

**FISH AND WILDLIFE SERVICE
NATURAL AND CULTURAL RESOURCES MANAGEMENT**

Natural and Cultural Resources Management

Part 610 Wilderness Stewardship

Chapter 4 Wilderness Review and Evaluation

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4.1 What is the purpose of this chapter? This chapter establishes policy for conducting wilderness reviews. It also establishes policy for managing wilderness study areas (WSAs) and recommended and proposed wilderness.

4.2 What is the scope of this chapter? This chapter covers all lands of the National Wildlife Refuge System (Refuge System) that are outside of Alaska, are not currently designated wilderness, and are subject to wilderness review. Wilderness reviews are not required for refuges in Alaska. Refer to 610 FW 5.17 for additional guidance for Alaska.

4.3 What are the authorities that directly affect wilderness reviews and management of WSAs, recommended wilderness, and proposed wilderness on Service lands? We review lands and waters for wilderness suitability and manage WSAs and recommended and proposed wilderness consistent with the authorities in 610 FW 1.3.

4.4 What is a wilderness review?

A. A wilderness review is the process we follow to identify and recommend for congressional designation Refuge System lands and waters that merit inclusion in the National Wilderness Preservation System (NWPS). Wilderness reviews are a required element of comprehensive conservation plans (CCP), and we follow the planning process outlined in 602 FW 1 and 3. This process includes interagency and tribal coordination, public involvement, and National Environmental Policy Act (NEPA) compliance.

B. The wilderness review process has three phases:

(1) Inventory. We identify lands and waters that meet the minimum criteria for wilderness. These areas are called WSAs.

(2) Study. We evaluate WSAs to determine if they are suitable for wilderness designation.

(3) Recommendation. We use the findings of the study to determine if we will recommend the area for designation as wilderness in the final CCP. We report our wilderness recommendations from the Director through the Secretary of the Interior (Secretary) and the President to Congress in a wilderness study report.

4.5 When should the Service conduct a wilderness review?

A. We conduct wilderness reviews as part of a scheduled CCP or CCP revision. At a minimum, we conduct wilderness reviews every 15 years through the CCP process.

B. Consistent with planning guidance (see 602 FW 3.4C.(8)), we may conduct a wilderness review as part of a CCP revision any time that significant new information becomes available, ecological conditions change, major refuge expansion occurs, or when we identify the need to do so during plan review.

(1) For example, we may conduct a wilderness review for a discrete part of a refuge or planning area that the public has identified as having wilderness potential.

(2) A review also may be appropriate when we have sufficiently restored significant acreage to its natural conditions so the area now meets the definition of wilderness.

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C. We generally conduct wilderness reviews within 2 years of acquiring acreage (for a new refuge or a refuge expansion) that may qualify as wilderness. Congress also may direct the study of specific areas and provide other guidance on wilderness evaluations through legislation.

D. As a part of the preplanning process for a CCP revision, we conduct a wilderness inventory and evaluate new information in the context of previous wilderness reviews to identify lands and waters in the planning area that warrant wilderness study. We inventory these areas to identify areas that meet the criteria for a WSA. If we do not identify any areas that meet the WSA criteria, we document our findings in the administrative record for the plan revision, fulfilling the planning requirement for wilderness review. If we do identify a WSA, we study it further in accordance with the CCP process to determine its suitability for wilderness designation.

4.6 How do wilderness reviews relate to acquisition planning? During the land acquisition planning process, we inventory lands, waters, and resources of a proposed new refuge or expansion area, and we identify management opportunities, needs, and problems. As part of the process, we include a preliminary inventory of the wilderness resource. We discuss areas that may meet the minimum criteria for wilderness in the conservation proposal, land protection plan, and associated NEPA document. If we identify potential wilderness values during acquisition planning, it does not constitute a wilderness review or result in a decision to recommend an area for wilderness designation.

4.7 How does the Service identify WSAs in the wilderness inventory?

A. We inventory Refuge System lands and waters to identify areas that meet the definition of wilderness in section 2(c) of the Wilderness Act.

B. The criteria we use to evaluate areas and to identify WSAs are:

- (1)** Size (see section 4.8),
- (2)** Naturalness (see section 4.9),
- (3)** Opportunities for solitude or primitive recreation (see section 4.10), and
- (4)** Supplemental values (see section 4.11).

4.8 How does the Service evaluate the size criteria to identify a WSA during inventory? Section 2(c) of the Wilderness Act defines wilderness as an area that “. . . has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition” Section 3(c) directed the Secretary to review every roadless area of 5,000 contiguous acres or more and every roadless island. The Act did not specify a minimum size for roadless islands. The size criteria will be satisfied for areas under Service jurisdiction in the following situations:

A. An area with more than 5,000 contiguous acres (2,000 hectares). State and private land inholdings are not included in making this acreage determination.

B. A roadless island of any size. Refer to 610 FW 1.5AA for the definition of a roadless island.

C. An area of less than 5,000 contiguous acres that is of sufficient size to make its preservation and use in an unimpaired condition practicable and is of a size suitable for wilderness management.

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D. An area of less than 5,000 contiguous acres that is contiguous with a designated wilderness or area of other Federal lands identified as a WSA, under wilderness review, or recommended or proposed for wilderness designation by the Service, Bureau of Land Management (BLM), the National Park Service (Park Service), or the Forest Service.

4.9 How does the Service evaluate the naturalness criteria to identify a WSA during inventory?

Section 2(c) defines wilderness as an area that “. . . generally appears to have been affected primarily by the forces of nature with the imprint of man’s work substantially unnoticeable.” To make this determination, it must be possible to observe the area as being generally natural.

A. We make a distinction between an area’s “apparent naturalness” and “historic conditions” in the context of biological integrity, diversity, and environmental health. The term “historic conditions” refers to the condition of the landscape in a particular area before the onset of significant, human-caused change. The term “apparent naturalness” refers to whether or not an area looks natural to the average visitor who is not familiar with historic conditions versus human-affected ecosystems in a given area. We address the question of the presence or absence of apparent naturalness (i.e., are the works of humans substantially unnoticeable to the average visitor?) in the inventory phase of the wilderness review. In the study phase of the wilderness review, we make an assessment of an area’s existing levels of biological integrity, diversity, and environmental health.

B. We avoid an approach to assessing naturalness that limits wilderness designation only to those areas judged pristine. Land that was once logged, used for agriculture, or otherwise significantly altered by humans may be eligible for wilderness designation if it has been restored or is in the process of being restored to a substantially natural appearance.

C. We use caution in assessing the effects on naturalness that relatively minor human impacts create. An area being evaluated may include some human impacts provided they are substantially unnoticeable in the unit as a whole. Examples of manmade features that would not disqualify an area for consideration as a WSA include: trails, trail signs, bridges, fire towers, fire breaks, fire suppression facilities, pit toilets, fisheries enhancement facilities (such as fish traps and stream barriers), fire rings, hitching posts, snow gauges, water quantity and quality measuring devices, research monitoring markers and devices, wildlife enhancement facilities, radio repeater sites, air quality monitoring devices, fencing, spring developments, and small reservoirs. Even with these features, an area may express wilderness character and values.

D. We may disqualify portions of an area from consideration where significant human-caused hazards make that area unsafe for public use, such as contaminated sites or the existence of unexploded ordnance from military activity. Once these conditions are corrected, we may then consider that portion of the area.

E. We do not disqualify areas from further wilderness study solely on the basis of the “sights and sounds” of civilization located outside the areas. Where human impacts are outside the area being inventoried, we do not normally consider them in assessing naturalness. However, if an outside impact of major significance exists, we should note it and evaluate it in the inventory conclusions. Human impacts outside the area should not automatically lead us to conclude that an area lacks wilderness characteristics.

F. We do not disqualify areas from further wilderness study solely on the basis of established or proposed refuge management activities or refuge uses that require the use of temporary roads, motor vehicles, motorized equipment, motorboats, mechanical transport, landing of aircraft, structures, and installations generally prohibited in designated wilderness (see definition of “generally prohibited use” in 610 FW 1.5). The physical impacts of these practices should be the focus of the naturalness evaluation. We evaluate

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existing and proposed refuge management activities and refuge uses in the study phase of the wilderness review.

4.10 How does the Service evaluate outstanding opportunities for solitude or a primitive and unconfined type of recreation during inventory? Section 2(c) of the Wilderness Act defines wilderness as an area that has outstanding opportunities for solitude or a primitive and unconfined type of recreation. An area does not need to have outstanding opportunities for both elements and does not need to have outstanding opportunities on every acre.

A. The Wilderness Act does not define what was intended by "solitude or a primitive and unconfined type of recreation." In most cases, we could expect the two opportunities to go hand-in-hand. However, an outstanding opportunity for solitude may be present in an area offering only limited primitive recreation potential. Conversely, an area may be so attractive for recreational use that it would be difficult to maintain opportunities for solitude (e.g., around water).

B. We assess each inventory area on its own merits to determine if an outstanding opportunity exists; we must not compare areas. We may not use any type of rating system or scale, whether numerical, alphabetical, or qualitative (i.e., high-medium-low), in making the assessment.

C. When an area is contiguous to designated wilderness, proposed wilderness, recommended wilderness, a WSA, or other Federal lands that a land management agency has already determined to have wilderness character (i.e., Service, BLM, Park Service, or Forest Service lands), an additional evaluation of outstanding opportunities is not required.

D. An area does not have to be open to public entry and use. Congress has designated several Service wilderness areas that are closed to public use to conserve wildlife and fragile habitats.

4.11 Must an area contain ecological, geological, or other features of scientific, educational, scenic, or historic value to qualify as a WSA? These values are not required for wilderness, but we should document their presence if they exist.

4.12 What factors does the Service consider when conducting a wilderness study? We study each WSA identified in the inventory to analyze all values (e.g., ecological, recreational, cultural, economic, symbolic), resources (e.g., wildlife, water, vegetation, minerals, soils), public uses, and refuge management activities within the area. The analysis includes an evaluation of whether we can effectively manage the WSA to preserve its wilderness character. We analyze these elements through the refuge planning process to determine the most appropriate management direction for each WSA.

A. We evaluate an "All Wilderness Alternative" and a "No Wilderness Alternative" for each WSA to compare the benefits and impacts of managing the area as wilderness as opposed to managing the area under an alternate set of goals, objectives, and strategies that do not involve wilderness designation.

(1) To minimize resource conflicts or improve the capability of managing an area as wilderness, we may develop "Partial Wilderness Alternatives" that evaluate the benefits and impacts of managing portions of a WSA as wilderness.

(2) The environmental analysis addresses benefits and impacts to wilderness values and other resources under each management alternative.

(3) The study evaluates how each alternative will achieve the purposes of the Wilderness Act and the NWPS. The study also evaluates how each alternative will:

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- (a) Affect achieving refuge or planning unit purpose(s);
- (b) Affect that refuge's contribution toward achieving the Refuge System mission;
- (c) Affect maintaining and, where appropriate, restoring biological integrity, diversity, and environmental health at various landscape scales; and
- (d) Meet other legal and policy mandates.

B. The wilderness study determines the area's suitability for management and preservation as wilderness with regard to the area's primary purposes as a refuge. The information, analysis, and decisions in the CCP and associated NEPA document provide the rationale for wilderness suitability determinations and the basic source of information throughout the public, executive, and legislative review processes that follow.

4.13 In the wilderness study, how does the Service evaluate whether a WSA can be effectively managed as wilderness? Being able to manage an area as wilderness is one of the criteria we evaluate and consider in the wilderness study phase to determine whether all or part of a WSA is suitable for wilderness designation. We must be reasonably certain that we can manage an area recommended as suitable for wilderness designation over the long term to maintain the wilderness character while accomplishing refuge purposes and the Refuge System mission. We evaluate the potential for adjusting a WSA's boundary to improve wilderness manageability and analyze feasible boundary adjustments in a "Partial Wilderness Alternative." To determine if we can manage an area, we consider how the following types of factors would individually and collectively affect our overall ability to manage an area as wilderness:

A. Existing Private Rights. We describe the type, extent, and validity of private rights in the WSA. How would the exercise of property rights owned by a party other than the Federal Government, such as privately owned subsurface rights, limit our ability to maintain an area's wilderness values and character?

B. Land Status and Service Jurisdiction. We document the land status and extent of Service jurisdiction for lands and waters within and adjacent to the WSA. We ask:

- (1) Does the Service have adequate jurisdiction over the lands and waters to ensure maintenance of wilderness resources and character within the WSA?
- (2) What is the extent of non-Federal lands within the WSA, and what are the prospects for acquisition?
- (3) How would the overall land ownership pattern affect our ability to manage the area as wilderness (e.g., private access to inholdings)?

C. Refuge Management Activities and Refuge Uses. We document and evaluate existing and planned refuge management activities and refuge uses in the WSAs. We ask:

- (1) Do these activities currently involve or require use of generally prohibited uses?

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(2) How would continuation or implementation of these activities and uses affect our ability to manage the area as wilderness?

(3) Can we modify or eliminate these activities or uses to improve our ability to manage the area as wilderness while still accomplishing refuge purposes?

4.14 What is the relationship between the wilderness study conclusions and the final CCP decisions?

A. The final CCP identifies WSAs that we have determined are suitable for recommendation as wilderness. It also outlines specific management direction to maintain the areas' wilderness character. We manage those areas in accordance with the CCP until Congress makes a decision on the areas or until we amend the CCP to modify or remove the suitable wilderness determination.

B. The final CCP must contain the following statement: "The [name areas] wilderness study areas have been determined to be suitable for wilderness designation. These recommendations are preliminary administrative determinations that will receive further review and possible modification by the Director of the U.S. Fish and Wildlife Service, the Secretary, and/or the President of the United States. Congress has reserved the authority to make final decisions on wilderness designation."

C. If the final determination in a CCP is that a WSA is not suitable for wilderness designation, we document the decision in the CCP and end the study process. We manage areas unsuitable for wilderness designation following the management direction outlined in the CCP.

4.15 What level of NEPA does the Service require for wilderness proposals? NEPA and the Council on Environmental Quality guidelines require environmental impact statements (EISs) for proposals for legislation, such as proposals for legislation to designate an area as wilderness.

A. We submit the legislative EIS to Congress with the wilderness proposal, wilderness study report, and other required documentation and information. In most cases, we will have prepared an EIS for a CCP that includes recommendations for wilderness designation.

B. We may include wilderness recommendations in a final CCP where we have prepared an environmental assessment. In these cases, we will subsequently prepare a legislative EIS for those WSAs, drawing from the information and analyses prepared for the CCP.

C. We may consider preparing a legislative EIS to include all suitable WSAs in a planning area larger than that covered by the CCP, such as the ecosystem or an entire State.

4.16 How does the Service involve stakeholders in wilderness reviews?

A. We prepare an outreach plan indicating how and when we will invite stakeholders, including States, other Federal agencies, tribes, and the public to participate in the wilderness review and refuge planning process (see 602 FW 3.4C(1)(i)).

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B. We publish a notice of intent (NOI) to prepare a CCP in the *Federal Register*, which notifies stakeholders that we plan to conduct a wilderness review.

C. We seek input on the inventory and identification of WSAs during the preplanning and scoping steps of the CCP. We seek and consider stakeholder comments on the development, analysis, and selection of wilderness alternatives in the draft CCP. We ensure there is adequate time for appropriate review of the final CCP and decision document (see 602 FW 3.4C(6)(d) and 550 FW 3.3A).

D. When the findings of the wilderness study result in a determination of suitability and recommendation for wilderness designation, we:

(1) Hold one or more public hearings to receive testimony on the wilderness proposal outlined in the draft EIS. We publish a public notice of the hearing(s) in the *Federal Register* and notify the governmental and agency entities listed above at least 30 days before the date of the hearing(s).

(2) Advise the Governor of the State, the governing board of each county or borough, tribal governments, and interested Federal departments and agencies of our proposal to recommend wilderness designation and invite them to submit their views at the hearing(s).

4.17 What is the process for the Director's review and approval of wilderness recommendations in CCPs? Refuge planning policy requires Regional Headquarters Office review of draft and final CCPs prior to public release (602 FW 3.4C(5)(d) and (6)(c)). In addition to the planning policy requirements, the Regional Director sends the Region's suitable wilderness recommendations to the Director for review and approval prior to public release of the draft legislative EIS. We also comply with Departmental procedures for approving and filing legislative EISs.

4.18 What is included in the wilderness study report? The study report is a summary of the wilderness review and contains the following information:

A. The Director's wilderness recommendation and rationale.

B. A general description of and background history for each area studied.

C. An analysis of each area's values, resources, and uses.

D. Evidence that we notified the public about the proposal, including publication in the *Federal Register* and notice(s) in local newspapers.

E. Evidence that we notified the Governor and other concerned officials (e.g., State, other Federal, local, and tribal) at least 30 days before holding a public hearing(s).

F. A summary and analysis of comments received and the public hearing record.

G. Evidence of direct notification and request for comments from the State Historic Preservation Officer about the presence or absence of significant cultural resources.

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H. A legal description and map showing the recommended wilderness boundary.

I. A CCP and a legislative EIS.

4.19 What additional documents does the Service need to prepare for Secretarial approval of the wilderness recommendation? The Regional Director sends the following additional documentation to the Director to support their wilderness recommendation and in preparation for the Director's recommendation to the Secretary:

A. A draft letter from the Director to the Secretary.

B. A draft letter from the Secretary to the President.

C. A draft letter from the President to the House and Senate.

D. Draft legislative language.

E. A copy of the refuge's CCP, if completed, and legislative EIS.

F. An outreach plan.

4.20 What are the steps for reporting the Service's wilderness recommendation?

A. The Director makes the Service's final recommendation and sends the wilderness study report and other required information to the Assistant Secretary for Fish and Wildlife and Parks.

B. The Assistant Secretary

(1) Reviews the Service's wilderness recommendations,

(2) Either approves or revises the proposal, and

(3) Sends it to the Secretary.

C. **The Secretary:**

(1) Sends the final proposal to the President for consideration,

(2) Recommends wilderness designation for those lands that qualify for inclusion in the NWPS, and

(3) Requests that it be formally transmitted to both houses of Congress for legislation enacting wilderness designation.

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D. We track the status of the wilderness designation process in Congress and assist the Department and Congress as requested.

4.21 What is the Service's general policy for managing WSAs?

A. While we are studying WSAs to determine if they are suitable for wilderness designation, we manage them to maintain their size, naturalness, and outstanding opportunities for solitude or primitive recreation to the extent that it will not prevent us from fulfilling and carrying out refuge establishing purposes and the Refuge System mission. Once we identify an area as a WSA, we protect the area by doing a case-by-case review of proposed or new site-specific projects, refuge management activities, or refuge uses within the WSA. The review includes a relevant appropriateness finding, compatibility determination, and documentation of NEPA compliance to assess potential impacts and identify mitigating measures to protect the area's size, naturalness, and outstanding opportunities for solitude or primitive recreation. The analysis must consider the entire WSA, not just the specific project area.

B. When we determine that a proposed discretionary action could cause irreversible or irretrievable impacts to the wilderness resource, we postpone the action pending completion of the wilderness study and final CCP. If the action is part of an approved management or step-down plan, the Regional Director may make a written determination that the action is integral to accomplishing refuge establishing purposes.

C. Other than those activities that exist when we identify an area as a WSA, activities that we allow pending completion of the CCP are generally temporary uses that create no new surface disturbance and do not involve placement of permanent structures. We must recognize existing private rights.

D. We manage WSAs recommended as suitable for wilderness designation according to the management direction in the final CCP until Congress makes a decision on these areas or we amend the CCP to modify or remove the suitable recommendation.

E. We may prepare a wilderness stewardship plan (WSP) for a WSA recommended for wilderness designation in a final CCP when the CCP does not address the goals, objectives, strategies, and implementation schedules at the level of detail necessary to maintain wilderness character. See 610 FW 3 for guidance in preparing a WSP.

4.22 What is the Service's general policy for managing recommended wilderness?

A. For recommended wilderness we have completed the wilderness review process and documentation of NEPA compliance. The Director has reviewed and approved recommended wilderness and given the recommendation to the Secretary. We manage recommended wilderness to maintain wilderness character.

B. We manage recommended wilderness according to the management direction in the final CCP until Congress makes a decision on the area or we amend the CCP to modify or remove the wilderness recommendation.

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C. We may prepare a WSP for a recommended wilderness when the CCP does not address the goals, objectives, strategies, and implementation schedules at the level of detail necessary to maintain wilderness character. Refer to 610 FW 3 for guidance in preparing a WSP.

4.23 What is the Service's general policy for managing proposed wilderness? For proposed wilderness we have completed the wilderness review process and documentation of NEPA compliance. The Secretary has reviewed and approved the proposal and forwarded it to the President. We manage proposed wilderness consistent with 610 FW 1-3 and section 4.22B and C.

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ACTING DIRECTOR

Date: November 7, 2008

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DIRECTOR

Date:

11/7/2008