

Appendix A: Applicable Laws and Management Guidance

Decision contained in this Final EIS and RMP comply with all applicable laws, regulations, and management guidance that direct the BLM in its resource management activities. This appendix lists the key applicable laws that guide BLM management activities, followed by program-specific criteria that the BLM used in the development of this RMP.

The full text of both the NCA Act and the Wilderness Act are also contained in this Appendix for informational purposes prior to the program-specific planning criteria.

As stated in the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000, resource uses and activities shall be allowed to continue subject to valid existing rights, applicable laws, regulations, and executive orders.

Laws and Executive Orders

1. The Federal Land Policy and Management Act of 1976, as amended, 43 U.S.C. 1701 et seq., provides the authority for BLM land use planning.
Sec. 102 (a) (7) and (8) sets forth the policy of the United States concerning the management of BLM lands.
 - a. Sec. 201 requires the Secretary of the Interior to prepare and maintain an inventory of all BLM lands and their resources and other values, giving priority to areas of critical environmental concern; and, as funding and workforce are available, to determine the boundaries of the public lands, provide signs and maps to the public, and provide inventory data to State and local governments.
 - b. Sec. 202 (a) requires the Secretary, with public involvement, to develop, maintain, and when appropriate, revise land use plans that provide by tracts or areas for the use of the BLM lands.
 - c. Sec. 202 (c) (9) requires that land use plans for BLM lands be consistent with tribal plans and, to the maximum extent consistent with applicable Federal laws, with State and local plans.
 - d. Sec. 202 (d) provides that all public lands, regardless of classification, are subject to inclusion in land use plans, and that the Secretary may modify or terminate classifications consistent with land use plans.
 - e. Sec. 202 (f) and Sec. 309 (e) provide that Federal, State, and local governments and the public be given adequate notice and opportunity to comment on the formulation of standards and criteria for, and to participate in, the preparation and execution of plans and programs for the management of the public lands.
 - f. Sec. 302 (a) requires the Secretary to manage the BLM lands under the principles of multiple use and sustained yield, in accordance with, when available, land use plans developed under Sec. 202 of the Federal Land Policy and Management Act, except that where a tract of BLM lands has been dedicated to specific uses according to any other provisions of law, it shall be managed in accordance with such laws.
 - g. Sec. 302 (b) recognizes the entry and development rights of mining claimants, while directing the Secretary to prevent unnecessary or undue degradation of the public lands.
2. The Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000, 16 U.S.C. 460ppp, to conserve, protect, and enhance resources associated with the Applegate-Lassen and Nobles Trails corridors and surrounding areas for the benefit and enjoyment of present and future generations. (full-text included)

Appendix A: Applicable Laws and Management Guidance

3. The Clean Air Act of 1990, as amended, 42 U.S.C. 7418, requires Federal agencies to comply with all Federal, State and local requirements regarding the control and abatement of air pollution. This includes abiding by the requirements of State Implementation Plans.
4. The Clean Water Act of 1987, as amended, 33 U.S.C. 1251, establishes objectives to restore and maintain the chemical, physical, and biological integrity of the Nation's water.
5. The Federal Water Pollution Control Act, 33 U.S.C. 1323, requires the Federal land manager to comply with all Federal, State, and local requirements, administrative authority, process, and sanctions regarding the control and abatement of water pollution in the same manner and to the same extent as any non-governmental entity.
6. The Safe Drinking Water Act, 42 U.S.C. 201, is designed to make the Nation's waters "drinkable" as well as "swimmable." Amendments in 1996 establish a direct connection between safe drinking water and watershed protection and management.
7. The Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq.:
 - h. Provides a means whereby the ecosystems upon which endangered and threatened species depend may be conserved and to provide a program for the conservation of such endangered and threatened species (Sec. 1531 (b), Purposes).
 - i. Requires all Federal agencies to seek to conserve endangered and threatened species and utilize applicable authorities in furtherance of the purposes of the Endangered Species Act (Sec. 1531 (c) (1), Policy).
 - j. Requires all Federal agencies to avoid jeopardizing the continued existence of any species that is listed or proposed for listing as threatened or endangered or destroying or adversely modifying its designated or proposed critical habitat (Sec. 1536 (a), Interagency Cooperation).
 - k. Requires all Federal agencies to consult (or confer) in accordance with Sec. 7 of the Endangered Species Act with the Secretary of the Interior, through the Fish and Wildlife Service and/or the National Marine Fisheries Service, to ensure that any Federal action (including land use plans) or activity is not likely to jeopardize the continued existence of any species listed or proposed to be listed under the provisions of the Endangered Species Act, or result in the destruction of adverse modification of designated or proposed critical habitat (Sec. 1536 (a), Interagency Cooperation, and 50 CFR 402).
8. The Wild and Scenic Rivers Act, as amended, 16 U.S.C. 1271 *et seq.*, requires the Federal land management agencies to identify potential river systems and then study them for potential designation as wild, scenic, or recreational rivers.
9. The Wilderness Act, as amended, 16 U.S.C. 1131 *et seq.*, authorizes the President to make recommendations to the Congress for Federal lands to be aside for preservation as wilderness. (full-text included)
10. The National Historic Preservation Act, as amended, 16 U.S.C. 470, expands protection of historic and archeological properties to include those of national, State, and local significance and directs Federal agencies to consider the effects of proposed actions on properties eligible for or included in the National Register of Historic Places.
11. The Archaeological Resources Protection Act of 1979, 16. U.S.C. 470, secures the protection of archaeological resources and sites which are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data which were obtained before October 31, 1979.
12. The Native American Graves Protection and Repatriation Act of 1990, 25 U.S.C. 3001, addresses the rights of lineal descendants, Indian tribes, and Native Hawaiian organizations to Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. It requires federal agencies and

Appendix A: Applicable Laws and Management Guidance

museums to provide information about Native American cultural items to parties with standing and, upon presentation of a valid request, dispose of or repatriate these objects to them.

13. The American Indian Religious Freedom Act of 1978, 42 U.S.C. 1996, establishes a national policy to protect and preserve the right of American Indians to exercise traditional Indian religious beliefs or practices.
14. The Recreation and Public Purposes Act of 1926, as amended, 43 U.S.C. 869 *et seq.*, authorizes the Secretary of the Interior to lease or convey BLM lands for recreational and public purposes under specified conditions.
15. The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.*, requires application of unsuitability criteria prior to coal leasing and also to proposed mining operations for minerals or mineral materials other than coal.
16. The Mineral Leasing Act of 1920, as amended, 30 U.S.C. 181 *et seq.*, authorizes the development and conservation of oil and gas resources.
17. The Onshore Oil and Gas Leasing Reform Act of 1987, 30 U.S.C. 181 *et seq.*, provides:
 - a. Potential oil and gas resources be adequately addressed in planning documents;
 - b. The social, economic, and environmental consequences of exploration and development of oil and gas resources be determined; and
 - c. Any stipulations to be applied to oil and gas leases be clearly identified.
18. The General Mining Law of 1872, as amended, 30 U.S.C. 21 *et seq.*, allows the location, use and patenting of mining claims on sites on public domain lands of the United States.
19. The Mining and Mineral Policy Act of 1970, 30 U.S.C. 21a, establishes a policy of fostering development of economically stable mining and minerals industries, their orderly and economic development, and studying methods for disposal of waste and reclamation.
20. The Taylor Grazing Act of 1934, 43 U.S.C. 315, “[T]he Secretary of the Interior is authorized, in his discretion, by order to establish grazing districts or additions thereto...of vacant unappropriated and unreserved lands from any part of the public domain...which in his opinion are chiefly valuable for grazing and raising forage crops[.]....” The Act also provides for the classification of lands for particular uses.
21. The Public Rangelands Improvement Act of 1978, 43 U.S.C. 1901, provides that the public rangelands be managed so that they become as productive as feasible in accordance with management objectives and the land use planning process established pursuant to 43 U.S.C. 1712.
22. Executive Order 12630 (Governmental Actions and Interference With Civil Constitutionally Protected Property Rights) 53 *FR* 8859, requires Executive departments and agencies review their actions carefully to prevent unnecessary takings and account in decision-making for those taking that are necessitated by statutory mandate and assist Federal departments and agencies in undertaking such reviews and in proposing, planning, and implementing actions.
23. Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations), 49 *Fed. Reg.* 7629 (1994), requires that each Federal agency consider the impacts of its programs on minority populations and low income populations.
24. Executive Order 13007 (Indian Sacred Sites), 61 *Fed. Reg.* 26771 (1996), requires Federal agencies to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions to:
 - d. Accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners; and
 - e. Avoid adversely affecting the physical integrity of such sacred sites.
25. Executive Order 13084 (Consultation and Coordination with Indian Tribal Governments) provides, in part, that each Federal agency shall establish regular and meaningful consultation and collaboration with Indian tribal governments in development of regulatory practices on Federal matters that significantly or uniquely affect their communities.

Appendix A: Applicable Laws and Management Guidance

26. Executive Order 13112 (Invasive Species) provides that no Federal agency shall authorize, fund or carry out actions that it believes are likely to cause or promote the introduction or spread of invasive species unless, pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk or harm will be taken in conjunction with the actions.
27. Secretarial Order 3175 (incorporated into the Departmental Manual at 512 DM 2) requires that if Department of the Interior (DOI) agency actions might impact Indian trust resources, the agency explicitly address those potential impacts in planning and decision documents, and the agency consult with the tribal government whose trust resources are potentially affected by the Federal action.
28. Secretarial Order 3206 (American Indian Tribal Rights, Federal –Tribal Trust Responsibilities, and the Endangered Species Act) requires DOI agencies to consult with Indian Tribes when agency actions to protect a listed species, as a result of compliance with ESA, affect or may affect of Indian lands, tribal trust resources, or the exercise of American Indian tribal rights.

Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000

[Page 114 STAT. 2763 Page 114, (U.S. Statutes at Large, page 114 ff.), Public Law 106-554]
Signed into Law December 21, 2000
as Amended November 6, 2001

AN ACT

To establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000'.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The areas of northwestern Nevada known as the Black Rock Desert and High Rock Canyon contain and surround the last nationally significant, untouched segments of the historic California emigrant Trails, including wagon ruts, historic inscriptions, and a wilderness landscape largely unchanged since the days of the pioneers.

(2) The relative absence of development in the Black Rock Desert and high Rock Canyon areas from emigrant times to the present day offers a unique opportunity to capture the terrain, sights, and conditions of the overland trails as they were experienced by the emigrants and to make available to both present and future generations of Americans the opportunity of experiencing emigrant conditions in an unaltered setting.

(3) The Black Rock Desert and High Rock Canyon areas are unique segments of the Northern Great Basin and contain broad representation of the Great Basin's land forms and plant and animal species, including golden eagles and other birds of prey, sage grouse, mule deer, pronghorn antelope, bighorn sheep, free roaming horses and burros, threatened fish and sensitive plants.

(4) The Black Rock-High Rock region contains a number of cultural and natural resources that have been declared eligible for National Historic Landmark and Natural Landmark status, including a portion of the 1843-44 John Charles Fremont exploration route, the site of the death of Peter Lassen, early military facilities, and examples of early homesteading and mining.

(5) The archeological, paleontological, and geographical resources of the Black Rock-High Rock region include numerous prehistoric and historic Native American sites, woolly mammoth sites, some of the largest

Appendix A: Applicable Laws and Management Guidance

natural potholes of North America, and a remnant dry Pleistocene lakebed (playa) where the curvature of the Earth may be observed.

(6) The two large wilderness mosaics that frame the conservation area offer exceptional opportunities for solitude and serve to protect the integrity of the viewshed of the historic emigrant trails.

(7) Public lands in the conservation area have been used for domestic livestock grazing for over a century, with resultant benefits to community stability and contributions to the local and State economies. It has not been demonstrated that continuation of this use would be incompatible with appropriate protection and sound management of the resource values of these lands; therefore, it is expected that such grazing will continue in accordance with the management plan for the conservation area and other applicable laws and regulations.

(8) The Black Rock Desert playa is a unique natural resource that serves as the primary destination for the majority of visitors to the conservation area, including visitors associated with large-scale permitted events. It is expected that such permitted events will continue to be administered in accordance with the management plan for the conservation area and other applicable laws and regulations.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term 'Secretary' means the Secretary of the Interior.

(2) The term 'public lands' has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(3) The term 'conservation area' means the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area established pursuant to section 4 of this Act.

SEC. 4. ESTABLISHMENT OF THE CONSERVATION AREA.

(a) ESTABLISHMENT AND PURPOSES- In order to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, cultural, paleontological, scenic, scientific, biological, educational, wildlife, riparian, wilderness, endangered species, and recreational values and resources associated with the Applegate-Lassen and Nobles Trails corridors and surrounding areas, there is hereby established the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area in the State of Nevada.

(b) AREAS INCLUDED- The conservation area shall consist of approximately 797,100 acres of public lands as generally depicted on the map entitled 'Black Rock Desert Emigrant Trail National Conservation Area' and dated October 3, 2001.

(c) MAPS AND LEGAL DESCRIPTION- As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the conservation area. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

SEC. 5. MANAGEMENT.

(a) MANAGEMENT- The Secretary, acting through the Bureau of Land Management, shall manage the conservation area in a manner that conserves, protects and enhances its resources and values, including those resources and values specified in subsection 4(a), in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law.

(b) Access-

(1) IN GENERAL- The Secretary shall maintain adequate access for the reasonable use and enjoyment of the conservation area.

(2) PRIVATE LAND- The Secretary shall provide reasonable access to privately owned land or interests in land within the boundaries of the conservation area.

(3) EXISTING PUBLIC ROADS- The Secretary is authorized to maintain existing public access within the boundaries of the conservation area in a manner consistent with the purposes for which the conservation area was established.

(c) Uses-

(1) IN GENERAL- The Secretary shall only allow such uses of the conservation area as the Secretary finds will further the purposes for which the conservation area is established.

(2) OFF-HIGHWAY VEHICLE USE- Except where needed for administrative purposes or to respond to an emergency, use of motorized vehicles in the conservation area shall be permitted only on roads and trails and in other areas designated for use of motorized vehicles as part of the management plan prepared pursuant to subsection (e).

(3) PERMITTED EVENTS- The Secretary may continue to permit large-scale events in defined, low impact areas of the Black Rock Desert playa in the conservation area in accordance with the management plan prepared pursuant to subsection (e).

(d) HUNTING, TRAPPING, AND FISHING- Nothing in this Act shall be deemed to diminish the jurisdiction of the State of Nevada with respect to fish and wildlife management, including regulation of hunting and fishing, on public lands within the conservation area.

(e) MANAGEMENT PLAN- Within three years following the date of enactment of this Act, the Secretary shall develop a comprehensive resource management plan for the long-term protection and management of the conservation area. The plan shall be developed with full public participation and shall describe the appropriate uses and management of the conservation area consistent with the provisions of this Act. The plan may incorporate appropriate decisions contained in any current management or activity plan for the area and may use information developed in previous studies of the lands within or adjacent to the conservation area.

(f) GRAZING- Where the Secretary of the Interior currently permits livestock grazing in the conservation area, such grazing shall be allowed to continue subject to all applicable laws, regulations, and executive orders.

(g) VISITOR SERVICE FACILITIES- The Secretary is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, visitor service facilities for the purpose of providing information about the historical, cultural, ecological, recreational, and other resources of the conservation area.

Appendix A: Applicable Laws and Management Guidance

(h) ROAD MAINTENANCE- Within the conservation area the Secretary may permit the use of gravel pits for the maintenance of roads within the Materials Act of 1947 (30 U.S.C. 601 *et seq.*) to the extent consistent with this Act and subject to such regulations, policies, and practices as the Secretary considers necessary.

SEC. 6. WITHDRAWAL.

(a) IN GENERAL- Subject to valid existing rights, all Federal lands within the conservation area and all lands and interests therein which are hereafter acquired by the United States are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, from operation of the mineral leasing and geothermal leasing laws and from the minerals materials laws and all amendments thereto.

SEC. 7. NO BUFFER ZONES.

The Congress does not intend for the establishment of the conservation area to lead to the creation of protective perimeters or buffer zones around the conservation area. The fact that there may be activities or uses on lands outside the conservation area that would not be permitted in the conservation area shall not preclude such activities or uses on such lands up to the boundary of the conservation area consistent with other applicable laws.

SEC. 8. WILDERNESS.

(a) DESIGNATION- In furtherance of the purposes of the Wilderness Act of 1964 (16 U.S.C. 1131 *et seq.*), the following lands in the State of Nevada are designated as wilderness, and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Black Rock Desert Wilderness Study Area comprised of approximately 315,700 acres, as generally depicted on a map entitled 'Black Rock Desert Wilderness' and dated October 3, 2001, and which shall be known as the Black Rock Desert Wilderness.

(2) Certain lands in the Pahute Peak Wilderness Study Area comprised of approximately 57,400 acres, as generally depicted on a map entitled 'Pahute Peak Wilderness' and dated October 3, 2001, and which shall be known as the Pahute Peak Wilderness.

(3) Certain lands in the North Black Rock Range Wilderness Study Area comprised of approximately 30,800 acres, as generally depicted on a map entitled 'North Black Rock Range Wilderness' and dated October 3, 2001, and which shall be known as the North Black Rock Range Wilderness.

(4) Certain lands in the East Fork High Rock Canyon Wilderness Study Area comprised of approximately 52,800 acres, as generally depicted on a map entitled 'East Fork High Rock Canyon Wilderness' and dated October 3, 2001, and which shall be known as the East Fork High Rock Canyon Wilderness.

(5) Certain lands in the High Rock Lake Wilderness Study Area comprised of approximately 59,300 acres, as generally depicted on a map entitled 'High Rock Lake Wilderness' and dated October 3, 2001, and which shall be known as the High Rock Lake Wilderness.

(6) Certain lands in the Little High Rock Canyon Wilderness Study Area comprised of approximately 48,700 acres, as generally depicted on a map entitled 'Little High Rock Canyon Wilderness' and dated October 3, 2001, and which shall be known as the Little High Rock Canyon Wilderness.

Appendix A: Applicable Laws and Management Guidance

(7) Certain lands in the High Rock Canyon Wilderness Study Area and Yellow Rock Canyon Wilderness Study Area comprised of approximately 46,600 acres, as generally depicted on a map entitled 'High Rock Canyon Wilderness' and dated October 3, 2001, and which shall be known as the High Rock Canyon Wilderness.

(8) Certain lands in the Calico Mountains Wilderness Study Area comprised of approximately 65,400 acres, as generally depicted on a map entitled 'Calico Mountains Wilderness' and dated October 3, 2001, and which shall be known as the Calico Mountains Wilderness.

(9) Certain lands in the South Jackson Mountains Wilderness Study Area comprised of approximately 56,800 acres, as generally depicted on a map entitled 'South Jackson Mountains Wilderness' and dated October 3, 2001, and which shall be known as the South Jackson Mountains Wilderness.

(10) Certain lands in the North Jackson Mountains Wilderness Study Area comprised of approximately 24,000 acres, as generally depicted on a map entitled 'North Jackson Mountains Wilderness' and dated October 3, 2001, and which shall be known as the North Jackson Mountains Wilderness.

(b) ADMINISTRATION OF WILDERNESS AREAS- Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary in accordance with the provisions of the Wilderness Act, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

(c) MAPS AND LEGAL DESCRIPTION- As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a map and legal description of the wilderness areas designated under this Act. The map and legal description shall have the same force and effect as if included in this Act, except the Secretary may correct clerical and typographical errors in such map and legal description. Copies of the map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(d) GRAZING- Within the wilderness areas designated under subsection (a), the grazing of livestock, where established prior to the date of enactment of this Act, shall be permitted to continue subject to such reasonable regulations, policies, and practices as the Secretary deems necessary, as long as such regulations, policies, and practices fully conform with and implement the intent of Congress regarding grazing in such areas as such intent is expressed in the Wilderness Act and section 101(f) of Public Law 101-628.

(e) HUNTING, TRAPPING, AND FISHING-

(1) IN GENERAL- Nothing in this Act diminishes the jurisdiction of the State of Nevada with respect to fish and wildlife management, including regulation of hunting and fishing on public land in the areas designated as wilderness under subsection (a).

(2) APPLICABLE LAW- Any action in the areas designated as wilderness under subsection (a) shall be consistent with the Wilderness Act (16 U.S.C. 1131 *et seq.*).

(f) WILDLAND FIRE PROTECTION- Nothing in this Act or the Wilderness Act (16 U.S.C. 1131 *et seq.*) precludes a Federal, State, or local agency from conducting wildland fire management operations (including prescribed burns) within the areas designated as wilderness under subsection (a), subject to any conditions that the Secretary considers appropriate.

Appendix A: Applicable Laws and Management Guidance

(g) WILDERNESS STUDY RELEASE- Congress-

(1) finds that the parcels of land in the wilderness study areas referred to in subsection (a) that are not designated as wilderness in subsection (a) have been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782); and

(2) declares that those parcels are no longer subject to the requirement of subsection (c) of that section pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Passed the Senate October 5, 2000.

Passed the House of Representatives December 18, 2000

Signed by the President December 21, 2000

Amended November 6, 2001

National Wilderness Preservation System

Public Law 88-577
88th Congress, S. 4
September 3, 1964

An Act

To establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Short Title

Section 1. This Act may be cited as the "Wilderness Act".

Wilderness System Established Statement of Policy

Sec. 2. (a) In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness; and no Federal lands shall be designated as "wilderness areas" except as provided for in this Act or by a subsequent Act.

(b) The inclusion of an area in the National Wilderness Preservation System notwithstanding, the area shall continue to be managed by the Department and agency having jurisdiction thereover immediately before its inclusion in the National Wilderness Preservation System unless otherwise provided by Act of Congress. No appropriation shall be available for the payment of expenses or salaries for the administration of the National Wilderness Preservation System as a separate unit nor shall any appropriations be available for additional personnel stated as being required solely for the purpose of managing or administering areas solely because they are included within the National Wilderness Preservation System.

Definition of Wilderness

(c) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (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.

National Wilderness Preservation System -- Extent of System

Sec. 3. (a) All areas within the national forests classified at least 30 days before the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness", "wild", or "canoe" are hereby designated as wilderness areas. The Secretary of Agriculture shall --

(1) Within one year after the effective date of this Act, file a map and legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: Provided, however, That correction of clerical and typographical errors in such legal descriptions and maps may be made.

(2) Maintain, available to the public, records pertaining to said wilderness areas, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. Maps, legal descriptions, and regulations pertaining to wilderness areas within their respective jurisdictions also shall be available to the public in the offices of regional foresters, national forest supervisors, and forest rangers.

(b) The Secretary of Agriculture shall, within ten years after the enactment of this Act, review, as to its suitability or unsuitability for preservation as wilderness, each area in the national forests classified on the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "primitive" and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as "wilderness" or other reclassification of each area on which review has been completed, together with maps and a definition of boundaries. Such advice shall be given with respect to not less than one-third of all the areas now classified as "primitive" within three years after the enactment of this Act, not less than two-thirds within seven years after the enactment of this Act, and the remaining areas within ten years after the enactment of this Act. Each recommendation of the President for designation as "wilderness" shall become effective only if so provided by an Act of Congress. Areas classified as "primitive" on the effective date of this Act shall continue to be administered under the rules and regulations affecting such areas on the effective date of this Act until Congress has determined otherwise. Any such area may be increased in size by the President at the time he submits his recommendation to the Congress by not more than five thousand acres with no more than one thousand two hundred and eighty acres of such increase in any one compact unit; if it is proposed to increase the size of any such area by more than five thousand acres or by more than one thousand two hundred and eighty acres in any one compact unit the increase in size shall not become effective until acted upon by Congress. Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of primitive areas or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value. Notwithstanding any other provisions of this Act, the Secretary of Agriculture may complete his review and delete such area as may be necessary, but not to exceed seven thousand acres, from the southern tip of the Gore Range-Eagles Nest Primitive Area, Colorado, if the Secretary determines that such action is in the public interest.

(c) Within ten years after the effective date of this Act the Secretary of the Interior shall review every roadless area of five thousand contiguous acres or more in the national parks, monuments and other units of the national park system and every such area of, and every roadless island within, the national wildlife refuges and game ranges, under his jurisdiction on the effective date of this Act and shall report to the President his recommendation as to the suitability or unsuitability of each such area or island for preservation as wilderness. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his

Appendix A: Applicable Laws and Management Guidance

recommendation with respect to the designation as wilderness of each such area or island on which review has been completed, together with a map thereof and a definition of its boundaries. Such advice shall be given with respect to not less than one-third of the areas and islands to be reviewed under this subsection within three years after enactment of this Act, not less than two-thirds within seven years of enactment of this Act, and the remainder within ten years of enactment of this Act. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress. Nothing contained herein shall, by implication or otherwise, be construed to lessen the present statutory authority of the Secretary of the Interior with respect to the maintenance of roadless areas within units of the national park system.

(d) (1) The Secretary of Agriculture and the Secretary of the Interior shall, prior to submitting any recommendations to the President with respect to the suitability of any area for preservation as wilderness--

(A) give such public notice of the proposed action as they deem appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land;

(B) hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the respective Secretaries involved deem appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: Provided, That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies;

(C) at least thirty days before the date of a hearing advise the Governor of each State and the governing board of each county, or in Alaska the borough, in which the lands are located, and Federal departments and agencies concerned, and invite such officials and Federal agencies to submit their views on the proposed action at the hearing or by not later than thirty days following the date of the hearing.

(d)(2) Any views submitted to the appropriate Secretary under the provisions of (1) of this subsection with respect to any area shall be included with any recommendations to the President and to Congress with respect to such area.

(e) Any modification or adjustment of boundaries of any wilderness area shall be recommended by the appropriate Secretary after public notice of such proposal and public hearing or hearings as provided on subsection (d) of this section. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recommendations shall become effective only on the same manner as provided for in subsections (b) and (c) of this section.

Use of Wilderness Areas

Sec. 4. (a) The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forests and units of the national park and national wildlife refuge systems are established and administered and --

(1) Nothing in this Act shall be deemed to be in interference with the purpose for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215).

(2) Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act (Public Law 539, Seventy-first Congress, July 10, 1930; 46 Stat. 1020), the Thye-Blatnik Act (Public Law 733, Eightieth Congress, June 22, 1948; 62 Stat. 568), and the Humphrey-Thye-Blatnik-Andresen Act (Public Law 607,

Appendix A: Applicable Laws and Management Guidance

Eighty-fourth Congress, June 22, 1965; 70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

(3) Nothing in this Act shall modify the statutory authority under which units of the national park system are created. Further, the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with the Act of August 25, 1916, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area, including, but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 et seq.); section 3(2) of the Federal Power Act (16 U.S.C. 796 (2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

Prohibition of Certain Uses

(c) Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

Special Provisions

(d) The following special provisions are hereby made:

(1) Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

(2) Nothing in this Act shall prevent within national forest wilderness areas any activity, including prospecting, for the purpose of gathering information about mineral or other resources, if such activity is carried on in a manner compatible with the preservation of the wilderness environment. Furthermore, in accordance with such program as the Secretary of the Interior shall develop and conduct in consultation with the Secretary of Agriculture, such areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.

(3) Notwithstanding any other provisions of this Act, until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the extent as applicable prior to the effective date of this Act, extend to those national forest lands designated by this Act as "wilderness areas"; subject, however, to such reasonable regulations governing ingress and egress as may be prescribed by the Secretary of Agriculture consistent with the use of the land for mineral location and development and exploration, drilling, and production, and use of land for transmission lines, waterlines, telephone lines, or facilities necessary in

Appendix A: Applicable Laws and Management Guidance

exploring, drilling, producing, mining, and processing operations, including where essential the use of mechanized ground or air equipment and restoration as near as practicable of the surface of the land disturbed in performing prospecting, location, and , in oil and gas leasing, discovery work, exploration, drilling, and production, as soon as they have served their purpose. Mining locations lying within the boundaries of said wilderness areas shall be held and used solely for mining or processing operations and uses reasonably incident thereto; and hereafter, subject to valid existing rights, all patents issued under the mining laws of the United States affecting national forest lands designated by this Act as wilderness areas shall convey title to the mineral deposits within the claim, together with the right to cut and use so much of the mature timber therefrom as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the national forest rules and regulations, but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except as otherwise expressly provided in this Act: Provided, That, unless hereafter specifically authorized, no patent within wilderness areas designated by this Act shall issue after December 31, 1983, except for the valid claims existing on or before December 31, 1983. Mining claims located after the effective date of this Act within the boundaries of wilderness areas designated by this Act shall create no rights in excess of those rights which may be patented under the provisions of this subsection. Mineral leases, permits, and licenses covering lands within national forest wilderness areas designated by this Act shall contain such reasonable stipulations as may be prescribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed. Subject to valid rights then existing, effective January 1, 1984, the minerals in lands designated by this Act as wilderness areas are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(4) Within wilderness areas in the national forests designated by this Act, (1) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (2) the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

(5) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, shall be in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: Provided, That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats.

(6) Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

(7) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(8) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

State and Private Lands Within Wilderness Areas

Sec. 5. (a) In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this Act as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture: Provided, however, That the United States shall not transfer to a state or private owner any mineral interests unless the State or private owner relinquishes or causes to be relinquished to the United States the mineral interest in the surrounded land.

(b) In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

(c) Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this Act as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress.

Gifts, Bequests, and Contributions

Sec. 6. (a) The Secretary of Agriculture may accept gifts or bequests of land within wilderness areas designated by this Act for preservation as wilderness. The Secretary of Agriculture may also accept gifts or bequests of land adjacent to wilderness areas designated by this Act for preservation as wilderness if he has given sixty days advance notice thereof to the President of the Senate and the Speaker of the House of Representatives. Land accepted by the Secretary of Agriculture under this section shall become part of the wilderness area involved. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this Act, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

(b) The Secretary of Agriculture or the Secretary of the Interior is authorized to accept private contributions and gifts to be used to further the purpose of this Act.

Annual Reports

Sec. 7. At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system, including a list and descriptions of the areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make.

Approved September 3, 1964.

Legislative History

House Reports: No. 1538 accompanying H.R. 9070 (Comm. on Interior & Insular affairs) and No. 1829 (Comm. of Conference).

Senate Report No. 109 (Comm. on Interior & Insular Affairs).

Congressional Record:

Appendix A: Applicable Laws and Management Guidance

Vol. 109 (1963): Apr. 4, 8, considered in Senate. Apr. 9, considered and passed Senate.

Vol. 110 (1964): July 28, considered in House. July 30, considered and passed House, amended, in lieu of H. R. 9070. Aug. 20, House and Senate agreed to conference report.

Program Planning Criteria

The following program-specific planning criteria were developed to help guide the development of this Final EIS and RMP. These provide more specificity on the General Planning Criteria, which are contained in Chapter 1.

(1) Air Quality

Under the “Clean Air Act,” BLM-administered land in the planning area is classified as Class II (see Glossary). All activities will be managed to achieve Class II standards unless it is reclassified by the State of Nevada.

(2) Water Quality

The “Federal Water Pollution Control Act of 1977,” as amended (known also as the “Clean Water Act ” [CWA]), requires the BLM to be consistent with State non-point source management program plans and relevant water quality standards. Section 313 requires compliance with State water quality standards. The RMP will incorporate best management practices (BMPs) or other conservation measures for specific programs and activities. Water quality will be maintained or improved in accordance with State and Federal standards.

(3) Soil Management

Soil will be managed to protect long-term productivity. BMPs will be incorporated into other programs to minimize soil erosion and compaction.

(4) Vegetation Management

Vegetation will be managed to provide for biological diversity at the landscape level, to protect and restore native perennial and desirable nonnative perennial species, and to provide for consumptive uses and non-consumptive values, including visual quality and watershed condition.

Livestock forage allocations, established in grazing program EISs and subsequent agreements and decisions, will not be revised by this plan. Grazing management adjustments will occur on a priority basis over the life of the plan through an adaptive management process and subsequent agreements, decisions, or plan revisions. Authorization of livestock use in the planning area will be adjusted by allotment management plans. The RMP will include provisions for plant maintenance, watershed protection and stability, and wildlife habitat; and will provide for livestock, wildlife, and wild horses.

Fire and other treatment methods are considered tools to meet vegetation management objectives.

(5) Riparian Areas, Floodplains and Wetlands

Riparian areas, floodplains and wetlands will be managed to restore, protect, or improve their natural functions relating to water storage, groundwater recharge, water quality, and fish and wildlife values.

(6) Woodland Management

All juniper and quaking aspen woodlands will be managed to protect long-term productivity, biological diversity, and watershed values.

Appendix A: Applicable Laws and Management Guidance

(7) Noxious Weed Control

The BLM, in participation with county, state, and Federal agencies will monitor the locations and spread of noxious weeds. Noxious weed control will be conducted in accordance with the integrated weed management guidelines and design features identified in the Thirteen State Vegetation Treatment EIS.. Control of noxious weeds will occur in wilderness areas, if needed, but may include certain restrictions to reduce potential impacts on specific values. The BLM will assess land prior to acquisition to determine whether or not noxious weeds are present.

(8) Special Status Species

The BLM is required by law to assist the conservation and recovery of species listed as threatened or endangered or proposed for listing under the “Endangered Species Act ” (ESA). Federal actions that may affect the well being of these species require consultation with the U.S. Fish and Wildlife Service (USFWS). BLM policy also requires that authorized actions do not contribute to the need to list any other special status species under the provisions of the ESA. The intent is to avoid the need for future listings of species as threatened or endangered.

(9) Wild Horses

Forage will be provided to support wild horse populations at levels established in accordance with the “Wild Free-Roaming Horse and Burro Act. (check terminology) “Adjustments in range allocation will be based on monitoring to ensure a thriving natural ecological balance within herd management areas (HMAs).

(10) Livestock Management

Grazing of public land will be authorized under the principles of multiple use and sustained yield. Livestock will be managed to maintain or improve public land resources and rangeland productivity and to stabilize the livestock industry dependent on the public range over the long term. Livestock grazing will be consistent with meeting the applicable Standards for Rangeland Health and the Guidelines for livestock grazing.

Forage will be allocated, by allotment, for livestock grazing on suitable rangeland based on multiple use and sustained yield objectives. Existing management systems, including those outlined in allotment management plans, will continue until evaluations indicate that change is needed to meet objectives. The process for determining livestock forage allocations through allotment evaluations will proceed in accordance with BLM regulations and policy.

(11) Fire Management

Wildland fire, as a critical natural process, will be integrated into resource management planning to assist in the attainment of resource management objectives. The use of surface-disturbing equipment to suppress wildland fires will be restricted in areas such as wilderness and other areas containing significant cultural or paleontological values, except when needed to protect human life or private property.

(12) Land Tenure Adjustments

BLM-administered land will be retained in Federal ownership. Land acquisition will be based on public benefits, management considerations, willing sellers and public access needs. Specific actions that meet land tenure adjustment criteria established in the RMP will occur with public participation and will be made in consultation with local, county, state, and tribal governments.

Appendix A: Applicable Laws and Management Guidance

(13) Rights-of-way

Public land will be limited for land use authorizations including transportation and utility rights-of-way, with preference given to existing corridors.

(14) Energy and Minerals

Public land will be un-available for energy and mineral exploration except in the case of valid rights existing at the time of designation. Development will be subject to applicable Federal and state laws and regulations.

(15) Recreation

All public land will be identified as being within either special recreation management areas or extensive recreation management areas. Some areas may be subject to special measures to protect resources or reduce potential conflicts among uses. Where there is a demonstrated need, the BLM may develop and maintain recreation facilities, including campgrounds, picnic areas, interpretive sites, , and trails.

(16) Motorized Vehicle Use

All public land will be designated as open, limited, or closed in regard to OHV use. Public safety, resource protection, user access needs, and conflict resolution will be considered in assigning these designations.

(17) Visual Resources

The BLM will manage public land to protect the quality of scenic (visual) values in accordance with established guidelines. All public land will be designated as VRM Class I, II, III, or IV.

(18) National Wild and Scenic Rivers System

As required by law, streams and drainages will be evaluated for potential addition to the NWSRS. The evaluation will be conducted according to guidelines published by the Secretaries of Interior and Agriculture on September 7,1982, and other applicable guidance. Designated NWSRs will be managed in accordance with laws and existing plans.

(19) Wilderness Areas

Wilderness areas designated will be managed under the authority of the Wilderness Act of 1964 and the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Act of 2000, as amended.

(20) Cultural and Paleontological Resources

The long term integrity of the historic trails and their setting will be managed to conserve intact segments, protect associated trail sites, and stabilize damaged portions. Cultural and paleontological resources will be managed to maintain or enhance their scientific, interpretive, educational, and American Indian values. Cultural resources will be managed to protect American Indian interests.

Appendix A: Applicable Laws and Management Guidance

(21) Areas of Critical Environmental Concern

ACECs will be designated where special management attention is required to protect historic, cultural, or scenic values; natural resources or processes; or human life and safety. Management requirements for ACECs will be identified in this plan.

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