



**FOREST SERVICE HANDBOOK  
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**FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK**

**CHAPTER 70 – WILDERNESS EVALUATION**

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**Approved:** FRED NORBURY  
Associate Deputy Chief

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**Posting Instructions:** Interim directives are numbered consecutively by Handbook number and calendar year. Post by document at the end of the chapter. Retain this transmittal as the first page(s) of this document. The last interim directive was 1909.12-2005-7 to chapter 60.

<b>New Document</b>	id_1909.12-2005-8	26 Pages
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**Digest:**

70 – Changes single digit chapter 7 to 2-digit chapter. Makes minor changes in codes to use the 2-digit system. Throughout the document changes several terms: “forest plan” to “land management plan,” responsible official from the “Regional Forester” to “Responsible Official,” requirements for evaluation from “during the development of the forest plan” to “during developing or revising a land management plan,” changes the Responsible Official from “Forest Supervisor” to “Forest, Grassland, Prairie Supervisor, or other comparable administrative units.” Adds requirements at section 74 for wilderness evaluation documentation.

Throughout the document (such as at 71.1) the term “roadless areas” is changed to “areas or lands.” The term “roadless areas” is changed to “areas” (or lands) to avoid confusion with the term “inventoried roadless areas.”

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**Digest--Continued:**

71.1 – At paragraph 1, removes language discussing the statutory definition of wilderness. At paragraph 2, removes the terms “physiography or vegetation” and adds the term “physical terrain”.

71.12 – Changes caption from “Criteria for Roadless Areas in the East” to “Criteria for Potential Wilderness Areas East of the 100<sup>th</sup> Meridian.” Removes paragraph 4 pertaining to location of an area conducive to the perpetuation of wilderness values. At paragraph 8, removes the words “natural conditions of Federal lands”.

71.2 – Changes caption from “Listing and Mapping Roadless Areas” to “Listing and Mapping Potential Wilderness Areas.” Adds requirement to identify areas during plan revision.

71.3 – Changes caption from “Roadless Area Numbering” to “Numbering of Potential Wilderness Areas”. Removes reference to RARE II areas.

71.4 – Removes obsolete reference at 7.14 about roadless area data base. No known database.

72.1 – At paragraph 1, removes language discussing the range of geological, biological, or ecological strata. At paragraph 3, revises the list of activities considered for primitive and unconfined recreation. At paragraph 4, removes language associated with outdoor education and scientific study and special scenic features. At paragraph 5, removes language pertaining to how boundaries affect the manageability of an area.

72.11 – Changes caption from “Additional Capability Characteristics for Areas in the East” to “Additional Capability Characteristics for Potential Wilderness Areas East of the 100<sup>th</sup> Meridian.”

72.2 – At paragraph 1, removes language associated with resource value offset and use combinations yielding the greatest dollar return or unit output. At paragraph 2, adds “negatively affect” and removes language associated with current or planned uses of private land. Removes paragraph 3, which discusses effect of wilderness designation and management on adjacent lands.

72.21 – At paragraph 1, removes language associated with sustained-yield production of resources. Removes paragraph 4 discussing natural phenomena.

72.3 – Removes language associated with considering clear evidence of current or future public need. Removes language discussing local and national distribution of wilderness and presence of wildlife. Removes paragraph 2 discussing need for wilderness wholly apart for demand for other land uses.

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**Digest--Continued:**

72.32 – At paragraph 1, removes example. At paragraph 3, removes reference to State and private lands as providing unconfined outdoor recreation experiences. Removes paragraph 4 associated with biotic species competing with increasing public use.

72.4 – Changes caption from “Limitations on Roadless Area Recommendations in the East” to “Evaluation and Recommendation.” Adds 72.41 (Areas West of the 100<sup>th</sup> Meridian) and 72.42 (Areas East of the 100<sup>th</sup> Meridian).

72.5 (formerly sec. 7.26) - Removed paragraphs 6 and 7. Removed sec. 7.25 Documentation of Evaluation

73.1 – Changes caption from “Proposals Resulting from Forest Planning” to “Proposals Resulting from Land Management Planning.” Throughout the section changes document names to reflect the 2004 planning rule. For example changes draft and final environmental impact statement to evaluation report. Also, changes responsibility from Regional Forester to Responsible Official. At paragraph 2, removes the requirement to file environmental impact statement and plan with the Environmental Protection Agency.

73.1 – At last paragraph, removes reference to State-wide wilderness proposal and clarifies explanation of how proposal may be forwarded to Congress. Adds text to clarify that Responsible Official does not prepare legislative environmental impact statement unless requested by the Chief.

74 (formerly FSH 1909.12, sec. 4.19) – Adds requirements for wilderness evaluation documentation.

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## **FSH 1909.12 – LAND MANAGEMENT PLANNING HANDBOOK CHAPTER 70 – WILDERNESS EVALUATION**

This chapter describes the process for identifying and evaluating potential wilderness areas in the National Forest System (NFS). This process helps the Forest Service determine whether potential wilderness areas are recommended for wilderness designation by Congress. It also identifies the procedures for obtaining public review and comment on areas recommended for wilderness designation.

### **70.1 – Authority**

The purpose of wilderness and the broad direction for managing wilderness are in the Wilderness Act of 1964 (16 U.S.C. 1131–1136, 78 Stat 890) and the Eastern Wilderness Act of 1975 (16 U.S.C. 1132). Further requirements for evaluation and designation of wilderness are in Title 36, Code of Federal Regulations, section 219.7 (36 CFR 219.7), and FSM 1923.

## **71 – IDENTIFICATION OF POTENTIAL WILDERNESS AREAS**

The first step in the evaluation of potential wilderness areas is to inventory all undeveloped areas within NFS lands that satisfy the criteria in 71.1 below.

### **71.1 – Inventory Criteria**

Potential wilderness areas qualify for placement on the inventory if they meet one or more of the following criteria:

1. They contain 5,000 acres or more.
2. They contain less than 5,000 acres but:
  - a. Due to physical terrain, natural conditions can be preserved.
  - b. They are self-contained ecosystems, such as an island, that can be effectively managed as a separate unit of the National Wilderness Preservation System.
  - c. They are contiguous to existing wilderness, primitive areas, Administration-endorsed wilderness, or potential wilderness in other Federal ownership, regardless of their size.
3. They do not contain improved roads maintained for travel by standard passenger-type vehicles, except a permitted in areas east of the 100<sup>th</sup> meridian (sec. 71.12).

#### **71.11– Criteria for Including Improvements**

Potential wilderness areas may qualify for the inventory even though they include the following types of areas or features:

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1. Airstrips and heliports.
2. Cultural treatments involving plantations or plantings where the use of mechanical equipment is not evident.
3. Electronic installations, such as cell towers, television, radio, and telephone repeaters, and the like, provided their impact is minimal.
4. Areas with evidence of historic mining (50+ years ago). Do not include areas of significant current mineral activity, including prospecting with mechanical or motorized earthmoving equipment. The inventory may include areas where the only evidence of prospecting is holes that have been drilled without access roads to the site. Inventoried lands that may have potential for wilderness recommendation also may include:
  - a. Areas that otherwise meet inventory criteria if they are covered by mineral leases having a “no surface occupancy” stipulation.
  - b. Areas covered by mineral leases that otherwise meet inventory criteria only if the lessee has not exercised development and occupancy rights. If and when these rights are exercised, remove the area, or portion affected, from the inventory unless it is possible to establish specific occupancy provisions that would maintain the area in a condition suitable for wilderness.
5. National Grasslands and Prairies. National Grasslands and Prairies may have structures or evidence of vegetative manipulation resulting from past management practices. National Grassland and Prairie lands that contain the following features may be inventoried:
  - a. Vegetation type conversions that are reverting to native vegetation with minimal evidence of cultivation.
  - b. Less than 1 mile of interior fence per section.
7. Areas of less than 70-percent Federal ownership, if it is realistic to manage the Federal lands as wilderness, independent of the private land.
8. Minor structural range improvements (FSM 2240.5) such as fences or water troughs. Exclude areas where nonstructural range improvements are readily visible and apparent. Areas with spray or burning projects are permissible if there is little or no evidence of the project.
9. Recreation improvements such as occupancy spots or minor hunting or outfitter camps. As a general rule, do not include developed sites. Areas with minor, easily removable recreation developments may be included.

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10. Timber harvest areas where logging and prior road construction are not evident, except as provided in Section 71.12 for areas east of the 100<sup>th</sup> meridian. Examples include those areas containing early logging activities related to historic settlement of the vicinity, areas where stumps and skid trails or roads are substantially unrecognizable, or areas where clearcuts have regenerated to the degree that canopy closure is similar to surrounding uncut areas.

11. Ground-return telephone lines, electric lines, etc., if a right-of-way has not been cleared.

12. Watershed treatment areas if the use of mechanical equipment is not evident. The inventory may include areas where minor watershed treatment has been accomplished manually, such as small hand-constructed gully plugs.

**71.12 – Criteria for Potential Wilderness Areas East of the 100<sup>th</sup> Meridian**

National Forest System lands in the eastern United States (east of the 100<sup>th</sup> meridian) have been acquired over time from private ownership. Criteria for inventorying those lands that may have potential for wilderness recommendation recognize that much, if not all of the land, shows some signs of human activity and modification even though they have shown high recuperative capabilities. Areas east of the 100th meridian qualify for inventory as lands that may have potential for wilderness recommendation if:

1. The land is regaining a natural, untrammelled appearance.
2. Improvements existing in the area are being affected by the forces of nature rather than humans and are disappearing or muted.
3. The area has existing or attainable NFS ownership patterns, both surface and subsurface, that could ensure perpetuation of identified wilderness characteristics.
4. The area contains no more than a half mile of improved road for each 1,000 acres, and the road is under Forest Service jurisdiction.
5. No more than 15 percent of the area is in non-native, planted vegetation.
6. Twenty percent or less of the area has been harvested within the past 10 years.
7. The area contains only a few dwellings on private lands and the location of these dwellings and their access needs insulate their effects on wilderness characteristics on NFS lands.

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## **71.2 – Listing and Mapping Potential Wilderness Areas**

Identify undeveloped areas that qualify as lands that may have potential for wilderness recommendation during development or revision of the land management plan. Record each area identified on maps of a minimum scale of a half inch equals 1 mile. In addition, as a minimum, list and map:

1. Existing wilderness and primitive areas.
2. Areas endorsed by the Administration for wilderness. Indicate any dates set by law at which time the areas specified are to become legally available for uses other than wilderness, provided that there has been no other legislative action in the interim.
3. Congressionally mandated study areas recommended by the Administration for nonwilderness. Indicate release dates, if any.
4. All other Congressionally mandated study areas.
5. National Forest System lands statutorily designated for management for nonwilderness purposes. Indicate effective dates, if any.

See section 72.5 for guidelines on establishing, adjusting, and mapping boundaries of areas recommended for wilderness designation.

## **71.3 – Numbering of Potential Wilderness Areas**

Assign a numerical identifier and name to each area that may have potential for wilderness recommendation. Use a logical sequencing to identify each unique area and to differentiate among areas within the Region. Areas that cross Forest and Regional boundaries must share the last 3 digits. Adjoining units are responsible for working out the numbering for such areas.

## **72 – EVALUATION OF POTENTIAL WILDERNESS AREAS**

Carefully evaluate potential wilderness areas to determine their suitability for inclusion in the National Wilderness Preservation System and to determine the mix of land uses that best meet public needs. An area recommended as suitable for potential wilderness must meet the tests of capability, availability, and need. In addition to the inherent wilderness quality it possesses, an area must provide opportunities and experiences that are dependent upon or enhanced by a wilderness environment. Also consider the ability of the Forest Service to manage the area as wilderness.

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## **72.1 – Capability**

The capability of a potential wilderness area is the degree to which that area contains the basic characteristics that make it suitable for wilderness recommendation without regard to its availability for or need as wilderness. The combinations of basic natural characteristics are of infinite variety. No two areas possess these characteristics in the same measure. The combinations that may be appraised in one section of the country as being highly desirable for wilderness recommendation might be appraised as nominal in another. The principal wilderness characteristics that follow are generally, but not necessarily, listed in order of importance or desirability. Consider these characteristics in analyzing the quality of the wilderness resource of an area. If these characteristics are determined to be important, describe and refer to them in trade-off analyses when pertinent.

1. Environment. Determine the degree to which an area provides visitors with the opportunity to gain a wide range of experiential benefits such as a feeling of solitude and serenity, a spirit of adventure and awareness, and a sense of self-reliance. Solitude is the opportunity to experience isolation from sights, sounds, and the presence of others and from the developments and evidence of man. Solitude is measured by looking at the size of the area, the presence of screening, distance from impacts to the rest of the areas, and degree of permanent intrusions.

Determine the degree to which an area has natural integrity or appears to be natural and free from disturbance so that the normal interplay between biotic species inhabiting the area continues.

2. Challenge. Determine the degree to which the area offers visitors the opportunity to experience adventure, excitement, challenge, initiative, or self-reliance. The most desirable area offers many outstanding opportunities for adventure and challenge.

3. Outdoor Recreation Opportunities. Determine an area's capability of providing primitive and unconfined types of recreation. Opportunities for primitive and unconfined types of recreation is a measure of the experiences available to be isolated from the evidence of man, to feel a part of nature, to have a vastness of scale, and high degree of challenge and risk while using outdoor skills. Primitive-type activities include hiking, backpacking, horseback riding, fishing, hunting, floating, kayaking, cross-country skiing, camping, and enjoying nature.

4. Special Features. Describe the area's capability to provide other values, such as those with ecologic, geologic, scenic, or historical or cultural significance. Examples include unique fish and wildlife species, unique plants or plant communities, potential or existing research natural areas, outstanding landscape features, and significant cultural resource sites. In some instances, particularly where nonconforming structures or activities are necessary for management of the wildlife or its habitat, wilderness recommendation may not be appropriate.

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5. Manageability. In determining capability, consider the ability to manage an area as wilderness as required by the Wilderness Act. Section 2(c) of the Wilderness Act gives some direction toward this end by defining Wilderness as an area that “. . . (3) has at least 5,000 acres of land or is of sufficient size to make practicable its preservation and use in an unimpaired condition. . . .” Forest Service ability to manage an area as an enduring resource of wilderness, untrammelled by humans, retaining its primeval character, and to protect and manage its natural character are all factors to consider. Consider such factors as size, shape, and juxtaposition to external influences.

**72.11 – Additional Capability Characteristics for Potential Wilderness Areas East of the 100<sup>th</sup> Meridian**

National Forests, Grasslands, and Prairies east of the 100th meridian may contain limited nonconforming uses and/or nonconforming structures and improvements while retaining capability for wilderness recommendation. Criteria for desirable capability characteristics east of the 100th meridian include:

1. Nonconforming uses are of such a nature that they can be effectively mitigated or terminated. Examples include a variety of uses such as logging, special-use facilities, vegetation treatment, fences, log or frame cabins, or corrals that can be terminated and the improvements easily removed or ignored because they are rapidly disappearing through natural deterioration.
2. Nonconforming structures and improvements, except range improvements, are generally lacking. If present, they are rapidly disappearing through natural processes, or it would be practical to remove them and permit the site to return to a near-natural condition. Examples include buildings, power lines, dams, borrow pits, and lower standard roads that, if closed, would recover naturally.

**72.2 – Availability**

All National Forest System lands determined to meet wilderness capability requirements are generally considered available for wilderness designation. However, the determination of availability is conditioned by the value of and need for the wilderness resource compared to the value of and need for other resources. In evaluating availability, describe the other resource demands and uses that the area under evaluation could satisfy. Include all other resource potentials—pertinent quantitative and qualitative information including current use, outputs, trends, and potential future use, and outputs of the various resources involved.

Constraints and encumbrances on lands may also govern the availability of lands for wilderness. Determine the degree of Forest Service control over the surface and subsurface of the area. The Forest Service should have sufficient control to prevent development of unresolvable, incompatible uses that would negatively affect wilderness character and potential.

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## **72.21 – Lands Generally Unavailable for Wilderness**

Following are examples of lands that are generally not available for wilderness designation:

1. Areas where the need for increased water production and/or additional onsite storage is so vital that the installation or maintenance of improvements that would be incompatible with wilderness is an obvious and inevitable public necessity.
2. Areas where designation would seriously restrict or prevent the application of wildlife management measures of considerable magnitude and importance.
3. Highly mineralized areas that are of such strategic or economic importance and extent that restrictions or controls necessary to maintain the wilderness character of the land would not be in the public interest.
4. Land needed to meet clearly documented resource demands such as timber, mineral production, or for developed recreation areas such as winter sports sites.
5. Lands committed through contractual agreements for use, purposes, or activities not in concert with the requirements of the Wilderness Act of 1964.

## **72.3 – Need**

Determine the need for an area to be designated as wilderness through an analysis of the degree to which it contributes to the overall National Wilderness Preservation System. Demonstrate this need through the public involvement process, including public input to the evaluation report. Deal with “need” on a regional basis and evaluate such factors as the geographic distribution of areas and representations of landforms and ecosystems.

### **72.31– Assumptions**

In evaluating the need for wilderness, planners may make certain assumptions with reasonable assurance:

1. Demand for wilderness typically increases with both an increasing population and a growing awareness of wilderness.
2. Some undeveloped lands provide many opportunities for a primitive type of recreation outside wilderness. These lands are going to decrease in acreage as the demands on public lands increase.
3. Some visitor use that occurs in designated wildernesses is not dependent upon the wilderness environment.

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4. Within social and biological limits, management may increase the capacity of established wildernesses to support human use without unacceptable depreciation of the wilderness resource.

5. To survive, some biotic species and/or associations may require the environment found only in a wilderness.

### **72.32 – Factors**

In determining whether there is a need to recommend a potential wilderness area for designation, at a minimum consider the following factors:

1. The location, size, and type of other wildernesses in the general vicinity and their distance from the proposed area. Consider accessibility of areas to population centers and user groups.
2. Present visitor pressure on other wildernesses, the trends in use, changing patterns of use, population expansion factors, and trends and changes in transportation.
3. The extent to which nonwilderness lands on the National Forest or other Federal lands, are likely to provide opportunities for unconfined outdoor recreation experiences.
4. The need to provide a sanctuary for those biotic species that have demonstrated an inability to survive in less than primitive surroundings or the need for a protected area for other unique scientific values or phenomena.
5. An area's ability to provide for preservation of identifiable landform types and ecosystems. Consideration of this factor may include utilization of Edwin A. Hammond's subdivision of landform types and the Bailey-Kuchler ecosystem classification. This approach is helpful from the standpoint of rounding out the National Wilderness Preservation System and may be further subdivided to suit local, subregional, and regional needs.

## **72.4 – Evaluation and Recommendation**

### **72.41 – Areas West of the 100<sup>th</sup> Meridian**

In an appendix to the evaluation report, document the results of evaluating potential wilderness areas against characteristics of capability, availability, and need. The minimum requirements for this documentation are outlined in section 74. Supplement the contents as necessary to fully evaluate the suitability of an area for preliminary administrative wilderness recommendation. Ensure that this documentation includes pertinent requirements from the court's ruling in *California v. Block* as follows:

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1. For each area evaluated, comprehensively assess and describe resource trade-offs and consequences associated with nonwilderness options.
2. Consider measures designed to avoid or minimize the impact or loss of wilderness characteristics.
3. Develop and evaluate an adequate range of wilderness and nonwilderness options.

### **72.42 – Areas East of the 100<sup>th</sup> Meridian**

Evaluation of potential wilderness areas east of the 100th meridian as part of the development or revision of a land management plan yields one of the two following options:

1. Manage the area for multiple uses other than wilderness.
2. Administratively recommend the area as a Wilderness Study Area.

### **72.5 – Boundary Adjustment Guidelines**

Boundaries may be adjusted for areas administratively recommended for wilderness designation as a result of the foregoing evaluation. Establish boundaries that are easy to define and locate on the ground, and that can be managed. Locate a recommended wilderness boundary by using the following methods, listed in descending order of desirability.

1. Use natural features that are locatable both on the map and on the ground. Live streams, well-defined ridges, mountain peaks, and well-defined natural lake shorelines are examples. Note on the map whether the thread (centerline of a stream) or either bank (to mean high water line) has been used.
2. Use semipermanent humanmade features that are locatable on the map and on the ground. Roads, trails, dams, powerlines and pipelines, and bridges may be used. In addition, lines may be drawn parallel and set back a given distance from any of these features with well-defined starting and ending points. Clearly indicate on the map the feature itself and the distance of boundary lines from the feature.
3. Use previously surveyed lines or legally determined lines such as section and township lines, section subdivision lines, metes and bounds property lines, county or State boundaries, and National Park or Indian reservation boundaries. It is desirable to use these lines if they are clearly located on the ground to avoid the cost of reestablishing them.

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4. Use a straight line from one locatable point to another. These points should normally be high points in the landscape as they must be visible to be effective.
5. Use a series of bearings and distances between locatable points as in a metes and bounds survey. Use this technique when points are not visible.

### 73 – REVIEW AND APPROVAL OF WILDERNESS RECOMMENDATIONS

This section describes the procedures to follow in the public review and approval of areas administratively recommended for wilderness designation. Provide the public an opportunity to review and comment on all administrative wilderness recommendations, whether resulting from land management planning or other mandated study. In some instances, it is necessary to hold formal public hearings as a part of this process.

#### 73.1 – Proposals Resulting From Land Management Planning

When wilderness recommendations result from the development or revision of a land management plan, the following special instructions apply:

1. Prepare the evaluation report and the revised land management plan as required by Title 36, Code of Federal Regulations, section 219.7 (36 CFR 219.7). Request that the public specifically address the wilderness recommendations in its review of the land management plan and evaluation report. Conduct public hearings if necessary.
2. Prepare the evaluation report and final land management plan following analysis of comments received. Identify the wilderness recommendation proposal as a “preliminary administrative recommendation” in the approval document, qualify it by stating that:

**This recommendation is a preliminary administrative recommendation that will receive further review and possible modification by the Chief of the Forest Service, Secretary of Agriculture, and the President of the United States. The Congress has reserved the authority to make final decisions on wilderness designation.**

With this qualification in the approval document, the plan is effective 30 days after publication of notice of approval in accordance with 36 CFR part 219. Plan implementation is not dependent on final resolution of the areas recommended for wilderness designation because the plan directs that wilderness characteristics be protected in those areas until the Congress takes final action.

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3. The Responsible Official shall submit, through the Regional Forester, a wilderness recommendation proposal to the Chief upon approving the land management plan or plan revision. The submitted package is a preliminary legislative proposal for the recommended wilderness designation. The package should contain:

- a. A brief summary of each recommended area to include a discussion of its capability, availability, and need.
- b. A page-size map that clearly indicates the proposed boundary of the area.
- c. A summary tabulation of the areas recommended for wilderness to include pertinent resource data such as mineral resources, timber resources, recreation resources, and so on.
- d. Recommended bill language.
- e. A copy of the land management plan and evaluation report.

The preliminary wilderness recommendation proposal is reviewed by the Chief. If the Chief decides to formally submit the proposal to the Secretary, the Chief would request the Region prepare a legislative environmental impact statement to be included in the package submitted to the Secretary. If the Secretary decides to consider the proposal, the Secretary would forward the package to the Office of Management and Budget for interagency review before approval by the Administration. The review results in the Administration's wilderness proposal that the Secretary then submits to Congress for legislative action. Land management plans may require amendment if the action taken by either the Administration or the Congress makes recommendations or takes actions other than originally recommended in the land management plan. (See chapter 20 for discussion of the land management plan amendment process.)

### **73.2 – Proposals Resulting From Special Studies**

Exhibit 01 illustrates the process for review and approval of wilderness recommendations proposals resulting from special studies. In these instances, prepare an environmental impact statement and the wilderness study report as a single document. The key steps in the process are:

1. The Responsible Official, through the Regional Forester, sends the preliminary draft study report and draft environmental impact statement to the Washington Office for review by appropriate staffs. The Director, Ecosystem Management Coordination Staff, Washington Office returns comments with approval to print or a request to make changes.

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2. When the Responsible Official has printed the draft study report and environmental impact statement, the Director, Ecosystem Management Coordination Staff, Washington Office files the combined study report and statement with the Environmental Protection Agency (EPA), which subsequently publishes a notice of availability in the Federal Register. The Responsible Official makes the draft available to the public at the same time.

3. The Responsible Official, through the Regional Office, sends 10 copies of the draft study report and environmental impact statement to the Washington Office for review by Washington Office Staffs and other Federal agencies. The Director, Ecosystem Management Coordination Staff, Washington Office transmits the draft to other Washington Office Staffs. The Secretary of Agriculture transmits the draft to other agencies and the Governor of the involved State(s).

4. The Director, Ecosystem Management Coordination Staff, Washington Office collects all Washington Office Staff and interagency comments and sends them to the Responsible Official, through the Regional Forester.

5. The Responsible Official responds to the comments, prepares a final study report/environmental impact statement and sends 10 copies of the final and a draft record of decision, through the Regional Forester, to the Chief to the attention of the Director, Ecosystem Management Coordination Staff, Washington Office.

6. The Director, Ecosystem Management Coordination Staff, Washington Office reviews the documents and may request changes. The document will also be reviewed by the Director, Wilderness and Wild and Scenic Rivers, Washington Office.

7. When the final study report/environmental impact statement is complete, the Director, Ecosystem Management Coordination Staff, Washington Office coordinates with the Region and the Responsible Official in the preparation of a draft transmittal letter from the Secretary of Agriculture to the President.

8. The Director, Legislative Affairs Staff, Washington Office prepares proposed legislation for the designation recommended in the study report, then transmits the proposed legislation to the Secretary of Agriculture for review.

9. Following approval by the Secretary's Office, the study report/environmental impact statement is transmitted to the Office of Management and Budget (OMB) for review. OMB coordinates the final review by other Federal agencies. Recommended changes resulting from this interagency review are usually incorporated into the transmittal letter or text of the draft legislation. Occasionally, where significant changes occur, it may be necessary for the Responsible Official to revise the study report and/or environmental impact statement.

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10. Upon clearance by OMB, the Secretary signs a transmittal letter to the President and forwards the combined study report and environmental impact statement to the White House.

11. When the President finalizes the recommendation, the study report/environmental impact statement is transmitted to the Congress. This may be done either directly from the President or from the Secretary.

12. The Secretary signs and dates the record of decision at the time the study report and environmental impact statement is transmitted to Congress. Copies of the study report and environmental impact statement and the record of decision are then distributed to the public. The legislative environmental impact statement and a copy of the record of decision are simultaneously filed with the Environmental Protection Agency (EPA). The EPA publishes a Notice of Availability in the Federal Register.

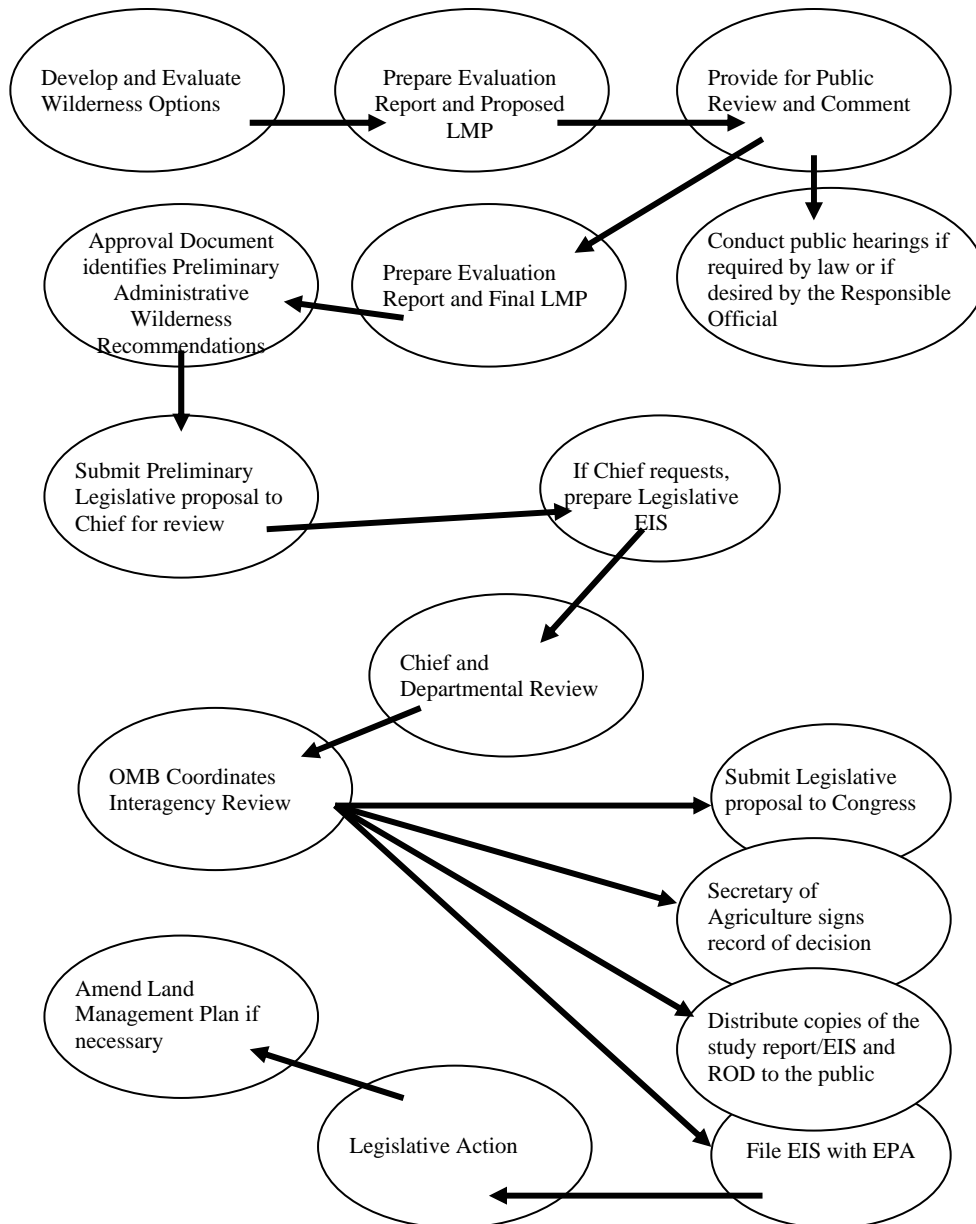
13. The proposal then awaits legislative action by the Congress.

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**73.2 - Exhibit 01**

**Process for Wilderness Designation**

**Within the Land Management Planning Process**

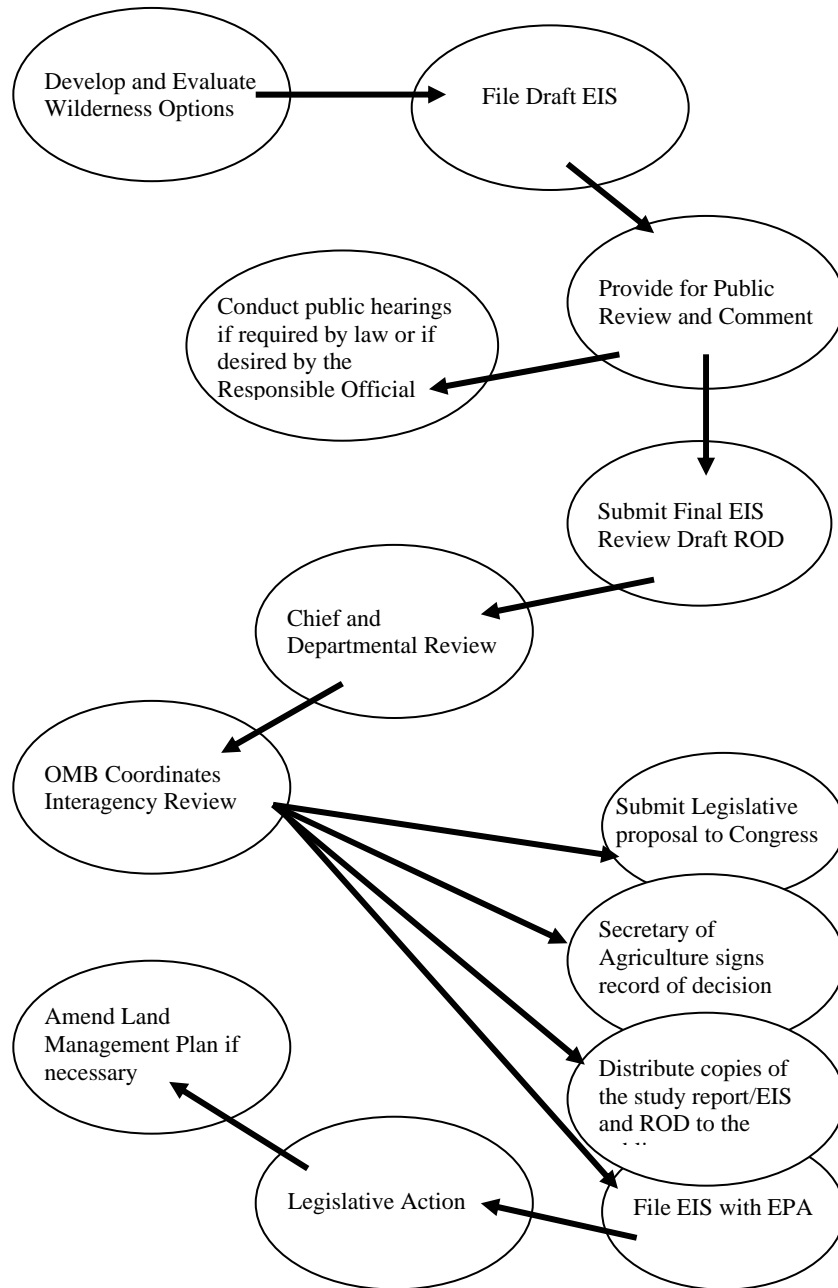


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**73.2 - Exhibit 02**

**Process for Wilderness Designation**

**Outside the Land Management Planning Process**



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### **73.3 – Public Hearings**

Public hearings on specific wilderness studies or recommendation proposals may be required by statute or at the request of the Responsible Official. Congress, in legislation subsequent to the Wilderness Act, has considered it necessary to expressly provide for public involvement by reference to section 3(d) of the original act. This section applied to those areas that, on the effective date of the Wilderness Act, were described as primitive. Therefore, there is no statutory requirement that review of selected areas that may have likelihood for wilderness designation comply with the public participation provisions of section 3(d) of the Act. However, the fact that Congress, in designating wilderness study areas, has required hearings does imply a desire for public participation in a hearing or some comparable proceeding, such as a public meeting, in order to obtain comment about wilderness recommendations while developing or revising a land management plan. Deciding how to involve the public in the review process for areas recommended for wilderness designation and designated wilderness study areas is a matter of discretion for the Responsible Official. Follow the direction in sections 73.31 through 73.34 when conducting public hearing for areas recommended for wilderness designation and designated wilderness study areas.

#### **73.31 – Notice**

Issue public notices for the purpose of informing interested parties of the proposal and inviting them to present their views as part of the hearing record. Publish notice in the Federal Register, in newspapers having general circulation in the area of the proposal, and in the newspaper(s) of adjacent communities. Also, post notices in public places. Publication and posting should occur at least 30 days before the date of the hearing.

Provide notification of public hearings and the draft environmental impact statement/study report to the Congressional delegation from the affected State(s), other Federal agencies, Tribal Governments of affected Indian Tribes, the Governor of the affected State(s), appropriate State agencies, and governing boards of affected counties.

#### **73.32 – Conduct of Hearings**

A presiding officer shall conduct the public hearings. Afford interested persons an opportunity to present written or oral statements and other evidence relative to matters within the scope of the hearing notice. Following an opening statement by the presiding officer, the Forest Service representative should outline the proposal under consideration. As appropriate, representatives of the United States Geological Survey and Bureau of Mines are then invited to report. The Governor, United States Senators and Representatives, elected officials of Tribal Governments, State agencies, and local government officials can then be invited to give their views in that order. Other interested persons may then be called in an impartial manner and be permitted to present their views. Parties do not present testimony under oath.

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Ask those presenting their views to first state their name, address, and the name of the organization, if any, that they represent. Do not permit cross-examination. The presiding officer may ask questions for the purposes of clarifying testimony or evidence already submitted. Prior to adjourning the hearing, the presiding officer may set a time within which supplemental statements or briefs may be filed. When filed, they become a part of the hearing record.

### **73.33 – Record of Hearings**

Preparation of a verbatim transcript of the hearing is essential. It is standard practice to employ a commercial stenographic reporting service under contract. The number of copies of the transcript depends upon local circumstances. As a minimum, there must be one for the Chief, and one for each Regional Forester and Forest, Grassland, Prairie, or other comparable administrative unit Supervisor involved. Individuals and organizations desiring transcripts should arrange for direct purchase from the reporting service. Have the exhibits and statements resulting from the hearing indexed and referenced in the transcript according to the practice customarily used in the locality of the hearing or as the presiding officer directs.

### **73.34 – Analysis of Testimony**

The Forest, Grassland, Prairie, or other comparable administrative unit Supervisor shall analyze, summarize, and consider the testimony and all written views presented as a result of the public notice. Incorporate the summary of the analysis in the final proposal and study report. If very complex, a separate report may be needed. In this case, summarize the results and incorporate the separate report by reference in the final proposal and study report. Send any separate report to the Chief, through the Regional Forester, and make it available for public review. The appendix of the final proposal and study report contains copies of the letters received from the congressional delegation, elected Tribal officials, the governor, government agencies, and key individuals and groups. Retain all other letters received as a result of public notice and all exhibits in the Forest, Grassland, Prairie, or other comparable administrative unit's Supervisor's Office. Assemble the letters so that interested parties can review them easily and they can be forwarded if necessary to congressional committees.

In preparing the written analysis and summary, make special note of the statements of the congressional delegation, governor, elected officials of Tribal Governments, county governing boards, and Federal departments and agencies.

In analyzing the views, the Forest, Grassland, Prairie, or other comparable administrative unit Supervisor should explicitly treat contrasting opinion and show how it relates to the proposal. Describe and analyze compromise suggestions, especially if they are new and significantly different in concept.

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Identify boundary changes recommended in the testimony by a key letter or number on a map suitable for inclusion with the report. The discussion should include such items as the effect of the change on the proposal, on other resources and uses, and on the boundary itself. The facts, evidence, and testimony summarized in this report serve as a basis upon which the Responsible Official recommends and supports a definite course of action in the final proposal and study report.

## **74 – WILDERNESS EVALUATION DOCUMENTATION**

The intent of this documentation is to describe the potential wilderness areas and the analysis factors used in evaluating them. Contiguous areas on adjacent units shall be identified and evaluated in total within a land management plan. Normally, the National Forest System unit with the largest acreage assumes the lead in this discussion. The content listed here is the minimum required; supplement as appropriate. Refer also to Title 36, Code of Federal Regulations, section 219.7 (36 CFR 219.7), FSM 1923, and the remainder of this handbook for evaluation criteria.

1. Overview. Provide an overview that includes:

- a. Area name and number of acres included in the area.
- b. Location and vicinity, including access by type of road or trail.
- c. Geography.
- d. Topography.
- e. Vegetation, including the ecosystem type(s).
- f. Current uses of the area.
- g. Appearance of the area.
- h. Surroundings such as the characteristics of contiguous areas.
- i. Key attractions, if any, such as sensitive wildlife and scenic landmarks.

2. Wilderness Capability. Indicate each area's capability for wilderness by describing the basic characteristics that make the area appropriate and valuable for wilderness, regardless of the area's availability or need. Address the following characteristics:

- a. Natural integrity of the area; include the degree to which humans and past or present human activity have affected natural ecological processes and conditions.

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- b. Natural appearance; include the degree to which the area's appearance is appropriate and valuable for wilderness.
  - c. Opportunities for experiences often unique to wilderness such as solitude and serenity, self-reliance, adventurous and challenging experiences, and primitive recreation.
  - d. Special features of the area including those of ecological, geological, cultural, scenic, or historical value. Describe rare and endangered plant and animal species and other wildlife.
  - e. A description of size and shape to include the implications of the area's size, shape, and juxtaposition to external influences on the wilderness attributes.
  - f. A summary of the boundary conditions, needs, and management requirements should the area be designated for wilderness. Address whether or not boundary changes would enhance the wilderness characteristics or whether or not it would be possible to use boundary modifications to separate incompatible activities from those characteristics.
3. Availability for Wilderness. Indicate availability of the area by describing other resource potentials. Summarize pertinent quantitative and qualitative information including current use, outputs, trends, and potential future use and/or outputs for the applicable resources. Summarize the following information for each area:
- a. Recreation, including tourism.
  - b. Information on wildlife species, populations, and management needs.
  - c. Water availability and use.
  - d. Livestock operations.
  - e. Timber.
  - f. Minerals.
  - g. Cultural resources.
  - h. Authorized and potential land uses.
  - i. Management considerations including fire, insects and diseases, and presence of non-Federal lands.

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4. Need for Wilderness. Summarize the factors considered and the process used in assessing the need for each area. Include the public involvement process (both past and present), assumptions made, the social and economic factors considered, and interest expressed by proponents, including Congress. Discuss nearby wildernesses and their uses, other nearby potential wilderness areas, distance from population centers, and use trends.

5. Effects of Recommendations. Describe the potential effects of wilderness and nonwilderness recommendations.

a. Include a table displaying the acreage assignment of management direction by option as shown in exhibit 01.

b. Discuss the impact on the area if it were designated as wilderness and the impact on the areas if it were managed as nonwilderness. Show the social and economic effects in each case. Include mitigation, if any, for loss of wilderness characteristics and the effects on plant and animal communities.

c. Exhibit 01 tracks areas through each option considered.

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**74 - Exhibit 01**

**Consideration of Options for Potential Wilderness Areas**

Management Direction	Options				
	A	B	C	D	E
xx	10,200	0	20,400	0	0
	(50%)	0	(100%)	0	0
yy	0	20,400	0	0	0
	0	(100%)	0	0	0
zz	10,200	0	0	5,100	0
	(50%)	0	0	(25%)	0
aa	0	0	0	15,300	20,400
	0	0	0	(75%)	(100%)
<b>Total</b>	20,400	20,400	20,400	20,400	20,400

(1) Designation: Wilderness

Management Direction: xx

Options: A, C

Describe:

Effects on wilderness attributes.

Effects on nonwilderness resources and uses.

Economic and social effects.

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**74 - Exhibit 01--Continued**

- (2) Designation: Nonwilderness

Management Direction: yy  
Option: B

Describe:

Effects on wilderness attributes.

Mitigation, if any.

Indicate if development is planned during the first two decades.

Effects on nonwilderness resources and uses.

Economic and social effects.

- (3) Designation: Nonwilderness

Management Direction: zz  
Options: A, D

Describe:

Effects on wilderness attributes.

Mitigation, if any.

Indicate if development is planned during the first two decades.

Effects on nonwilderness resources and uses.

Economic and social effects.

- (4) Continue this discussion of effects for the various management direction options.