

**Public Lands Foundation Position Statement**  
**Wilderness Study Areas**  
**June 18, 2018**

**Executive Summary**

There are some 12.6 million acres of public land that continue to be managed by the BLM as Wilderness Study Areas (WSA). These 517 WSAs are located in 12 western States and are an artifact of the 1976 Federal Land Policy and Management Act (FLPMA). Section 603 of FLPMA outlined a process to review lands for wilderness values. The public lands were inventoried, recommendations made regarding lands that met the criteria, and those recommendations sent to Congress in 1993 for final legislative action. Since that time there remains some 12.6 million acres of public lands that continue to be managed so as not to impair the suitability of the land's wilderness characteristics pending final Congressional action.

**Issue**

Since 1993 the BLM has managed 517 WSAs across the western states so as to not impair their suitability for potential wilderness management. Activities allowed on those lands are very limited. This situation has been controversial as many members of the public equate this WSA designation to a defacto wilderness area. Various user groups, County Commissioners, and other advocacy groups have taken extreme positions leaving BLM in the middle to arbitrate activities. Very few people are aware of the FLPMA requirement and the fact that the ultimate disposition of these lands is in the hands of Congress.

**Background**

The original wilderness review process outlined under Section 603 of FLPMA had three phases: inventory, study, and reporting to Congress. Public involvement was encouraged in all phases of the process, with opportunity provided for comment, participation, and review. Section 603 of FLPMA directed the BLM to carry out a wilderness review of the public lands. The wilderness inventory was conducted from 1978 to 1980, and excluded Alaska (43 USC 1784) except for the Central Arctic Management Area previously mandated by the Alaska National Interest Lands Conservation Act (ANILCA) to maintain its wilderness character until Congress decided otherwise, Oregon and California Grant Lands under the Act of 1937 (O&C Act), and Coos Bay Wagon Road lands managed primarily for timber production (Section 701(b)). The original inventory focused on roadless areas of public lands of 5,000 acres or more and on roadless islands, but also included areas of less than 5,000 acres that had wilderness characteristics in association with contiguous roadless lands managed by another agency, and areas of less than 5,000 acres that had wilderness characteristics and could practicably be managed to keep those characteristics in an unimpaired condition. Additional

WSAs were also designated through the BLM land use planning process under the authority of Sections 201, 202, and 302 of FLPMA after the reports to Congress were completed in 1993.

## **Discussion**

The inventory phase identified areas that were found to have the characteristics of wilderness enumerated by Congress in Section 2 (c) of the Wilderness Act of 1964:

*"A wilderness...(1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) 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; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value."*

When these characteristics were found within a defined boundary, the presence of the wilderness resource was documented and the area was classified as a WSA.

During the study phase, all values, resources, and uses occurring within each WSA were analyzed, pursuant to the National Environmental Policy Act (NEPA), through preparation of Environmental Impact Statements. When the study was completed, recommendations as to the suitability or unsuitability of each WSA for designation as wilderness were submitted to the President through the Secretary of the Interior, and then from the President to Congress.

FLPMA required that the reports on the Section 603 WSAs be sent to the President by October 21, 1991, and to Congress by October 21, 1993. Section 202 WSAs designated through the BLM's land use planning process prior to the 1993 report were also forwarded to Congress. The General Accounting Office (GAO) completed a Report to Congress in September 1993 that identified the status and uses of BLM WSAs identified through the FLPMA wilderness inventory and study process. At that time, the BLM had identified 752 WSAs including some 26.3 million acres of public lands to be managed to maintain their wilderness character until Congress decided otherwise. Congress has taken legislative actions over the years to designate some of these lands for long-term wilderness management or release lands from wilderness management. However, there remains today 517 WSAs and some 12.6 million acres of WSA lands that continue to be managed to maintain their wilderness character. These lands include some 5.6 million acres recommended as suitable for designation as wilderness and some 7 million acres recommended as unsuitable for designation. However, both the suitable and unsuitable remaining WSAs continue to be managed for their wilderness values.

The BLM inventory and study process, including the recommendations to Congress on suitability or unsuitability for designation as Wilderness, included important data on resource conflicts such as the potential for valuable locatable or leaseable minerals, or needs for rights-of-way, or other resource values. The recommendations and accompanying Environmental Impact Statements were based on the best available information at the time, which may have changed in the last 30 years since completion of those documents. Circumstances may also have changed since completion of the recommendations to Congress, but there is no administrative mechanism

to change or update the original recommendations. It is time to request that Congress take action and move the status of these remaining WSA lands forward.

Individual successful efforts on the original recommendations have been made by Congress in Arizona, and parts of Oregon and Idaho. At the present time, an effort is ongoing in Wyoming, and other states, counties or regions are looking at options on making the status of these lands current.

See the attached Table 5-5 from the Public Land Statistics of 9/30/2016 for a listing of the current number of remaining WSAs and acreage in each state.

Designation of public lands as a component of the National Wilderness Preservation System under the 1964 Act is a part of the BLM's multiple-use mandate, and the wilderness resource is recognized as one of the array of resource values considered in the land-use planning process. Management of the lands, both suitable and non-suitable for designation as Wilderness, has been problematic and confusing to the public, to local elected officials, and to Congress. This is because the BLM has no discretion to allow for most uses until Congress acts on the original recommendations. This is specifically spelled out in Section 603(c) of FLPMA that provides direction to the BLM on the management of WSAs:

*“During the period of review of such areas and until Congress has determined otherwise, the Secretary shall continue to manage such lands according to his authority under this Act and other applicable law in a manner so as not to impair the suitability of such areas for preservation as wilderness.”*

### **PLF Position**

The PLF supports the designation and management of Wilderness as part of the multiple use mandate under FLPMA for the management of public lands. The PLF also supports the current management strategy for WSAs, known as the non-impairment standard. However, some 12.6 million acres of public lands have been under WSA management for the last 25 years and continue to be managed to the current non-impairment standard. This is an ongoing challenge for public land managers and public land user groups and leads to confusion and unnecessary conflicts. These lands should be reviewed by Congress and designated as wilderness (or some other protected status) or released from WSA management to be managed consistent with land use allocations and management prescriptions in appropriate land use plans.

### **Recommendations**

The PLF urges Congress to complete the task originally identified in FLPMA and advance the status of these remaining WSA lands as FLPMA intended. To accomplish this, the PLF should at appropriate times send correspondence to appropriate local, State and Federal elected officials recommending that a process to resolve this situation be initiated. This situation was created long ago and most staffers and new politicians do not realize the extent to which this situation exists and the complexities it adds to management of the public lands. See attached draft letter.

Table 5-5.

**WILDERNESS STUDY AREAS WITHIN THE NATIONAL  
LANDSCAPE CONSERVATION SYSTEM  
AS OF SEPTEMBER 30, 2016**

<b>State</b>	<b>Number of Wilderness Study Areas</b>	<b>Federal Acres</b>
Alaska	1	260,000
Arizona	2	63,930
California	67	821,870
Colorado	53	546,969
Idaho	40	544,620
Montana	35	435,084
Nevada	60	2,516,855
New Mexico	57	960,335
Oregon	87	2,645,791
Utah	86	3,232,402
Washington	1	5,554
Wyoming	42	574,401
<b>Total</b>	<b>517 /a/</b>	<b>12,607,811</b>

/a/ Fourteen wilderness study areas are in more than one state and are counted only once in this total.

(date)

Dear

The Public Lands Foundation (PLF) urges your support and action on a matter that has been stalled for the last 25 years. This is a matter of Congressional deliberation and action on 517 Wilderness Study Areas, encompassing some 12.6 million acres of public lands pending before Congress.

The Department of the Interior and the BLM cannot advance further action on these WSA's without Congressional action. In accordance with Section 603 of the Federal Land Policy and Management Act (FLPMA), the Secretary of the Interior was required to review roadless areas of five thousand acres or more having wilderness characteristics and report to the President by October 21, 1991 his recommendation as to the suitability or nonsuitability of each area for preservation as wilderness. The Secretary and President met the deadlines required by FLPMA by submitting their recommendations to both houses of Congress on whether or not these areas met the standards for wilderness designation under the Wilderness Act of 1964. Since that report was submitted the Bureau of Land Management continues to manage some 12.6 million acres of public lands, called Wilderness Study Areas, to maintain the suitability of the wilderness characteristics of these lands pending future Congressional action.

By the end of 2015, the Congress had designated 223 Wilderness Areas comprising 8,760,029 acres of BLM administered lands. However, there remains an additional 517 Wilderness Study Areas (WSAs) comprising 12,607,811 acres of public lands that are still awaiting action on the President's recommendations made over 25 years ago.

We recognize that final resolution of the management of these lands is important to the western states and that state and local collaboratives have proven effective in seeking Congressional action. We encourage you to work with Congress and local collaboratives, such as the Wyoming Public Lands Initiative, to support legislative initiatives to resolve the future status of the remaining 12.6 million acres of public lands still designated as WSAs. Where local groups are not established we suggest that you work to establish such collaboratives. The Public Lands Foundation fully supports efforts to designate the appropriate WSA lands as Wilderness Areas in accordance with the Wilderness Act of 1964 and manage the balance of the lands under current land use plans based on clarification from Congress. The continued long-term management of these remaining WSA lands is problematic for the BLM and is often confusing for users of the public land.

The Public Lands Foundation (PLF) is a national nonprofit membership organization that advocates and works for the retention of America's Public Lands in public hands, professionally and sustainably managed for responsible use and enjoyment by American citizens. The PLF endorses and embraces the multiple use mission of the BLM. Members are predominately retired employees of the BLM from across the United States and as such have spent their careers dedicated to the sound management of these valuable lands and resources. And, they have personal knowledge of these lands and resources and expertise in their management.

Sincerely,