use will continue.
11. Native American tribal consultations will be conducted in accordance with policy and tribal concerns will be given due consideration. The planning process will include the consideration of any impacts on Indian trust assets.
12. Coordination with the Arizona State Historic Preservation Office (SHPO) will be conducted throughout the Plan.
13. The Plans will identify opportunities for using cultural properties for scientific, educational, recreational, or experimental purposes.
14. The lifestyles of area residents, including activities of grazing, hunting, and back country motorized use and recreation, will be recognized in the Plan.
15. The Agua Fria National Monument Plan will not address monument boundary adjustments or proposals to change the proclamation.
16. The Plans will recognize the State's authority to manage wildlife, including hunting and fishing, within the planning area in accordance with the current Memorandum of Understanding (MOU).

17. The Plans will address transportation, route management, and access; and identify which routes/roads should remain open to accommodate resource users, recreationist, protection of resource values and administrative needs.
18. The existing BLM wilderness inventory and vehicle route inventory will provide a basis for consideration of any new wilderness proposals.
19. Lands which will be open to mineral leasing will be identified in the Plan. Lands within the Agua Fria National Monument are closed to mineral development (subject to valid existing right) by the proclamation. Where the plan identifies lands as open to mineral leasing, it will also define any constraints to surface use.
20. Ecological Site Inventory will be conducted consistent with current rangeland management policy.
21. Visual Resource Management classification will be conducted to address the public's concerns about open space and natural vistas.
22. The Plans will designate which acquired lands currently not segregated from mining by overriding actions (i.e., national monument, wilderness) should be opened to mining location.
23. The Bradshaw Foothills Plan Amendment will determine if any lands should be closed to operations under the Mining Laws.
24. Consultations with the Fish and Wildlife Service will take place throughout the Plan process in accordance with the Memorandum of Agreement on Section 7 Programmatic Consultations and Coordination among the Fish and Wildlife Service, Forest Service, Bureau of Land Management, and National Marine Fisheries, August 2000.
25. Minerals management will be consistent with FLPMA and existing policy and regulation including the Mining and Minerals Policy Act of 1970, Section 102 (a) (12) of FLPMA, the National Materials and Minerals Policy, Research and Development Act of 1980, and current BLM Mineral Resources policy.
26. National, State, and local policy on management of noxious weeds will be considered in the plans. Where possible, management practices that control invasive plant species will be emphasized.
27. Management of the wild burros within the Lake Pleasant Herd Management Area will continue to be guided by the existing Herd Management Plan. Appropriate management levels for burros were set based on monitoring studies and are within the limits set by the Arizona Rangeland Health Standards. Monitoring will continue to assure those standards are maintained.
28. Sensitive or special resources in planning and designating utility corridors will be avoided.
29. In February 2003, the Department of Homeland Security (DHS) issued the National Strategy for the Physical Protection of Critical Infrastructures and Key Assets (DHS 2003). This strategy summarized the initial assessment of and plans for protection against vulnerabilities to terrorist threat. BLM must ensure the designation of utility and transportation corridor locations and the planning and maintenance of utilities, railroads, and highways crossing its lands conform to DHS directives, policies, and procedures.
30. In accordance with Executive Order No. 13212, the Energy Project Streamlining Process (signed May 18, 2001), Federal energy-related planning must expedite producing, transmitting, or conserving energy.

Appendix D - Route Evaluation/Designation Decision Tree Process

The route designation process for the Phoenix District is the sum of route and resource inventories, the BLM specialists' input, and the public's input. The process of designating routes is part of a larger effort to use the best management techniques in an ever-changing environment. As the population of Arizona grows, management of the land must reflect trends and in some cases, provide guidance to meet desired goals. Designating and managing a route system is a key component.

Evaluating routes on the merits of their uses, values, and impacts is a difficult task. The method currently directed by the BLM Arizona State Office for evaluating each route is the Route Evaluation/Designation Decision Tree Process. This process uses a flow chart (See below) that systematically guides the evaluator through a series of questions that help assess the relationship of routes to sensitive resources and public access both individually route by route, as well as collectively or cumulatively as a network. Background data from state and federal agency inventories and specialists, as well as the public provides the basis for evaluation. As specified by 43CFR8342.1, this process considers as part of its evaluation, impacts to a number of sensitive resources including but not limited to threatened, endangered and sensitive species, and their habitat, as well as cultural and historic resources. These impacts are jointly evaluated in the context of providing reasonable commercial and recreational public access as provided for by several State and Federal acts. When the questions are answered by taking into account the best information available and RMP objectives, a route designation code is established and recorded. Routes are determined to be Open, Closed, or Limited.

As the evaluation/designation process progresses, specific reasoning on route designation is documented. Mitigation where necessary will be incorporated into an adaptive management plan. Route designation is considered an implementation action rather than a RMP decision. Changes can be made to the designated route network land use plan, Monument Proclamation, NEPA and FLPMA and 43 CFR 8342.1, and any other laws or regulations that may apply.

The process for reviewing inventoried routes, proposing new routes, both motorized and non-motorized and adding routes to route inventory for consideration in the route designation process is outlined below in six steps. Public participation will be requested during the following phases of the route designation process:

Scoping:

- The public identifies proposed and missing routes to be analyzed. Route proposals submitted at this time. See (1) below.

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Action Alternatives Formulation meetings

- The public reviews agency proposals based on scoping comments and is invited to participate in a structured data gathering session.

Draft Environment Assessment comment period

- Comments will be accepted on the draft plan

All routes, inventoried or proposed, will be integrated and evaluated as follows:

1. Route locations will be mapped or located using accepted Global Positioning System devices and presented to the BLM office for consideration. Locations of route proposals off of existing motorized routes must be located and mapped using non-motorized methods. The route proposal submitted to BLM will include a description of the route including its proposed width, its proposed use(s), and a rationale for its need.
2. The route location will be analyzed for potential conflicts such as, (but not limited to): wildlife habitats, cultural resources, visual resources, other recreation uses, mining claims or leases, grazing facilities, rights-of-way, and proximity to other jurisdictions (such as private land.) A structured process, such as that described above will be used to evaluate and document the known or foreseeable route conditions.
3. If the route has few conflicts identified during the analysis, an on-the-ground review may be initiated. At this stage, the proposed route must be flagged and staked on the ground by the public for BLM review. If a route has irresolvable conflicts, it may be removed from further consideration.
4. Pending favorable on-the-ground review, a conflict assessment would lead to possible mitigation actions or alternative locations or design.
5. An environmental analysis (EA) would be prepared to determine the environmental affects of the proposed route system and any alternatives and mitigation suggested. In the case of new route proposals brought forth during the initial route designation period, all routes will be analyzed together in the same EA.
6. A decision identifying the route system and mitigations will be issued by the authorized officer based on Land Use Plan compliance, resource objectives, and environmental impacts.

Route Evaluation/Designation Decision Tree

Main Features Include:

1. Logical, standardized, balanced and repeatable approach to route designation
2. Systematic questions to assess compliance with a variety of pertinent statutory requirements including:
 - Valid existing rights and other vested rights or permitted uses
 - Degree of potential impact or degradation to specially protected resources, such as species protected by the Federal Endangered Species Act (ESA), cultural, historic and scientific objects protected by the Historic Preservation and Antiquities Acts (e.g. Monument Proclamations, Section 106) and wilderness values as protected by the Wilderness Act.
 - Implementation of the Federal Land Policy & Management Act (FLPMA) and its charge to balance the public's need/desire for access to Federal lands with resource protection through a philosophy of management for "multiple use". Such consideration includes recognizing the value of providing a range of recreational opportunities and treating those opportunities in accordance with FLPMA as a resource worthy of protection.
3. Systematic consideration of access opportunities and resource protection needs on both a narrowly focused route by route assessment, as well as a broad-based cumulative assessment of the total network's effect.
4. Systematic consideration of mitigation and/or limited designation as a means by which to ameliorate resource impacts. Designation options include a range from open to closed, and a number of intermediate actions as a means by which to balance access needs and resource protection.
5. Systematic recordation of data allowing for future retrieval and review/updating of decision information as needed (i.e. "decision pathways" are numerically coded).
6. Systematic ability to assess a route's final recommended designation status based upon the management goals of each individual alternative.

Benefit
Opportunities

How does the Tree Work?

1. The region or management area in which the route is located is thoroughly evaluated. Resource protection, recreation and commercial access concerns pertinent to route designation are identified. The patterns of these identified uses and concerns, as well as their trends are also noted. Other related issues such as law enforcement, route maintenance and user conflicts are further identified.
2. The desired future condition and management goals of each proposed alternative are identified and reviewed.
3. Each route is systematically numbered. This both allows for tracking the designation process and enables the public to make comment on specific routes.



Close 01: A route that is recommended for permanent closure to all use. Physical closure includes restoring the travelway to the degree possible to blend with surrounding landscape, as well as installation of physical barriers and signing at the original departure point, if necessary.



Mitigate/Limit 09: A route that is recommended for limited use by certain parties or entities with valid, vested, or implied rights of access, or to certain vehicle types, seasons of use, etc., following mitigation action(s) aimed at reducing/eliminating certain estimated impacts identified during the route designation process.



Limit 05: A route that is recommended for limited use by certain parties or entities with valid, vested, or implied rights of access, or to certain vehicle types, seasons of use, etc.



Mitigate/Open 05: A route that is recommended open for all uses, following mitigation action(s) aimed at reducing/eliminating certain estimated impacts identified during the route designation process.



Open 02: A route that is recommended open for all uses.

Appendix E: Cultural Resources Use Categories

EXCERPT FROM BLM MANUAL 8110

8110 - IDENTIFYING AND EVALUATING CULTURAL RESOURCES

.4 Categorizing According to Uses. Categorizing cultural resources according to their potential uses is the culmination of the identification process and the bridge to protection and utilization decisions. Use categories establish what needs to be protected, and when or how use should be authorized. All cultural resources have uses, but not all should be used in the same way. Cultural resources can be allocated to the various recognized use categories even before they are individually identified. The clear advantage in doing this is that it allows Field Office managers to know in advance how to respond to conflicts that arise between specific cultural resources and other land uses. Relative to the national Programmatic Agreement, categorizing resources to uses provides a mechanism for the Field Office manager and the SHPO to confer and concur on how to handle most routine cases of conflict in advance, enabling the Field Office manager to put decisions into effect in the most appropriate and most timely manner.

.41 Allocations to Use Categories.

A. Field Office managers shall allocate to appropriate use categories all cultural properties known and projected to occur in a plan area. Allocations are made in land use plans (RMP), and may be applied both to individual properties and to classes of similar properties. Appropriately qualified staff professionals recommend suitable uses for each cultural property or class of properties, considering the properties' characteristics, condition, setting, location, and accessibility, and especially their perceived values and potential uses. A cultural property may be allocated to more than one use category or it may pass from one category to another (e.g., from Scientific Use to Public Use, as when an archaeological property becomes appropriate for in-place interpretation and conservation for future scientific use, upon completion of scientific investigation). During the compliance process for proposed land uses, allocations allow Field Office managers to analyze needs and develop appropriate mitigation and treatment options. Allocations should be consistent with historic context documents and State Historic Preservation Plans.

B. Allocations shall be reevaluated and revised, as appropriate, when circumstances change or new data become available. Conditions and/or criteria for revising allocations must be included in the RMP, or else revisions may require a plan amendment.

C. A Field Office more than 1 year from an RMP start may assign cultural resources to use categories through an implementation plan (e.g., integrated or interdisciplinary plan, coordinated resource management plan, landscape management plan) that implements any commitment in an existing land use plan to manage cultural resources appropriately (even if only a commitment to comply with the National Historic Preservation Act; see next to last sentence in A. above). Assignments made in implementation plans do not become full allocation decisions until incorporated in an approved RMP.

.42

8110 - IDENTIFYING AND EVALUATING CULTURAL RESOURCES

.42 Use Categories

A. Scientific Use. This category applies to any cultural property determined to be available for consideration as the subject of scientific or historical study at the present time, using currently available research techniques. Study includes methods that would result in the property's physical alteration or destruction. This category applies almost entirely to prehistoric and historic archaeological properties, where the method of use is generally archaeological excavation, controlled surface collection, and/or controlled recordation (data recovery). Recommendations to allocate individual properties to this use must be based on documentation of the kinds of data the property is thought to contain and the data's importance for pursuing specified research topics. Properties in this category need not be conserved in the face of a research or data recovery (mitigation) proposal that would make adequate and appropriate use of the property's research importance.

B. Conservation for Future Use. This category is reserved for any unusual cultural property which, because of scarcity, a research potential that surpasses the current state of the art, singular historic importance, cultural importance, architectural interest, or comparable reasons, is not currently available for consideration as the subject of scientific or historical study that would result in its physical alteration. A cultural property included in this category is deemed worthy of segregation from all other land or resource uses, including cultural resource uses, that would threaten the maintenance of its present condition or setting, as pertinent, and will remain in this use category until specified provisions are met in the future.

C. Traditional Use. This category is to be applied to any cultural resource known to be perceived by a specified social and/or cultural group as important in maintaining the cultural identity, heritage, or well being of the group. Cultural properties assigned to this category are to be managed in ways that recognize the importance ascribed to them and seek to accommodate their continuing traditional use.

D. Public use. This category may be applied to any cultural property found to be appropriate for use as an interpretive exhibit in place, or for related educational and recreational uses by members of the general public. The category may also be applied to buildings suitable for continued use or adaptive use, for example as staff housing or administrative facilities at a visitor contact or interpretive site, or as shelter along a cross-country ski trail.

8110 - IDENTIFYING AND EVALUATING CULTURAL RESOURCES

E. Experimental Use. This category may be applied to a cultural property judged well-suited for controlled experimental study, to be conducted by BLM or others concerned with the techniques of managing cultural properties, which would result in the property's alteration, possibly including loss of integrity and destruction of physical elements. Committing cultural properties or the data they contain to loss must be justified in terms of specific information that would be gained and how it would aid in the management of other cultural properties. Experimental study should aim toward understanding the kinds and rates of natural or human-caused deterioration, testing the effectiveness of protection measures, or developing new research or interpretation methods and similar kinds of practical management information. It should not be applied to cultural properties with strong research potential, traditional cultural importance, or good public use potential, if it would significantly diminish those uses.

F. Discharged from Management. This category is assigned to cultural properties that have no remaining identifiable use. Most often these are prehistoric and historic archaeological properties, such as small surface scatters of artifacts or debris, whose limited research potential is effectively exhausted as soon as they have been documented. Also, more complex archaeological properties that have had their salient information collected and preserved through mitigation or research may be discharged from management, as should cultural properties destroyed by any natural event or human activity. Properties discharged from management remain in the inventory, but they are removed from further management attention and do not constrain other land uses. Particular classes of unrecorded cultural properties may be named and described in advance as dischargeable upon documentation, but specific cultural properties must be inspected in the field and recorded before they may be discharged from management.

Appendix F: Special Cultural Resource Management Areas

These eight areas, described below from east to west, are defined as Priority Areas for Cultural Resource Management and are common to all plan alternatives. These areas contain significant resources that, in many cases, are at risk of damage. Management actions within priority areas will be incorporated into annual work planning for the Phoenix District cultural heritage program.

Black Mesa/Bumble Bee

This area, west of the Agua Fria National Monument, contains significant prehistoric and historic sites including pueblos, rock art, an Archaic artifact scatter, and historic mining and ranching camps. Many of the prehistoric sites were used during the period immediately prior to the Perry Mesa Tradition (A.D. 1250-1450), which represents the major occupational period on the monument. The sites are threatened by impacts from looting, livestock grazing, off-highway vehicle use, and recreational activities.

Galena Gulch

This area, adjacent to State Route 69 near Humboldt, contains an unusual variety of significant prehistoric and historic sites including pueblo structures, rock art, mines, cabins, cemeteries, and the remnants of an early transmission line. Many of the sites are known to the public and accessible from the highway. They are vulnerable to damage associated with recreational activities and nearby development.

Black Canyon Corridor

This area incorporates the proposed route of the Black Canyon Hiking and Equestrian Trail, which follows the path of the historic Black Canyon Livestock Driveway and other historic routes. The area features a number of significant prehistoric and historic sites, which offer opportunities for interpretive development and public education along the recreational trail. As this area receives a high level of recreational traffic, the sites also need to be documented and protected.

Lake Pleasant/Agua Fria

This area in the foothills of the Bradshaw Mountains, directly north of Lake Pleasant, also incorporates a segment of the Agua Fria River. The area contains significant sites including prehistoric hilltop structures, rock art, and Humbug and other sites associated with historic mining. There are documented occurrences of *Agave murpheyi*, a type of agave that was cultivated in prehistoric times and is frequently associated with Hohokam sites. The integrity of these sites is threatened by the high volume of recreational traffic associated with the proximity of Lake Pleasant. Some sites have been publicized in book, magazine, and newspaper articles.

Wickenburg/Vulture

The area surrounding Wickenburg contains a number of historic sites and roads, associated primarily with the history of mining and settlement. The area also incorporates the Vulture source of obsidian, used for stone tools and traded widely by prehistoric people. Urban expansion and development, as well as recreational and mining activities, represent potential threats to cultural resources. Tourism is a local tradition, and residents have expressed an interest in visiting historical sites and incorporating interpreted sites into trail systems.

Weaver/Octave

This area surrounds Rich Hill, one of the most productive gold mining areas in Arizona's history. The historic settlement of Weaver (AZ N:14:3 (BLM)), other historic sites, roads, mines, and cemeteries offer opportunities to interpret selected sites for public use.

Harcuvar Mountains

This mountain range and surrounding areas contain a variety of significant prehistoric sites, including habitation camps, stone tool manufacturing areas, milling areas, rockshelters, and rock art (petroglyphs and pictographs). The area is near a major historic transportation route and may contain sites associated with mining, transportation, commerce, and military activities during the 1800s. The sites are threatened by off-highway travel and recreational activities associated with the growth of seasonal retirement communities.

Harquahala Mountains

This mountain range includes the Harquahala Mountain Observatory Historic District, which encompasses the Harquahala Smithsonian Observatory, the historic Harquahala Pack Trail, Ellison's Camp, and associated historical features. The Harquahala Mountains also contain significant prehistoric sites including habitation camps, milling areas, and rock art. In 2002, the BLM completed a stabilization project at the historic Harquahala Peak Smithsonian Observatory, which was used by solar researchers during the 1920s. This historic building is a mountaintop destination for both the historic pack trail and the Harquahala Mountain Back Country Byway. The remoteness and wilderness character of the range offer some protection for cultural resources, but sites may be vulnerable to impacts from mining and recreational activities.

Appendix G – Harquahala Herd Area Manageability Analysis

The Harquahala Herd Area is located approximately 18 miles north and 72 miles west of Phoenix, and is 59,405 acres in size. The herd area encompasses 150,561 acres of public land (94.5 percent), 8,060 acres of Arizona State Lands (5 percent), and 782 acres of private land (0.5 percent).

Portions of three wilderness areas, including the Harquahala Mountains Wilderness Area on the north, along with Hummingbird Springs and the Big Horn Mountains Wilderness Areas on the south, are located within the herd area boundaries. Wilderness acres include 20.7 percent, or 33,151 acres of the herd area.

The area, which was first identified as a herd area in the Draft Lower Gila North Grazing Environmental Impact Statement (EIS) in 1982, was based on inventories conducted in 1976 and 1980, utilizing the Lincoln Index Inventory Method. The area was designated as a herd area in the Final Lower Gila North Grazing EIS in September 1982.

In 1999, inventories were jointly conducted by the Arizona Game and Fish Department and the Bureau of Land Management (BLM) utilizing the Simultaneous Double Count Method. The analysis of that data indicates a total herd of less than 50 animals. These were found in two separate groups. One group, representing approximately two-thirds of the current population, was located on the south side of the Harquahala Mountains, and the other one-third was found on the southern end of the Big Horn Mountains. The mountainous areas provide a more dependable source of forage, whereas the areas between these mountains produce only a limited amount of perennial forage. Burros within this herd area are often dependant on forage produced on the privately owned agricultural fields, which are located at the west end of the Harquahala Mountains, especially during periods of drought.

Access to natural occurring water is restricted to two sources of dependable water (except during drought), they're two springs located in Browns Canyon on the south side of the Harquahalas, and Humming Bird Springs in the southern portion of the herd area. Both of these areas are critical to native wildlife species. A proposal to fence Browns Canyon to protect the riparian area from excessive grazing is being considered, and will forwarded as a project as soon as the area has been evaluated via the Arizona Standards for Rangeland Health process. Other water sources in the area are those developed for livestock, including wells, troughs and earthen tanks. The wells and troughs are generally located within livestock handling facilities, such as corrals and traps that are often closed to facilitate livestock management; therefore, not always accessible to wild burros. Also, these wells are only operational during periods of active livestock use, and are not a dependable source of water throughout the year. Earthen tanks are generally accessible, but only contain water during periods of plentiful precipitation.

Field observations confirm that the burros in this area often range far outside the herd area boundary, which indicates the necessity for these animals to seek sustenance (forage and water) in areas other than within the designated herd area.

Although existing research regarding minimum population size varies, it is generally accepted that a population of less than 50 animals is not sufficient to maintain a genetically viable and healthy population over a long-term period.

Therefore, considering all factors, including limited water sources, sparse-foraged vegetation, which resulted in the necessity for the burros to forage outside the herd area and on privately owned farm lands, and grazing damage to riparian areas by a small number of animals - it is recommended that the Harquahala Herd Area not be designated as a Herd Management Area.

Table H-1 – Priority Species List

Priority wildlife species, their status, and occurrence in the planning area are described in the following table:

Common Name	Scientific Name	Status			
		Federal	State	Other	Planning Area Occurrence
Mammals					
Allen's (Mexican) Big-eared Bat	<i>Idionycteris phyllotis</i>	BS	-	-	p
American Pronghorn	<i>Antilocapra americana americana</i>	-	G	-	x
Big Free-tailed Bat	<i>Nyctinomops macrotis</i>	BS	-	-	p
Black Bear	<i>Ursus americanus</i>	-	G	-	x
California Leaf-nosed Bat	<i>Macrotus californicus</i>	-	S	-	x
Cave Myotis	<i>Myotis velifer</i>	BS	-	-	x
Desert Bighorn Sheep	<i>Ovis canadensis mexicana</i>	-	G	-	x
Elk	<i>Cervus elaphus</i>	-	G	-	x
Fringed Myotis	<i>Myotis thysanodes</i>	BS	-	-	x
Javelina (Collared Peccary)	<i>Pecari tajacu</i>	-	G	-	x
Long-eared Myotis	<i>Myotis evotis</i>	BS	-	-	p
Long-legged Myotis	<i>Myotis volans</i>	BS	-	-	p
Mountain Lion	<i>Puma concolor</i>	-	G	-	x
Mule Deer	<i>Odocoileus hemionus</i>	-	G	-	x
Occult Little Brown Bat	<i>Myotis lucifugus occultus</i>	BS	-	-	p
Pocketed Free-tailed Bat	<i>Nyctinomops femorosaccus</i>	BS	-	-	p
Red Bat	<i>Lasiurus borealis</i>	-	S	-	p
Small-footed Myotis	<i>Myotis leibii</i>	BS	-	-	p
Southern Yellow Bat	<i>Lasiurus ega</i>	-	S	-	p
Spotted Bat	<i>Euderma maculatum</i>	-	S	-	x
White-tailed Deer	<i>Odocoileus virginianus</i>	-	G	-	x
Birds					
American Kestrel	<i>Falco sparverius</i>	-	-	R	x
Bald Eagle	<i>Haliaeetus leucocephalus</i>	T	S	-	x
Band-tailed Pigeon	<i>Patagioenas fasciata</i>	-	G	-	p
Barn Owl	<i>Tyto alba</i>	-	-	R	x
Bell's Vireo	<i>Vireo bellii</i>	-	-	BCC	x
Belted Kingfisher	<i>Megaceryle alcyon</i>	-	S	-	x
Bendire's Thrasher	<i>Toxostoma bendirei</i>	-	-	BCC	x
Black-chinned Sparrow	<i>Spizella atrogularis</i>	-	-	BCC	x
Black-throated Gray Warbler	<i>Dendroica nigrescens</i>	-	-	BCC	p
Broad-billed Hummingbird	<i>Cyanthus latirostris</i>	-	-	BCC	p
Burrowing Owl	<i>Athene cucularia</i>	BS	-	BCC	x
Cactus Ferruginous Pygmy Owl	<i>Glaucidium brasilianum cactorum</i>	E	S	-	h
Chestnut-collared Longspur	<i>Calcarius ornatus</i>	-	-	BCC	p
Common Black-hawk	<i>Buteogallus anthracinus</i>	-	S	BCC	x

Common Name	Scientific Name	Status			
		Federal	State	Other	Planning Area Occurrence
Cooper's Hawk	<i>Accipiter cooperii</i>	-	-	R	x
Costa's Hummingbird	<i>Calypte costae</i>	-	-	BCC	x
Crissal Thrasher	<i>Toxostoma crissale</i>	-	-	BCC	x
Elf Owl	<i>Micrathene whitneyi</i>	-	-	BCC	x
Ferruginous Hawk	<i>Buteo regalis</i>	-	S	BCC	x
Gambel's Quail	<i>Callipepla gambelii</i>	-	G	-	x
Gila Woodpecker	<i>Melanerpes uropygialis</i>	-	-	BCC	x
Gilded Flicker	<i>Colaptes chrysoides</i>	-	-	BCC	x
Golden Eagle	<i>Aquila chrysaetos</i>	-	-	R	x
Grace's Warbler	<i>Dendroica graciae</i>	-	-	BCC	p
Grasshopper Sparrow	<i>Ammodramus savannarum</i>	-	-	BCC	p
Gray Vireo	<i>Vireo vicinior</i>	-	-	BCC	x
Great Egret	<i>Casmerodius albus</i>	-	S	-	x
Greater Pewee	<i>Contopus pertinax</i>	-	-	BCC	x
Great-Horned Owl	<i>Bubo virginianus</i>	-	-	R	x
Harris' Hawk	<i>Parabuteo unicinctus</i>	-	-	R	x
Lark Bunting	<i>Calamospiza melanocorys</i>	-	-	BCC	x
Lawrence's Goldfinch	<i>Carduelis lawrencei</i>	-	-	BCC	x
Le Conte's Thrasher	<i>Toxostoma lecontei</i>	-	-	BCC	x
Loggerhead Shrike	<i>Lanius ludovicianus</i>	BS	-	BCC	x
Long-billed Curlew	<i>Numenius americanus</i>	-	-	BCC	x
Long-eared Owl	<i>Asio otus</i>	-	-	R	x
Merlin	<i>Falco columbarius</i>	-	-	R	x
Mourning Dove	<i>Zenaida macroura</i>	-	G	-	x
Northern Goshawk	<i>Accipiter gentilis</i>	-	S	BCC	p
Northern Harrier	<i>Circus cyaneus</i>	-	-	R	x
Osprey	<i>Pandion haliaetus</i>	-	S	-	x
Peregrine Falcon	<i>Falco peregrinus</i>	-	S	BCC	x
Prairie Falcon	<i>Falco mexicanus</i>	-	-	R	x
Red-tailed Hawk	<i>Buteo jamaicensis</i>	-	-	R	x
Sage Sparrow	<i>Amphispiza belli</i>	-	-	BCC	p
Sharp-shinned Hawk	<i>Accipiter striatus</i>	-	-	R	x
Short-eared Owl	<i>Asio flammeus</i>	-	-	R	x
Snowy Egret	<i>Egretta thula</i>	-	S	-	x
Southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	E	S	-	x
Swainson's Hawk	<i>Buteo swainsoni</i>	-	-	R	x
Turkey Vulture	<i>Cathartes aura</i>	-	-	R	x
Western Screech-Owl	<i>Megascops kennicottii</i>	-	-	R	x
White-tailed Kite	<i>Elanus leucurus</i>	-	-	R	x
White-winged Dove	<i>Zenaida asiatica</i>	-	G	-	x
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	C	S	BCC	x
Yellow Warbler	<i>Dendroica petechia</i>	-	-	BCC	x
Zone-tailed Hawk	<i>Buteo albonotatus</i>	-	-	R	x

Common Name	Scientific Name	Status			
		Federal	State	Other	Planning Area Occurrence
Amphibians and Reptiles					
Arizona Skink	<i>Eumeces gilberti arizonensis</i>	-	S	-	x
Chuckwalla	<i>Sauromalus ater</i>	BS	-	-	x
Sonoran Desert Tortoise	<i>Gopherus = (Xerobates) agassizii</i>	-	S	-	x
Lowland Leopard Frog	<i>Rana yavapaiensis</i>	-	S	-	x
Mexican Garter Snake	<i>Thamnophis eques</i>	-	S	-	x
Rosy Boa	<i>Charina trivirgata</i>	BS	-	-	x
Fishes					
Desert Pupfish	<i>Cyprinodon macularius macularius</i>	E	S	-	x
Desert Sucker	<i>Catostomus clarkii</i>	BS	-	-	x
Gila Chub	<i>Gila intermedia</i>	PE	S	-	x
Gila Topminnow	<i>Poeciliopsis occidentalis occidentalis</i>	E	S	-	x
Longfin Dace	<i>Agosia chrysogaster</i>	BS	-	-	x
Speckled Dace	<i>Rhinichthys osculus</i>	BS	-	-	x
Spikedace	<i>Meda fulgida</i>	T	S	-	h
Invertebrates					
Maricopa Tiger Beetle	<i>Cicindela oregona maricopa</i>	BS			p
MacNeill Sooty Wing Skipper	<i>Hesperopsis graciellae</i>	BS			p
Plants					
Arizona Giant Sedge	<i>Carex spissa var. ultra</i>	BS	-	-	x
California Flannelbush	<i>Fremontodendron californicum</i>	BS	-	-	x
Murphey (Hohokam) Agave	<i>Agave murpheyi</i>	BS	-	-	x

Federal Status

E- Endangered

T-Threatened

PE-Proposed Endangered

PT-Proposed Threatened

C-Candidate

Other Classifications

BS- BLM Sensitive, Updated BLM Sensitive Species List for Arizona (Instruction Memorandum No. AZ-2000-018, Change 1)

BCC - Birds of Conservation Concern 2002, U.S. Fish and Wildlife Service

S - State Sensitive, Wildlife of Special Concern in Arizona (AGFD, Draft 1996)

R – Raptors

G - Game Species

Occurrence in the Planning Areas

x – occur

p – possible

h - historic

Appendix I: Consideration of Wilderness Characteristics

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

October 23, 2003

In Reply Refer To:
1610 (210) P
Ref. IM No. 2003-195
IM No. 2003-274
IM No. 2003-275

EMS TRANSMISSION 10/23/2003
Instruction Memorandum No. 2003-275 – Change 1
Expires: 09/30/2004

To: All State Directors

From: Assistant Director, Renewable Resources and Planning

Subject: Consideration of Wilderness Characteristics in Land Use Plans (Excluding Alaska)

Program Area: Land Use Planning

Purpose: This Instruction Memorandum corrects the reference to the Code of Federal Regulations (CFR) used twice in the “Reviewing New Information” section of Instruction Memorandum No. 2003-275. No other changes to Instruction Memorandum No. 2003-275 have been made.

This Instruction Memorandum (IM) provides guidance regarding the consideration of wilderness characteristics in the land use planning process. In addition the IM sets forth policy to comply with the settlement in *Utah v. Norton* and the decision to apply the terms of the settlement Bureau-wide, excluding Alaska. The IM applies to all other public lands, except approximately 6.5 million acres of public land designated by Congress as wilderness, 15.5 million acres of wilderness study areas (WSAs) already established by the Bureau of Land Management (BLM) or Congress, and any other lands not designated by Congress but subject to specific provisions of law that direct BLM to manage those lands as if they were congressionally designated wilderness or WSAs. The IM also modifies the Land Use Planning Handbook (H-1601-1) to delete a statement that land use plan decisions include designation of WSAs.

Background: The BLM submitted wilderness suitability recommendations to Congress pursuant to Section 603 of the Federal Land Policy and Management Act (FLPMA) by October 21, 1993. BLM, however, continued to inventory for wilderness characteristics under the authority of Section 201 of FLPMA and made formal determinations regarding wilderness character consistent with the definition of wilderness as described in Section 2 (c) of the Wilderness Act of 1964. The BLM assumed that Section 202 of FLPMA authorized designation, through the land use planning process, of additional WSAs.

These Section 202 WSAs, according to the BLM's Interim Management Policy (IMP), as modified in 1995, would be managed to retain their suitability as wilderness (non-impairment provision) until Congress designated them as wilderness or they were made available for other land uses by the decisions resulting from a new land use planning process.

In *Utah v Norton*, the State of Utah, Utah School and Institutional Trust Land Administration, and the Utah Association of Counties filed suit challenging the authority of the BLM to conduct wilderness inventories after completion of the Section 603 identification, study, and recommendation processes. The Department of the Interior and the plaintiffs agreed to a settlement in April 2003.

The settlement acknowledges: (1) that the BLM's authority to conduct wilderness reviews, including the establishment of new WSAs, expired no later than October 21, 1993, with the submission of the wilderness suitability recommendations to Congress pursuant to Section 603 of the FLPMA; and (2) that the BLM is without authority to establish new WSAs. The settlement did not, however, diminish the BLM's authority under Section 201 of the FLPMA to inventory public land resources and other values, including characteristics associated with the concept of wilderness, and to consider such information during land use planning.

Consistent with the settlement, the BLM rescinded the Wilderness Inventory and Study Procedures Handbook (H-1630-1). See IM-2003-195, dated June 20, 2003. It is, therefore, no longer BLM policy to continue to make formal determinations regarding wilderness character, designate new WSAs through the land use planning process, or manage any lands – except WSAs established under Section 603 of the FLPMA and other existing WSAs – in accordance with the non-impairment standard prescribed in the IMP.

Refer to IM 2003- 274 for general guidance regarding interpretation of the *Utah v. Norton* wilderness lawsuit settlement.

Policy/Action:

Nothing in this guidance changes current policy on the management of designated wilderness and existing WSAs. The BLM will continue to protect and manage congressionally designated wilderness and existing WSAs according to the provisions of applicable laws and the BLM's wilderness program policies. Those lands designated as WSAs in the BLM's land use plans after October 21, 1993, may continue to be managed consistent with the decisions contained in the approved land use plan.

The BLM will not designate new WSAs through the land use planning process. In addition, the BLM will not allocate any additional lands to be managed under the non-impairment standard prescribed in the IMP. Instead, the BLM may consider information on wilderness characteristics, along with information on other uses and values, when preparing land use plans. Wilderness characteristics are features associated with the concept of wilderness that may be considered in land use planning (see Attachment #1).

The BLM will involve the public in the planning process to determine the best mix of resource use and protection consistent with the multiple-use and other criteria established in the FLPMA and other applicable laws, regulations and policies. Lands with wilderness characteristics may be managed to protect and/or preserve some or all of those characteristics. This may include protecting certain lands in their natural condition and/or providing opportunities for solitude, or primitive and unconfined types of recreation.

The BLM can make a variety of land use plan decisions to protect wilderness characteristics, such as establishing Visual Resource Management (VRM) class objectives to guide the placement of roads, trails, and other facilities; establishing conditions of use to be attached to permits, leases, and other authorizations to achieve the desired level of resource protection; and designating lands as open, closed, or limited to Off Highway Vehicles (OHV) to achieve a desired visitor experience.

The BLM also has authority to designate Areas of Critical Environmental Concern (ACEC) where special management attention is required to protect and prevent irreparable damage to important cultural, historic, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards. To qualify for consideration of the ACEC designation, such values must have substantial significance and value, with qualities of more than local significance and special worth, consequence, meaning, distinctiveness, or cause for concern. Where ACEC values and wilderness characteristics coincide, the special management associated with an ACEC, if designated, may also protect wilderness characteristics. See BLM Manual 1613, Areas of Critical Environmental Concern, for more information.

See the Land Use Planning Handbook, H-1601-1, Section II, Land Use Plan Decisions and Attachment #1 of this IM for more information about making land use plan decisions to accomplish goals and objectives for resource management.

Considering wilderness characteristics in the land use planning process may result in several outcomes, including, but not limited to: 1) emphasizing other multiple uses as a priority over protecting wilderness characteristics; 2) emphasizing other multiple uses while applying management restrictions (conditions of use, mitigation measures) to reduce impacts to some or all of the wilderness characteristics; 3) emphasizing the protection of some or all of the wilderness characteristics as a priority over other multiple uses (though the area will not be designated a WSA).

The BLM is authorized to implement current land use plans until those plans are revised or amended (if appropriate), provided the implementation actions conform to the approved plans and are supported by adequate National Environmental Policy Act (NEPA) documentation, usually an environmental assessment (EA), environmental impact statement (EIS), or Categorical Exclusion (CE).

If the BLM determines that an area has wilderness characteristics that warrant consideration in the land use planning process, the BLM may initiate a plan amendment (or revision) with an accompanying NEPA document (EIS or EA) to consider changes to the current land use plan decisions. A decision regarding the timing of the plan amendment (or revision) is at the discretion of the State Director, and depends on the level of public interest, the position of State and local governments and cooperators, the adequacy of available information, funding, and other factors.

BLM Wilderness Inventories and Public Wilderness Proposals

Typically, the resource information contained in the BLM wilderness inventories was collected to support a land use planning process. Public wilderness proposals represent a land use proposal. In either case, the BLM is authorized to consider such information during preparation of a land use plan amendment or revision. For example, information contained in BLM wilderness inventories and public wilderness proposals may be considered when developing the affected environment section of the NEPA document that accompanies the land use plan. The information may also be used to develop the range of alternatives or to analyze the environmental impacts to the various natural, biological, and cultural resources – such as air, soil, water, vegetation, cultural, paleontological, visual, special status species, fish and wildlife – as well as resource uses – such as forestry, livestock grazing, recreation, lands and realty, coal, and fluid minerals. Refer to the Land Use Planning Handbook, H-1601-1, Appendix C, for guidance concerning the resources and resource uses to be considered in land use plans.

Alternatives are developed to reflect a reasonable range of management options considering all applicable information sources, such as the results of scoping, coordination with cooperating agencies, and practicality of management. The boundary of an area being considered in the land use plan for management of wilderness characteristics, therefore, is dependent on many factors and may or may not exactly follow the boundary of previous inventory areas.

Reviewing New Information

When implementing land use plans, the BLM must, as with any new information, determine if the BLM wilderness inventories or public wilderness proposals contain significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or impacts that have not previously been analyzed. Since every land use plan and supporting NEPA document is different, this determination will need to be done on a case-by-case basis. New information or changed circumstances alone, however, or the failure to consider a factor or matter of little consequence, is not a sufficient basis to require additional NEPA consideration prior to implementing a previously approved decision.

If the new information is sufficient to show that the action will affect the quality of the human environment in a significant manner or to a significant extent not already considered, then a supplemental NEPA document shall be prepared (40 CFR 1502.9).

To help determine whether the new information or circumstances is significant, the BLM should look at the definition of “significantly” at 40 CFR 1508.27, which requires consideration of both context and intensity. See Attachment #2 for more information regarding the review of new wilderness information during plan implementation.

The analysis of new information and the BLM’s determination regarding its significance should be documented, using, as an example, the Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA) worksheet.

It is important to note that the BLM must review the new information only when it is relevant to a pending decision or its environmental effects. When no action is being considered, the BLM may defer the reviews until a more appropriate time, such as when preparing a land use plan amendment or revision. .

Using New Information on Lands with Wilderness Characteristics to Implement Approved Land Use Plans

The BLM wilderness inventories and public wilderness proposals may contain new information on land and resource conditions that can be used in a variety of day-to-day operations. Examples of using the new information in day-to-day operations include applying new mitigation measures to on-the-ground projects; establishing reclamation standards; updating the BLM's resource databases; refining previously approved plan decisions (plan maintenance) to correct data, typographical, or mapping errors in the planning records; or implementing the decisions of the land use plan, such as when selecting routes in areas designated as limited to OHV travel.

When preparing NEPA documents for actions that implement the approved plan, the BLM may also use the information on lands and resources contained in BLM wilderness inventories and public wilderness proposals to describe the affected environment, and environmental impacts to the various natural, biological, and cultural resources. For example, information on naturalness may help describe the condition and trend of important wildlife habitat and could be included in the affected environment discussion if applicable. Similarly, information on the presence of roads and other facilities may be used to describe the current status of visual resources as well as the potential for the proposed action to affect those resources. Provided relevant new information is considered in the NEPA document in this fashion, it is not necessary to analyze impacts to the area identified by BLM wilderness inventories or public wilderness proposals as having wilderness characteristics.

If a NEPA document is being prepared for an action affecting lands with wilderness characteristics, and those characteristics are currently being considered in an on-going land use planning process, the BLM may acknowledge the status of the planning process and describe how the proposed action might affect future management considerations.

This may be accomplished in the discussion of the no action alternative or in the section of the NEPA document on plan conformance. The fact that the BLM is considering alternative management goals for the affected lands in a pending land use plan revision or amendment, however, does not change the management or use of those lands during the interim. The BLM is authorized to implement current land use plans until those plans are revised or amended, if appropriate, and may acknowledge on-going planning efforts to ensure that the decision-maker and the public are fully informed of the consequences of the proposed action.

Effect on On-going plans

This policy may require some BLM Field Offices to modify current Resource Management Plan (RMP) efforts. For RMPs where a Draft RMP/EIS has not been issued, Field Offices must ensure that the Draft RMP/EIS is consistent with this IM. If the BLM has already discussed or identified possible WSA designations with the public, BLM must explain the change in policy. There is no requirement, however, to reinitiate scoping or provide an additional comment period before releasing the Draft RMP/EIS since the public will be provided an opportunity to comment on the draft, including the range of alternatives and proposed management prescriptions.

For Draft RMP/EISs already issued that include designation of new WSAs in an alternative, it will be necessary to modify the Proposed RMP/Final EIS. If the effects of an alternative modified to comply with this policy are within the range of alternatives already analyzed in the Draft RMP/EIS, preparing a supplement to the Draft RMP/EIS is not necessary. Each affected Field Office must determine the need for a supplement in consultation with WO-210.

After receiving this guidance, State and Field Offices have 45 days to consider the implications of this IM in coordination with WO-210. In addition, within 45 days, State Directors will review and update their existing State and field office policies and other guidance and make necessary modifications to comply with the terms of this IM.

Timeframes: This policy is in effect immediately.

Budget Impact: This policy is expected to increase slightly the costs of ongoing planning efforts as modifications are made to planning documents to comply with this IM. For all other land use plans the policy should result in diminished costs.

Manual/Handbook Sections Affected: That sentence in the Land Use Planning Handbook (H-1601-1, Appendix C, Part III.B.1.a, Page 18) that directs BLM to “Designate WSAs to be managed under the interim management policy (H-8550-1),” is hereby deleted. No other portions of H-1601-1 are affected.

The Wilderness Inventory and Study Procedures Handbook (H-6310-1) was rescinded in “Rescission of National Level Policy Guidance on Wilderness Review and Land Use Planning” (IM-2003-195).

Coordination: This guidance was coordinated with WO-170, WO-200 and WO-300.

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2 Attachments

- 1- Definitions of Wilderness Characteristics for the Purpose of Land Use Planning and Management Considerations to Accomplish Plan Goals and Objectives (1 p)
- 2- Review of New Wilderness Information During Plan Implementation (2 pp)

Attachment 1

Definitions of Wilderness Characteristics for the Purpose of Land Use Planning and Management Considerations to Accomplish Plan Goals and Objectives

Definitions:

Wilderness Characteristics. Features of the land associated with the concept of wilderness that may be considered in land use planning when BLM determines that those characteristics are reasonably present, of sufficient value (condition, uniqueness, relevance, importance) and need (trend, risk), and are practical to manage.

Naturalness. Lands and resources exhibit a high degree of naturalness when affected primarily by the forces of nature and where the imprint of human activity is substantially unnoticeable. BLM has authority to inventory, assess, and/or monitor the attributes of the lands and resources on public lands, which, taken together, are an indication of an area’s naturalness. These attributes may include the

presence or absence of roads and trails, fences and other improvements; the nature and extent of landscape modifications; the presence of native vegetation communities; and the connectivity of habitats.

Solitude and Primitive/Unconfined Recreation. Visitors may have outstanding opportunities for solitude, or primitive and unconfined types of recreation when the sights, sounds, and evidence of other people are rare or infrequent, where visitors can be isolated, alone or secluded from others, where the use of the area is through non-motorized, non-mechanical means, and where no or minimal developed recreation facilities are encountered.

Management Considerations:

A decision to protect or preserve certain lands in their natural condition, if appropriate, or provide outstanding opportunities for solitude, or primitive and unconfined types of recreation may be made at the conclusion of the land use planning process. Land use plan decisions may include establishing goals and objectives that describe the desired future condition of the land and resources, desired outcome of the recreation experience, and allowable uses. BLM may also identify the management actions necessary to achieve the intended goals and objectives, including the conditions of use that would be attached to permits, leases, and other authorizations to avoid or minimize impacts to the affected natural, biological, and cultural resources and other land uses. In some cases, when BLM determines that certain uses of the land could be incompatible with the achievement of other desired goals and objectives, those uses could be conditioned to the extent necessary to reach the necessary level of resource protection.

Attachment 2

Review of New Wilderness Information During Plan Implementation

The Land Use Planning Handbook (H-1601-1) provides some criteria to use when reviewing new information. Other factors to consider when reviewing new information contained in BLM wilderness inventories or public wilderness proposals that may be relevant to an implementation action are:

1. Was the information on land and resource conditions available to the BLM and adequately considered within the range, scope and analysis of the alternatives in the plan/EIS or other NEPA document, and is there adequate documentation to that affect?
2. Does the new information suggest significant changes in land and resource conditions have occurred since the plan/EIS or other NEPA document was completed?
3. Though BLM may not have formally disclosed in existing NEPA documents the impacts to the wilderness characteristics that have been identified in new inventories or public wilderness proposals, did BLM reasonably consider the environmental effects to the lands and resources that contribute to the wilderness characteristics in relevant NEPA documents?
4. Does the new information suggest that the impacts to those lands, if analyzed today, would be significantly different than the impacts already disclosed in the plan EIS or other NEPA document(s)?
5. Can BLM condition use of the lands for which new information exists in such a way that the effects of the action would not be significantly different from the effects already described?
6. Is the information at such a scale that BLM would ordinarily use the new information to make land use plan level decisions or is it more appropriate to consider for implementation level decisions?

New information or changed circumstances alone, however, or the failure to consider a factor or matter of little consequence, may not be sufficient basis to require additional NEPA consideration prior to implementing a previously approved decision. For example, the fact that roads and trails have become

overgrown since previous inventories were completed represents a changed circumstance. Such change is most likely the result of natural environmental processes and, alone, may not be sufficient to require the preparation of additional NEPA documentation. The fact that BLM did not specifically analyze impacts of the proposed action on wilderness characteristics identified since the current land use plan or NEPA document was prepared is not an omission that, alone, would indicate that additional NEPA consideration is required. In all cases then, BLM should evaluate: 1) the extent to which the new information presents potential significant environmental consequences associated with the proposed action that were not analyzed in the previous NEPA analysis; and 2) whether those consequences are of significant gravity in context or intensity.

Case Law on Supplementation of NEPA

The lead case from the United States Supreme Court on supplementation is Marsh v Oregon Natural Resources Council, 490 U.S. 360 (1989). It provides that “an agency need not supplement an EIS every time new information comes to light after the EIS is finalized. To require otherwise would render agency decision-making intractable, always awaiting updated information only to find the new information outdated by the time the decision is made.” Id. at 373.

Rather, to trigger supplementation obligations, the new information must be sufficient to show that the proposed action will affect the quality of the human environment “in a significant manner or to a significant extent not already considered.” Id. at 374.

The following is Arizona guidance issued in and excerpted from IM AZ-2005-007, Attachment 1:

State Director Guidance Specific to Wilderness Characteristics Land Use Allocations

Consistent with policy, the BLM has the authority to address wilderness characteristics and prescribe goals, objectives, and management actions in land use plans. Given the flexibility in how to consider wilderness characteristics in land use plans that is provided in Instruction Memorandum No. 2003-275 - Change 1 and recognizing the controversial nature of this topic, both in public and agency eyes, a consistent approach to addressing wilderness characteristics in Arizona land use plans is provided below. Key elements of the planning process are identified and the approach to be applied is addressed within each of these basic components of the plan.

Terminology – Use the term “wilderness characteristics” appropriately in the plan, including for plan section headings. Wilderness characteristics are features of the land and are specifically identified in Instruction Memorandum (IM) No. 2003-275 – Change 1 as naturalness, solitude and primitive/unconfined recreation. Definitions are provided in IM No. 2003-275 – Change 1, Attachment 1. The IM guidance makes consistent reference to the term wilderness characteristics. Wilderness characteristics are the resource that the citizen groups have identified, as validated by BLM, and where present on any additional lands, that the BLM is recognizing in the planning process. In the short term of completing the plan, this clarifies to the public that wilderness characteristics are being considered and proposed for management in the plan. Over the long term of implementing the plan, the wilderness resource remains recognizable for management and maintenance of the characteristics as intended when the plan was completed.

Desired Future Conditions – Describe Desired Future Conditions for wilderness characteristics using the verbs “maintain or manage.” The FLPMA Section 603 “non-impairment standard” (Interim Management Policy for Wilderness Study Areas) **will not** be applied to management of wilderness characteristics. Additionally, wilderness characteristics **will not** be managed as designated wilderness under the Wilderness Act of 1964.

Land Use Allocation – The land use plan will make an allocation for maintaining wilderness characteristics on certain lands where they exist. The term “Manage for Wilderness Characteristics” as a title for such an allocation **will not** be used. Instead, more general references to these allocations, such as lands with wilderness characteristics or areas having wilderness characteristics, will be used. Do not develop or use acronyms.

Management Actions – List one set of management prescriptions for all wilderness characteristics allocated lands in an alternative as a whole as uniformly as possible. In uncommon circumstances, a grouping of units or an individual area may have described management that differs from other lands in the alternative to recognize specific management situations.

Identification – Wilderness characteristics will be a GIS theme depicted on maps in Chapters 2 (Alternatives) and 3 (Affected Environment) of the plan. Maps may have a descriptive phrase to distinguish Chapter 2 maps (“Lands managed to maintain wilderness characteristics”) from Chapter 3 maps (“Lands identified as having wilderness characteristics”). Polygons depicting areas of wilderness characteristics will be shown on the maps. Individual place names for identified lands and allocated areas **will not** be listed in the land use plan. Total acreage of lands allocated to maintaining wilderness characteristics will be presented by alternative rather than listing the separate acreages of individual areas.

Summary – Use of this approach shows the BLM’s intent to clearly address citizen proposals and allows citizen groups to track whether their individually proposed areas are included within the lands that would be allocated by alternative. Wilderness characteristics and the management direction to maintain them would be apparent in the plan contributing to the long-term maintenance of the resource.