

1.1 What is the purpose of Part 610 and this chapter?

A. Part 610 provides an overview and foundation for implementing the Wilderness Act and the National Wildlife Refuge System Administration Act of 1966, as amended (Administration Act).

B. This chapter provides an overview of policy for managing wilderness areas within the National Wildlife Refuge System (Refuge System).

1.2 What is the scope of this chapter?

A. This chapter covers:

(1) Congressionally designated wilderness (see Exhibit 1) and

(2) Proposed wilderness.

B. Where this guidance conflicts with provisions of legislation establishing wilderness on specific refuges, the provisions of the establishing legislation take precedence (see section 1.3F).

C. We administer wilderness areas in Alaska following the guidance in this chapter. The policy addresses the special provisions regarding Alaska wilderness in the Alaska National Interest Lands Conservation Act (ANILCA), and there should be no conflicts. However, if anything in the policy conflicts with the provisions of ANILCA, the provisions of ANILCA prevail. Refer to 610 FW 5 for some of the special provisions for wilderness in Alaska.

1.3 What are the authorities for this policy?

A. National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (Administration Act) (16 U.S.C. 668dd - ee).

B. Endangered Species Act of 1973 (16 U.S.C. 1531-1544), as amended.

C. Wilderness Act of 1964 (16 U.S.C. 1131-1136).

D. Alaska National Interest Lands Conservation Act of 1980 (ANILCA) (16 U.S.C. 410hh - 3233, 43 U.S.C. 1602-1784).

E. Clean Air Act of 1970, as amended (42 U.S.C. 7401 et seq).

F. Specific U.S. Fish and Wildlife Service (Service) Wilderness Area Authorities. Public Laws 90-532, 91-504, 92-364, 93-429, 93-550, 93-632, 94-557, 95-450, 96-487, 96-560, 97-211, 98-140, 101-628, 103-433, 104-167, and 104-333.

G. National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321-4347), and the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR 1500-1508).

1.4 What are the priorities in implementing this policy? We will consider three main priorities in the following order when administering refuge wilderness areas: The Administration Act, the Endangered Species Act, and the Wilderness Act. We initially determine what needs to be accomplished to meet refuge purposes, then ensure that these activities comply with the Endangered Species Act, and then ensure that these activities comply with the Wilderness Act.

1.5 What terms do you need to know to understand Part 610?

A. Aldo Leopold Wilderness Research Institute. A Federal research institute located in Missoula, Montana and established in 1993 to develop “the knowledge needed to improve management of wilderness and other natural areas.” The Institute operates under an interagency agreement among the Service, the Bureau of Land Management (BLM), the National Park Service (Park Service), the U.S. Forest Service (Forest Service), and the Biological Resources Division of the U.S. Geological Survey.

B. Alien or Nonnative Species. With respect to a particular ecosystem, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem.

C. Arthur Carhart National Wilderness Training Center (Carhart Center). A Federal training center located in Missoula, Montana and established in 1993 to “foster interagency excellence in wilderness stewardship by cultivating knowledgeable, skilled, and capable wilderness managers and by improving public understanding of wilderness philosophy, values, and processes.” The Carhart Center offers training across the country using experts from all levels of the four Federal wilderness-managing agencies and outside organizations. The Center operates under an interagency agreement among the Service, BLM, Park Service, and Forest Service.

D. Commercial Photography. A visual recording (motion or still) by firms or individuals (other than news media representatives) who intend to distribute their photographic content for money or other consideration. This includes the creation of products by educational, entertainment, or commercial enterprises, including advertising audio-visuals for the purpose of paid products or services, publicity, and commercially oriented photo contests.

E. Contiguous. Lands or legal subdivisions having a common boundary. Lands having only a common corner are not contiguous.

F. Designated Wilderness Area. An area designated in legislation and administered as part of the National Wilderness Preservation System). See Exhibit 1.

G. Emergency. A situation within a wilderness area that requires immediate action because of imminent danger to the health and safety of people within that wilderness area.

H. Existing Private Rights. Existing private rights are property rights:

- (1) In existence on the date of the wilderness designation or on a date provided for in the act that designated an area as wilderness;
- (2) That were created by a legally binding conveyance, lease, deed, contract, or other document; or
- (3) That are otherwise provided by Federal law.

I. Generally Prohibited Use. Section 4(c) of the Wilderness Act generally prohibits temporary roads, motor vehicles, motorized equipment, motorboats, mechanical transport, landing of aircraft, structures, and installations.

J. Integrated Pest Management (IPM). A sustainable ecosystem-based decisionmaking process for managing invasive species, pests, and diseases through a combination of biological, physical, cultural, chemical, and other practices. The goal of IPM is to remove or reduce only the target organism(s) with the least possible risk to other organisms.

K. Invasive Species. Alien or nonnative species whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

L. Mechanical Transport. Any device for moving people or material on, over, or through land, water, or air that has moving parts, provides a mechanical advantage to the user, and is powered by a living or nonliving power source.

(1) This includes, but is not limited to, sailboats, hang gliders, parachutes, bicycles, carts, and wagons.

(2) We do not include:

(a) Wheelchairs when used by those whose disabilities require wheelchairs for locomotion;

(b) Skis, snowshoes, rafts, canoes, sleds, travois, or similar devices.

M. Minimum Requirement Analysis (MRA). A decisionmaking process, documented in writing, that we use to determine if proposed refuge management activities conducted in wilderness are necessary to administer the area as wilderness and to accomplish the purposes of the refuge, including Wilderness Act purposes. If the activities are necessary, the MRA also describes how to minimize resultant impacts.

N. Minimum Tool. The least intrusive tool, equipment, device, force, regulation, or practice determined to be necessary to achieve a refuge management activity objective in wilderness.

O. Motorized Equipment. Machines that use or are activated by a motor, engine, or other power source.

(1) We include, but do not limit this to, motorized portable tools, chain saws, aircraft, snowmobiles, generators, motorboats, and motor vehicles.

(2) We do not include small, handheld, portable devices such as shavers, wristwatches, flashlights, cameras, stoves, cellular telephones, radios, GPS units, or other similar small equipment. We do not include motorized wheelchairs when used by those whose disabilities require wheelchairs for locomotion.

P. Native Species. With respect to a particular ecosystem, a species that, other than as a result of an introduction, historically occurred or currently occurs in that ecosystem.

Q. Nondegradation Principle. This concept specifies that, at the time of wilderness designation, the conditions prevailing in an area establish a benchmark of that area's wilderness character and values. We will not allow the wilderness character and values of the wilderness to be degraded below that benchmark. The presence of undesirable conditions in one wilderness does not set a precedent or standard that we apply to another area.

R. Primitive Recreation. Activities that provide dispersed, undeveloped recreation and do not generally require permanent facilities.

S. Primitive Tool. The equipment or methods that make use of the simplest available technology that relies on human or animal power.

T. Proposed Wilderness. An area of the Refuge System that the Secretary of the Interior (Secretary) has recommended to the President for inclusion in the NWPS. The President then transmits the wilderness proposal to Congress. Once the Secretary transmits the recommendation to the President, we consider the area "proposed wilderness" and will manage it as designated wilderness. See 610 FW 5.18 for additional provisions applicable in Alaska.

U. Recommended Wilderness. An area of the Refuge System that the Director of the Service has recommended to the Secretary through the Assistant Secretary for Fish, Wildlife, and Parks for inclusion in the NWPS. See 610 FW 5.18 for additional provisions applicable in Alaska.

V. Refuge Management Activity. An activity conducted by the Service or a Service-authorized agent to fulfill one or more purposes of the national wildlife refuge or the National Wildlife Refuge System mission. Service-authorized agents may include State fish and wildlife agencies. Other Service-authorized agents may include contractors, cooperating agencies, cooperating associations, refuge support groups, and volunteers.

W. Refuge Management Economic Activity. A management activity on a refuge that results in generation of a commodity that is or can be sold for income or revenue or traded for goods or services. Examples include: farming, grazing, haying, timber harvesting, and trapping.

X. Refuge Purpose(s). The purpose(s) specified in or derived from the law, proclamation, Executive order, agreement, public land order, donation document, or administrative memorandum establishing, authorizing, or expanding a refuge, refuge unit, or refuge subunit. For refuges that encompass congressionally designated wilderness, the purposes of the Wilderness Act are within and supplemental to the refuge purposes for the wilderness portion of the refuge.

Y. Refuge Use. A recreational use (including refuge actions associated with a recreational use or other general public use), refuge management economic activity, or other use of a refuge by the public or other non-Refuge-System entity.

Z. Roadless Area. A reasonably compact area of undeveloped Federal land that has the general characteristics of a wilderness and within which there is no improved road suitable for public travel by means of four-wheeled, motorized vehicles intended primarily for highway use. A route maintained solely by the passage of vehicles does not constitute a road.

AA. Roadless Island. A roadless area that is surrounded by permanent waters or that is markedly distinguished from surrounding lands by topographical or ecological features such as precipices, canyons, thickets, or swamps.

BB. Solitude. Wilderness solitude is a state of mind, a mental freedom that emerges from settings where visitors experience nature essentially free of the reminders of society, its inventions, and conventions. Privacy and isolation are important components, but solitude also is enhanced by the absence of distractions, such as large groups, mechanization, unnatural noise and light, unnecessary managerial presence (such as signs), and other modern artifacts.

CC. Temporary Structure. A structure with no permanent foundation that is easy to assemble, dismantle, and transport and is removed from a site between periods of actual use except as specifically permitted otherwise.

DD. Untrammeled. A key descriptor of wilderness in the Wilderness Act, untrammeled refers to the freedom of a landscape from the human intent to permanently intervene, alter, control, or manipulate natural conditions or processes.

EE. Wheelchair. A device designed solely for use by a mobility-impaired person for locomotion and that is suitable for use in an indoor pedestrian area.

FF. Wilderness. See section 1.7 for a description of wilderness.

GG. Wilderness Character. See section 1.13 for a description of wilderness character.

HH. Wilderness Review. The inventory, study, and decisionmaking process we use to determine whether to recommend Refuge System lands and waters for wilderness designation.

II. Wilderness Study Area (WSA). An area we are considering for wilderness designation. We identify and establish WSAs through the inventory component of a wilderness review. WSAs include all areas that are still undergoing the review process, areas for which a final determination of suitability and

recommendation for wilderness designation in the record of decision for the comprehensive conservation plan (CCP) is pending, and areas recommended for wilderness designation in a final CCP and awaiting approval by the Director. We consider areas recommended by the Director “recommended wilderness.” See 610 FW 5.18 for additional provisions applicable in Alaska.

JJ. Wilderness Values. Wilderness values are biophysical (e.g., ecosystems, scenery, and natural processes), psychological (e.g., opportunity for solitude or primitive and unconfined recreation), symbolic (e.g., national and natural remnants of American cultural and evolutionary heritage), and spiritual (e.g., sense of connection with nature and values beyond one’s self).

KK. Wildness. The state of being free from human control and untrammelled.

1.6 Who is responsible for wilderness stewardship in the Service?

A. The Director:

- (1) Provides guidance for national policy for wilderness stewardship and wilderness reviews to ensure compliance with all applicable authorities.
- (2) Approves or declines to approve wilderness recommendations and associated legislative environmental impact statements (EIS).
- (3) Transmits approved recommendations and wilderness study reports to the Secretary.

B. The Assistant Director, National Wildlife Refuge System:

- (1) Develops national policy for wilderness stewardship and wilderness reviews to ensure compliance with all applicable authorities.
- (2) Approves the wilderness stewardship handbook. This handbook, which is being developed, will provide detailed guidance on applying and implementing the wilderness stewardship policy.
- (3) Is responsible for interagency coordination.
- (4) Designates a national wilderness coordinator.
- (5) Reviews and forwards approved wilderness recommendations to the Director.

C. The National Wilderness Coordinator:

- (1) Advises the Assistant Director, National Wildlife Refuge System, on wilderness issues.
- (2) Coordinates wilderness stewardship policies with other Federal wilderness management agencies.
- (3) Coordinates with and provides assistance to Regional and refuge offices on wilderness issues.
- (4) Develops the wilderness stewardship handbook.
- (5) By September 1 of each year, sends a formal request to Regional offices directing them to develop and submit the annual Wilderness Acreage and Staff Training Report (see Exhibit 2) by October 1.

D. Regional Directors:

- (1) Ensure Regional compliance with the wilderness stewardship policy and other applicable authorities.

(2) Approve or decline to approve wilderness recommendations in CCPs, CCP amendments, and associated NEPA compliance.

(3) Ensure we administer wilderness areas, proposed wilderness, recommended wilderness, and WSAs in accordance with approved CCPs and wilderness stewardship plans (WSPs), as applicable.

(4) Notify the Director, through the Assistant Director, National Wildlife Refuge System, about controversial or complex wilderness stewardship decisions or wilderness recommendations.

E. Regional Chiefs, National Wildlife Refuge System:

(1) Approve or decline to approve all WSPs, and review and concur with wilderness recommendations prior to submission to the Regional Director.

(2) In accordance with the guidance in section 1.20, review all minimum requirement decisions for refuge supervisors who lack the training described in section 1.23C to decide whether or not to approve them.

(3) Notify the Regional Director about controversial or complex wilderness stewardship decisions or wilderness recommendations.

(4) Designate a Regional wilderness coordinator.

F. Refuge Supervisors:

(1) Provide guidance on compliance with Refuge System policy and regulations and oversee participation of the refuge manager in WSP preparation and implementation and wilderness reviews.

(2) Approve or decline to approve WSPs and determinations that WSAs are suitable for wilderness designation and sends them to the Regional Chief.

(3) When trained, reviews all minimum requirement decisions for refuge managers without the training described in section 1.23D to decide whether or not to approve them. Refuge supervisors without the training described in section 1.23C must send all MRAs to a trained refuge supervisor or trained Regional Chief for approval, according to the guidance in section 1.20.

G. Regional Wilderness Coordinators:

(1) Advise the Regional Directorate and Regional staff on the Wilderness Act and related issues.

(2) Review WSPs and provide recommendations to the authors and approving officials.

(3) Review and comment on wilderness review documents, including inventories, studies, and recommendations.

(4) Review, comment, and concur/nonconcur for refuge managers without the training described in section 1.23D on all MRAs and decisions.

(5) Discuss nonconcurrency with refuge managers prior to sending decisions to refuge supervisors for approval.

(6) Receive and file written copies of all minimum requirement decisions.

(7) Maintain and compile data for the annual Wilderness Acreage and Staff Training Report that is due by October 1 of each year. Submit nominees for national wilderness stewardship training to the Carhart Center.

(8) Coordinate on wilderness issues within the Region, with the National and other Regional wilderness coordinators, with Service representatives to national wilderness centers/institutes, and with all interested parties—Federal, State, local, tribal, and private.

H. Refuge Managers:

(1) Protect, administer, and monitor wilderness areas in accordance with the wilderness stewardship policy and other applicable authorities.

(2) Ensure that the refuge CCP addresses the stewardship direction of the unit's designated wilderness.

(3) Develop and implement the WSP.

(4) Conduct wilderness reviews, including sending to the refuge supervisor determinations that WSAs are suitable for wilderness designation.

(5) Provide information to the Regional wilderness coordinator for the annual Wilderness Acreage and Staff Training Report (see Exhibit 2).

(6) Conduct, document in writing, and approve MRAs and decisions. Refuge managers without the training described in section 1.23D must send all MRAs to the Regional wilderness coordinator for concurrence and the refuge supervisor for approval (subject to the guidance in section 1.20).

(7) Send copies of all MRAs to the Regional wilderness coordinator.

(8) Conduct all activities identified above in full coordination with State fish and wildlife agency representatives (see section 1.11).

1.7 What is wilderness? The definition of wilderness is in section 2(c) of the Wilderness Act: "A wilderness, in contrast with those areas where man and his 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 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 historic value."

1.8 What are the purposes of the Wilderness Act? The purposes of the Wilderness Act are to:

A. Secure an enduring resource of wilderness;

B. Protect and preserve the wilderness character of areas within the National Wilderness Preservation System (NWPS); and

C. Administer the NWPS for the use and enjoyment of the American people in a way that will leave these areas unimpaired for future use and enjoyment as wilderness.

D. Gather and disseminate information regarding the use and enjoyment of wilderness areas.

1.9 What is the National Wilderness Preservation System (NWPS)? The NWPS is the network of federally owned areas designated by Congress as wilderness and managed by one of four Federal agencies: the Service, BLM, Park Service, or the Forest Service. The NWPS includes over 600 areas and

more than 105 million acres (42 million hectares). The Refuge System includes over 20 million acres of wilderness in more than 60 refuges.

1.10 How does the Service coordinate stewardship of the NWPS with other Federal agencies?

A. We maintain effective intra-agency and interagency communications and cooperation and encourage, sponsor, and participate in interagency training, workshops, and teams to promote the sharing of ideas, concerns, policies, and techniques related to wilderness stewardship.

B. We support the two Federal interagency wilderness facilities: the Arthur Carhart National Wilderness Training Center (Carhart Center) and the Aldo Leopold Wilderness Research Institute.

C. We seek to achieve consistency in wilderness stewardship wherever possible and in accordance with refuge purpose(s) and the Refuge System mission. In areas where our wilderness adjoins wilderness administered by another land management agency, we coordinate with that agency to achieve as much consistency as possible in the application of stewardship practices and wilderness regulations. Refuge managers should consider creating joint wilderness stewardship plans with neighboring or nearby wilderness areas to better protect the NWPS and to facilitate appropriate and compatible public use.

1.11 How does the Service coordinate wilderness stewardship with State fish and wildlife agencies? Both the Service and State fish and wildlife agencies have authorities and responsibilities for management of fish and wildlife on refuges as described in 43 CFR part 24.

A. Consistent with the Administration Act, as amended by the Improvement Act, the Director:

(1) Must interact, coordinate, cooperate, and collaborate with the State fish and wildlife agencies in a timely and effective manner on the acquisition and management of refuges, and appurtenant wilderness areas.

(2) Must ensure that Refuge System regulations and management plans are, to the extent practicable, consistent with State laws, regulations, and management plans (e.g., State comprehensive wildlife strategies).

B. Refuge managers are the designated representatives of the Director for carrying out these directives.

C. We must provide State fish and wildlife agencies timely and meaningful opportunities to participate in the development and implementation of programs conducted under this policy. This opportunity most commonly occurs through State fish and wildlife agency representation on the CCP planning team. However, we will provide other opportunities for the State fish and wildlife agencies to participate in the development and implementation of program changes that we make outside of the CCP process. We will continue to provide State fish and wildlife agencies opportunities to discuss and, if necessary, elevate decisions within the hierarchy of the Service.

1.12 What is the broad framework the Service uses to administer wilderness? Sections 4(a) and (b) of the Wilderness Act describe the broad framework within which we administer wilderness within the NWPS:

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...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.”

B. Wilderness purposes are “within and supplemental” to refuge establishing purposes. They become additional purposes of the area within the refuge designated as wilderness. As we carry out individual refuge establishing purpose(s), the Administration Act purposes, the Refuge System mission and goals,

and the Service's mission in areas designated as wilderness, we do so in a way that preserves wilderness character.

C. The Wilderness Act requires that we devote wilderness areas to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

1.13 What is wilderness character?

A. Preserving "wilderness character," referenced throughout the Wilderness Act and this policy, is a primary criterion for judging the appropriateness of proposed refuge management activities and refuge uses, including public use and enjoyment, in wilderness. Preserving wilderness character requires that we maintain both the tangible and intangible aspects of wilderness. Wilderness character increases as it approaches the highest measure of natural conditions and being untrammelled.

B. The tangible and intangible aspects of wilderness include:

(1) Maintaining the natural, scenic condition of the land;

(2) Providing environments for native plants and animals, including those threatened or endangered;

(3) Maintaining watersheds and airsheds in a healthy condition;

(4) Maintaining natural night skies and soundscapes;

(5) Retaining the primeval character of and influence on the land;

(6) Serving as a benchmark for ecological studies; and

(7) Providing opportunities for solitude, primitive and unconfined outdoor recreation, risk, adventure, education, personal growth experiences, a sense of connection with nature and values beyond one's self, a link to our American cultural heritage, and mental and spiritual restoration in the absence of urban pressures.

C. The character of wilderness refocuses our perception of, relationship to, and use and enjoyment of nature. It requires changing our view of a landscape from the utilitarian, commodity orientation that often dominates our relationship with nature to respect for and deference to other life forms and natural processes. It requires us to recognize that we are embedded in these natural processes. Wilderness character imposes upon us an obligation to leave to future generations what remains of the world we did not make and do not control. Wilderness represents a symbol of respect for the natural conditions and wilderness that civilization has displaced.

D. We influence wilderness character with every decision about refuge management activities and refuge uses, including public use and enjoyment of wilderness. Maintaining wilderness character requires an attitude of humility and restraint. In wilderness, we do not adjust nature to suit people, but adjust human use and influences so as not to alter natural processes. We strengthen wilderness character with every decision to forego actions that have physical impact or would detract from the idea of wilderness as a place set apart, a place where human uses, convenience, and expediency do not dominate. We preserve wilderness character by our compliance with wilderness legislation and regulation, but also by imposing limits on ourselves.

1.14 What are the principles for administering wilderness? We observe five key principles in administering wilderness:

A. Accomplish Administration Act purposes, refuge purposes, including Wilderness Act purposes, and the Refuge System mission. The Administration Act, refuge purposes, and Wilderness Act purposes tell us

what to accomplish on a refuge. The Wilderness Act, however, may affect how we accomplish these purposes, and the Refuge System mission.

B. Secure “an enduring resource of wilderness” by maintaining and, where appropriate, restoring, a wilderness area’s biological integrity, diversity, environmental health, and wilderness character.

C. Administer wilderness areas to provide a wide variety of public benefits “for the use and enjoyment of the American people” (Wilderness Act, section 2(a)) in a manner that is appropriate and compatible with the Administration Act, refuge purposes, including Wilderness Act purposes, and the Refuge System mission; retains wilderness character; is consistent with the nondegradation principle; and leaves the areas “unimpaired for future use and enjoyment as wilderness”

D. Use restraint in our administration of wilderness. As a place “where the earth and its community of life are untrammelled by man,” we minimize actions for administration of wilderness areas. We may allow exceptions to the generally prohibited uses if the uses are the minimum requirement for administering the area as wilderness and are necessary to accomplish the purposes of the refuge, including Wilderness Act purposes. We may limit even nonmotorized refuge management activities to protect wildness.

E. Provide opportunities for primitive recreation, giving priority to compatible wildlife-dependent activities that are enhanced by a wilderness setting. Provide physical, social, and administrative settings that are conducive to experiencing opportunities for solitude, adventure, challenge, inspiration, and other aspects of wilderness character that the American people can use and enjoy.

1.15 What is the relationship between wilderness stewardship and compatibility? For a refuge use proposed for designated wilderness areas, the refuge manager must first determine whether the use is compatible with the purposes of the refuge as well as the purposes of the Wilderness Act (603 FW 2). If the use is compatible, the refuge manager must analyze whether we can allow the use under the terms of the area-specific wilderness legislation and the Wilderness Act.

1.16 What activities does the Service prohibit in wilderness?

A. Section 4(c) of the Wilderness Act prohibits commercial enterprises and permanent roads within wilderness, except as specifically provided by legislation and subject to existing private rights. Section 4(d)(6) of the Wilderness Act, however, allows commercial services in wilderness, but only when they are “necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.” We may allow commercial services, such as outfitter and guide services, in wilderness where they are necessary to accomplish the purposes of the refuge, including Wilderness Act purposes. (See 610 FW 2 for more information about what we allow and prohibit in wilderness.)

B. Section 4(c) of the Wilderness Act also lists a number of generally prohibited uses in wilderness, subject to existing private rights:

(1) “[E]xcept 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.”

(2) We may allow exceptions to the generally prohibited uses for refuge management activities if the prohibited uses are the minimum requirement for administering the area as wilderness and are necessary to accomplish the purposes of the refuge, including Wilderness Act purposes. (See section 1.18.)

C. Area-specific wilderness legislation may permit uses that the Wilderness Act generally prohibits, and we comply with the provisions of those laws.

1.17 How do refuge managers accomplish both the establishing purpose(s) of a refuge and the purposes of the Wilderness Act?

A. The wilderness portion of a refuge is encompassed both within the Refuge System and the NWPS. Refuge System laws, regulations, and policies apply to refuge wilderness, but we carry them out in ways that preserve wilderness character and comply with the Wilderness Act's prohibitions. Refuge purposes and Wilderness Act purposes tell us what to accomplish on a refuge. The Wilderness Act, however, may affect how we accomplish these purposes and the Refuge System mission.

(1) For instance, on a refuge established for migratory birds, the refuge manager may conduct a census on foot within designated wilderness, while using motor vehicles on other portions of the refuge.

(2) We continue to fulfill the establishing purposes of the refuge and the mission of the Refuge System while complying with the Wilderness Act, and we adjust our management strategies and techniques to prevent degradation of the wilderness character.

B. We adhere to a much stricter standard than usual for approving actions in wilderness so that we maintain the natural and untrammelled condition of the wilderness. We do not authorize generally prohibited uses in refuge wilderness **except** when the use is:

(1) Allowed under the terms of the area-specific wilderness legislation and the Wilderness Act;

(2) The minimum requirement for administering the area as wilderness and necessary to accomplish the purposes of the refuge, including Wilderness Act purposes; or

(3) An emergency involving the health and safety of a person or people within the area.

1.18 How does the Service determine if a proposed refuge management activity is the minimum requirement for administering the area as wilderness and necessary to accomplish the purposes of the refuge, including Wilderness Act purposes? We conduct and document a minimum requirement analysis (MRA) for all proposed refuge management activities that involve a generally prohibited use (also see section 1.19). The MRA clarifies the need for and impacts of a proposed action. We authorize an activity only if we demonstrate that it is necessary to meet the minimum requirement for administering the area as wilderness and necessary to accomplish the purposes of the refuge, including Wilderness Act purposes.

A. We identify and analyze alternative ways to accomplish refuge purposes, including Wilderness Act purposes, in order to determine whether the proposed refuge management activity is necessary and to identify the techniques that will minimize impacts to the wilderness resource. At a minimum, we evaluate the impacts of:

(1) An alternative where we take no management action,

(2) An alternative allowing no generally prohibited uses, and

(3) Alternative(s) to conduct the activities inside the wilderness and outside the wilderness.

B. We consider the full range of wilderness values and character when evaluating the alternatives. These values include the undeveloped and untrammelled natural condition of wilderness, cultural resources, outstanding opportunities for solitude, the potential for the public to have a primitive and unconfined type of recreational experience, and other components of wilderness character.

C. We consider the direct impacts of the proposed refuge management activity under each of the alternatives. We also consider the indirect impacts associated with the action and the cumulative impacts

of the action when it is conducted in conjunction with other existing or planned uses or actions within or adjacent to and affecting the wilderness areas. Under the nondegradation principle, the conditions prevailing in an area at the time of wilderness designation establish a benchmark for assessing the significance of a proposed action's beneficial and adverse impacts on wilderness character.

D. Our refuge management activities preserve wilderness character and only rarely involve generally prohibited uses. The alternative that has the least impact on the area's wilderness character, including intangible aspects of wilderness character, and accomplishes refuges purposes, including wilderness purposes, constitutes the minimum requirement. We do not use cost or convenience as a factor in determining the minimum requirement or minimum tool. We use primitive tools when possible.

1.19 When must the Refuge System conduct a minimum requirement analysis?

A. If the refuge has an approved WSP less than 15 years old and it includes a written MRA for each proposed refuge management activity, we may carry out those activities as described in the plan. The analysis in the WSP must include an estimate of how frequently each activity will take place and the intensity of the activity. If circumstances significantly change or we want to allow the same activity in a significantly different part of the wilderness, we must prepare another MRA.

B. For any refuge management activity not addressed in a current WSP (less than 15 years old), we must amend the WSP to include the activity or prepare an MRA once per year, even for recurring actions.

1.20 Who makes minimum requirement decisions? Refuge managers may make minimum requirement decisions only if they have attended the Carhart Center's national wilderness stewardship course (see section 1.23D). If refuge managers have not attended this training, they must send the MRA to their refuge supervisor for approval. If the supervisor lacks the required training, the supervisor must request review and approval from an individual who has had this training and is equal to or higher than the refuge manager in the organizational hierarchy.

1.21 What is the relationship of the MRA to the requirements of NEPA? Under NEPA, we must consider alternatives to, and the environmental effects of, our actions, incorporate environmental information, and use public participation. We will prepare MRAs in conjunction with the documentation of NEPA compliance (i.e., categorical exclusion, environmental assessment, finding of no significant impact, environmental impact statement, record of decision). (See 550 FW 3 for more information about NEPA.) We will use information gathered for the MRA to document the purpose and need for a proposed project and to develop and describe the proposed action and alternatives.

1.22 What effects do emergencies involving the health and safety of people have on the uses generally prohibited by the Wilderness Act? In an emergency involving the health and safety of people, we may use or authorize the use of motorized vehicles and equipment, mechanical transport, or aircraft. An MRA is not required, but we will take all reasonable measures to minimize impacts on the wilderness character.

1.23 What effect does the Department of Homeland Security waiver of the Administration Act and the Wilderness Act have on the uses generally prohibited by the Wilderness Act?

The Department of Homeland Security (DHS) has waived all of the requirements of a number of Federal statutes, including the Administration Act and the Wilderness Act, with respect to the construction of roads and fixed and mobile barriers in areas of high illegal entry in the vicinity of the southwestern U.S. border. See 73 Fed.Reg.19078 (April 8, 2008). None of the provisions of the Wilderness Act or the Service's policy on wilderness Stewardship apply to the activities determined by DHS to fall within the waiver. However, there may be other activities related to border security that are geographically removed from the areas of high illegal entry which are not covered by the DHS waiver. Where such an activity is proposed to be located within designated wilderness in the Refuge System and is a generally prohibited use under the Wilderness Act, the Service will conduct minimum requirement analyses. This will determine whether the proposed activities are necessary to administer the area as wilderness and to accomplish the purposes of the refuge, including Wilderness Act purposes.

1.23 What are the training requirements for Refuge System staff?

A. National Wilderness Coordinator. The National Wilderness Coordinator must:

(1) Attend the next available Carhart Center national wilderness stewardship training course following appointment to the position. If the individual has attended a previous national session, this requirement does not apply.

(2) At least every 2 years, attend a wilderness issues course or another course, workshop, or conference designed by the Carhart Center or the National Conservation Training Center (NCTC) to serve as a review of wilderness policy and an update of current wilderness issues.

B. Regional Wilderness Coordinators. The Regional wilderness coordinators must:

(1) Attend the next available Carhart Center national wilderness stewardship training course and Regional wilderness stewardship training course following their appointment to the position. If they have attended a previous national and Regional session, this requirement does not apply.

(2) At least every 2 years, attend a wilderness issues course, workshop, or conference to serve as a review of wilderness policy and an update of current wilderness issues.

C. Refuge Supervisors. Refuge supervisors must:

(1) Attend the national wilderness stewardship training course within 2 years following their appointment to the position, unless they have attended a previous national session.

(2) At least every 4 years, attend a Regional wilderness stewardship or wilderness issues course, workshop, or conference designed by the Carhart Center or NCTC to serve as a review of wilderness policy and an update of current wilderness issues.

D. Refuge Managers.

(1) Refuge managers (including complex and unit managers) of refuges containing designated wilderness, proposed wilderness, or a WSA must attend the national wilderness stewardship training course within 1 year of their appointment to the position. If they have attended a previous national session, this requirement does not apply.

(2) Other refuge managers (including complex and unit managers) should attend the national wilderness stewardship training course.

E. Refuge System Regional and Washington Office Staff. Other staff involved in wilderness policy, planning, protection, management, budget, or recreation should attend a national or Regional wilderness stewardship training course or specialized wilderness course offered by the Carhart Center or NCTC.

F. Other Refuge Field Staff. We should train staff members and volunteers who contact visitors to wilderness areas on a regular basis. Training should be on low-impact or Leave-No-Trace techniques so that they can help the public make good choices in applying the principles of outdoor ethics. Appropriate refuge staff or Refuge-System-authorized agents must receive relevant training and maintain competency in the safe and effective use of nonmotorized vehicles and tools and nonmechanical transport (e.g., hand tools, pack animals, etc.).

1.24 What are the training requirements for Endangered Species and Fisheries and Habitat Conservation staff?

A. Project Leaders. Project leaders with significant responsibility for either Endangered Species Act consultations or fisheries management activities affecting wilderness areas must attend the national wilderness stewardship training course within 2 years of their appointment to the position. If they have already attended a national wilderness stewardship training session, this requirement does not apply.

B. Other Staff. We encourage other staff with significant involvement in issues affecting wilderness planning, protection, management, or recreation to attend a Regional wilderness stewardship training course or specialized wilderness courses offered by the Carhart Center.

1.25 When should State employees attend wilderness training? We encourage and facilitate the training of State fish and wildlife personnel responsible for interacting, coordinating, cooperating, and collaborating with us on the implementation of this policy. When space allows, we will give these State agency personnel the opportunity to attend Regional wilderness stewardship training courses or specialized wilderness courses offered by the Carhart Center.

**U.S. FISH AND WILDLIFE SERVICE
 NATIONAL WILDLIFE REFUGE SYSTEM
 DESIGNATED WILDERNESS AREAS**

REFUGE NAME	WILDERNESS AREA NAME	CLASS I AIR QUALITY	PUBLIC LAW	WILDERNESS ACRES*
Alaska				
Alaska Maritime	Aleutian Islands		96-487	1,300,000
Alaska Maritime	Bering Sea	Yes	91-504	81,340
Alaska Maritime	Bogoslof		91-504	175
Alaska Maritime	Chamisso		93-632	455
Alaska Maritime	Forrester Island		91-504	2,832
Alaska Maritime	Hazy Island		91-504	32
Alaska Maritime	Semidi		96-487	250,000
Alaska Maritime	Simeonof	Yes	94-557	25,855
Alaska Maritime	St. Lazaria		91-504	65
Alaska Maritime	Tuxedni	Yes	91-504	5,566
Alaska Maritime	Unimak		96-487	910,000
Arctic	Mollie Beattie		96-487 104-167	8,000,000
Becharof	Becharof		96-487	400,000
Innoko	Innoko		96-487	1,240,000
Izembek	Izembek		96-487	307,982
Kenai	Kenai		96-487 104-333	1,350,558
Koyukuk	Koyukuk		96-487	400,000
Selawik	Selawik		96-487	240,000
Togiak	Togiak		96-487	2,270,160
Yukon Delta	Andreafsky		96-487	1,300,000
Yukon Delta	Nunivak		96-487	600,000
Arizona				
Cabeza Prieta	Cabeza Prieta		101-628	803,418
Havasu	Havasu		101-628	14,606
Imperial	Imperial		101-628	9,220
Kofa	Kofa		101-628	516,200
Arkansas				
Big Lake	Big Lake		94-557	2,144

California				
Farallon	Farallon		93-550	141
Havasu	Havasu		103-433	3,195
Imperial	Imperial		103-433	5,836
Colorado				
Leadville Fish Hatchery	Mount Massive		96-560	2,560
Florida				
Cedar Keys	Cedar Keys		92-364	379
Chassahowitzka	Chassahowitzka	Yes	94-557	23,579
Great White Heron	Florida Keys		93-632	1,900
Island Bay	Island Bay		91-504	20
J.N. "Ding" Darling	J.N. "Ding" Darling		94-557	2,619
Key West	Florida Keys		93-632	2,019
Lake Woodruff	Lake Woodruff		94-557	1,066
National Key Deer	Florida Keys		93-632	2,278
Passage Key	Passage Key		91-504	36
Pelican Island	Pelican Island		91-504	6
St. Marks	St. Marks	Yes	93-632	17,350
Georgia				
Blackbeard Island	Blackbeard Island		93-632	3,000
Okefenokee	Okefenokee	Yes	93-429	353,981
Wolf Island	Wolf Island	Yes	93-632	5,126
Illinois				
Crab Orchard	Crab Orchard		94-557	4,050
Louisiana				
Breton	Breton	Yes	93-632	5,000
Lacassine	Lacassine		94-557	3,346
Maine				
Moosehorn	Baring Unit	Yes	93-632	4,680
Moosehorn	Birch Islands Unit		91-504	6
Moosehorn	Edmunds Unit		91-504	2,706

Massachusetts Monomoy	Monomoy		91-504	2,420
Michigan Huron	Huron		91-504	148
Michigan Islands	Michigan Islands		91-504	12
Seney	Seney	Yes	91-504	25,150
Minnesota Agassiz	Agassiz		94-557	4,000
Tamarac	Tamarac		94-557	2,180
Missouri Mingo	Mingo	Yes	94-557	7,730
Montana Medicine Lake	Medicine Lake	Yes	94-557	11,366
Red Rock Lakes	Red Rock Lakes	Yes	94-557	32,350
UL Bend	UL Bend	Yes	94-557	20,819
Nebraska Fort Niobrara	Fort Niobrara		94-557	4,635
New Jersey Edwin B. Forsythe	Brigantine	Yes	93-632	6,681
Great Swamp	Great Swamp		90-532	3,660
New Mexico Bitter Lake	Salt Creek	Yes	91-504	9,621
Bosque del Apache	Chupadera	Yes	93-632	5,289
Bosque del Apache	Indian Well	Yes	93-632	5,139
Bosque del Apache	Little San Pascual	Yes	93-632	19,859
North Carolina Swanquarter	Swanquarter	Yes	94-557	8,785
North Dakota Chase Lake	Chase Lake		93-632	4,155
Lostwood	Lostwood		93-632	5,577

Ohio West Sister Island	West Sister Island		93-632	77
Oklahoma Wichita Mountains	Charons Garden	Yes	91-504	5,723
Wichita Mountains	North Mountain		91-504	2,847
Oregon Oregon Islands	Oregon Islands		91-504	21
Oregon Islands	Oregon Islands		95-450	459
Oregon Islands	Oregon Islands		104-333	445
Three Arch Rocks	Three Arch Rocks		91-504	15
South Carolina Cape Romain	Cape Romain	Yes	93-632	29,000
Washington Copalis	Washington Islands		91-504	61
Flattery Rocks	Washington Islands		91-504	125
Quillayute Needles	Washington Islands		91-504	300
San Juan Islands	San Juan Islands		94-557	353
Wisconsin Gravel Island	Wisconsin Islands		91-504	27
Green Bay	Wisconsin Islands		91-504	2
TOTAL				20,694,517

* Acreages are derived from establishing legislation. Actual acreage may vary.

Wilderness Acreage and Staff Training Report

Reports Control Symbol R610-5

The Regional Chief/CNO Assistant Manager, National Wildlife Refuge System, will send this report to the Assistant Director, National Wildlife Refuge System by October 1 of each year. The report will include:

- A.** The units with designated wilderness, proposed wilderness, recommended wilderness, or Wilderness Study Areas (WSAs) and the acreage for each;
- B.** The total number of National Wildlife Refuge System, Endangered Species, and Fisheries and Habitat Conservation staff that have attended wilderness training;
- C.** A list of refuge managers, Endangered Species project leaders, or Fisheries and Habitat Conservation project leaders at units with designated or proposed wilderness, recommended wilderness, or WSAs or with significant wilderness responsibilities who have not attended wilderness training; and
- D.** The recommended schedule for employee wilderness training for the next fiscal year.

2.1 What is the purpose of this chapter? This chapter provides specific direction and guidance on administration of refuge wilderness, including stewardship of natural and cultural resources, public uses, and fire.

2.2 What is the scope of this chapter?

A. This chapter covers:

- (1) Congressionally designated wilderness (see 610 FW 1, Exhibit 1),
- (2) Proposed wilderness, and
- (3) Where specifically addressed in this chapter, recommended wilderness.

B. Where this guidance conflicts with provisions of legislation establishing wilderness areas on refuges, the provisions of the establishing legislation take precedence (see 610 FW 1.3F).

C. We administer wilderness areas in Alaska following the guidance in this chapter. The policy addresses the special provisions for Alaska wilderness in the Alaska National Interest Lands Conservation Act (ANILCA), and there should be no conflicts. However, if anything in the policy guidance conflicts with the provisions of ANILCA, the provisions of ANILCA prevail. Refer to 610 FW 5 for some of the special provisions for Alaska wilderness.

2.3 What are the authorities that directly affect wilderness stewardship on Service lands? Our authorities to administer wilderness, or those that may affect wilderness stewardship, are in 610 FW 1.3.

2.4 What is the Service's general policy for wilderness administration and the stewardship of natural and cultural resources in wilderness?

A. We administer refuge wilderness to conform with the Wilderness Act's purposes of securing "an enduring resource of wilderness," preserving wilderness character, and providing opportunities for public use and enjoyment and for "solitude or a primitive and unconfined type of recreation" in ways that will leave the wilderness unimpaired for future use and enjoyment as wilderness.

B. We must document a Minimum Requirement Analysis (MRA) for all proposed refuge management activities (see 610 FW 1.18) and commercial services (see section 2.12) that may involve any actions generally prohibited by the Wilderness Act.

C. We must protect water resources in wilderness areas by maintaining and protecting water quantity and water quality in accordance with legal authorities.

D. We must apply the nondegradation principle to wilderness stewardship using each wilderness area's level of naturalness and wildness at the time of designation as the standard against which we measure the impacts.

2.5 May the Service allow structures and installations in wilderness? Section 4(c) of the Wilderness Act generally prohibits structures and installations in wilderness areas. After designation, we will make an inventory and condition assessment of all existing structures and installations.

A. If a structure or installation existed before wilderness designation, we may retain it if we determine it is the minimum requirement to administer the area as wilderness and is necessary to accomplish the

purposes of the refuge, including Wilderness Act purposes. We will remove or allow natural deterioration of all structures and installations that do not meet these criteria.

B. We will not construct, maintain, or restore any structure or installation in wilderness unless it is the minimum requirement for administering the area as wilderness and is necessary to accomplish the purposes of the refuge, including Wilderness Act purposes. We will not construct or maintain structures for administrative convenience, economy of effort, or convenience to the public. Wilderness users must be self-reliant for shelter. We determine the need for construction or maintenance through an MRA and include it in the wilderness stewardship plan (WSP) for the refuge. We design, construct, or maintain structures and installations to blend into the wilderness landscape as unobtrusively as possible, using native materials to the greatest extent practical.

C. See 610 FW 2.29C for administration of historic structures and 610 FW 5.14 for some of the additional provisions applicable in Alaska.

D. Following are guidelines for specific types of installations and structures:

(1) Bridges. After determining through an MRA that we can allow a bridge, we select the location, design, materials, and construction methods to minimize their size, complexity, and visual impact.

(2) Campsites. We may maintain or establish designated campsites to support priority public uses only if they are supported by an MRA. If supported by an MRA, we may also include site markers, fire rings, tent sites, animal-resistant food-storage devices, and primitive toilets. We do not provide picnic tables in wilderness. Generally, we only place toilets in locations where reducing or dispersing visitor use has failed to alleviate a sanitation problem or prevent significant degradation of wilderness character and values. We encourage the use of cooking stoves that do not require firewood. We limit the collection of firewood within wilderness to dead and down material. We document campfire policy in the refuge's WSP.

(3) Hunting, Photography, and Observation Blinds. We prohibit permanent blinds in wilderness. We may allow the use of simple, temporary screens made of dead and down native materials or temporary commercial blinds. The visitor must dismantle the screens at the end of each actual use period, except as specifically permitted otherwise. The visitor must carry commercial blinds in and out.

(4) Aids to Navigation. Wilderness status does not alter the U.S. Coast Guard's or local authorities' right to access and operate aids to navigation (e.g., beacons, buoys) or private aids to navigation in wilderness areas. However, we may only allow any of the generally prohibited uses if we conduct an MRA and approve them.

(5) Signs. When we determine through an MRA that they are necessary, we may use signs to identify routes and distances. We will not use signs to mark streams, lakes, mountains, or other points of interest. Signs will be as small as possible, compatible with their surroundings, and to the greatest extent practical, constructed of native materials. Along waterways, signs must meet all Coast Guard or appropriate State requirements. We may also use signs to mark wilderness boundaries.

2.6 May the Service allow roads and trails in wilderness? Section 4(c) of the Wilderness Act prohibits permanent roads in wilderness. We will inventory and evaluate all roads, vehicle routes, and trails in existence at the time of wilderness designation in the unit's comprehensive conservation plan (CCP) or WSP.

A. We will only retain temporary roads when, after completing an MRA, we determine they are necessary to administer the area. We may convert roads or vehicle routes within wilderness to trails for walking or nonmotorized, nonmechanized transportation or allow them to return to natural conditions through normal succession or restoration.

B. We may provide trails, but only where they are essential for resource protection or where significant safety hazards exist during normal use periods. We determine the need for trails, trail improvements, and maintenance through MRAs and include them in the unit's WSP. We manage historic trails according to approved cultural resource plan requirements.

2.7 May the Service allow use of motorized vehicles, motorized equipment, and mechanical transport in wilderness? The Wilderness Act generally prohibits the use of motorized vehicles, motorized equipment (including motorized portable tools), and mechanical transport in wilderness.

A. We generally prohibit these uses for refuge management activities in wilderness (see 610 FW 1.16.) unless:

(1) We determine they are:

(a) The minimum requirement for administering the area as wilderness and necessary to accomplish the purposes of the refuge, including Wilderness Act purposes,

(b) An existing private right,

(c) Authorized by the designated legislation, or

(d) Required to respond to a human emergency, damage to property, violations of civil and criminal law, or other emergencies within the wilderness area.

(2) In addition, the public may not use motorized vehicles or motorized equipment (including motorized portable tools) in refuge wilderness. See 610 FW 5 for additional provisions applicable in Alaska.

2.8 May the Service manage aircraft use in and over wilderness?

A. The Wilderness Act generally prohibits landing aircraft in refuge wilderness.

B. The Wilderness Act also generally prohibits landing aircraft in wilderness for refuge management activities (see 610 FW 1.16) unless:

(1) We determine such use to be the minimum requirement for administering the area as wilderness, and the use is necessary to accomplish the purposes of the refuge, including Wilderness Act purposes;

(2) They are required to respond to an emergency involving the health and safety of a person or people, damage to property, or violations of civil and criminal law; or

(3) The uses are authorized in the enabling legislation. See 610 FW 5 for additional provisions applicable in Alaska.

C. The Wilderness Act and the Administration Act do not prohibit the use of aircraft over a wilderness area. The Federal Aviation Administration (FAA) is responsible for managing commercial and private air space. The FAA has established 2,000 feet (600 meters) above ground level as the minimum altitude advisory for refuges, including designated wilderness areas (see FAA Advisory Circular 91-36c). Other Federal laws (e.g., Airborne Hunting Act, Endangered Species Act, Bald Eagle Protection Act) may govern overflights above a refuge.

D. We may use aircraft over wilderness for refuge management activities, such as wildlife surveys, if we determine it is the minimum requirement for administering the area as wilderness and necessary to accomplish the purposes of the refuge, including Wilderness Act purposes, or if we are responding to an emergency involving the health and safety of people. We may conduct such flights at levels low enough to achieve refuge management objectives. However, we will conduct our aircraft operations in

conformance with the FAA minimum altitude advisory whenever mission objectives and weather conditions allow. We conduct flights for administration of the wilderness in a manner consistent with safety concerns and public aircraft use recommendations and restrictions to the greatest extent possible. We must set a high standard and provide an example for the public to follow.

E. Other Federal, State, or tribal agencies may use airspace above refuge wilderness as necessary to fulfill their responsibilities consistent with applicable FAA and other laws, regulations and advisories (e.g., by the Department of Defense and the National Aeronautics and Space Administration). We will consult with other agencies using airspace above refuge wilderness to minimize adverse impacts on wilderness character.

F. Aerial sightseeing, wildlife viewing, and photography (collectively referred to as “flightseeing”) are activities that may conflict with refuge purpose(s), including Wilderness Act purposes, and result in unacceptable disturbance to wildlife and visitors. Although we lack jurisdiction over airspace, we discourage flightseeing and will work with the FAA to encourage all pilots to conduct overflights in conformance with the FAA minimum altitude advisory. We must enforce provisions of Federal laws that promote public safety or prohibit harassment of wildlife by aircraft. Wilderness administrators should monitor and document low-level aircraft activity.

2.9 How does wilderness designation affect existing private rights? Section 4(c) of the Wilderness Act prohibits commercial enterprises and permanent roads, except as provided by the Act and “subject to existing private rights.”

A. In accordance with section 4(c), we will recognize private rights existing as of the date an area was designated as wilderness.

B. We will evaluate the validity and extent of private rights within wilderness on a case-by-case basis in consultation with the Department of the Interior, Office of the Solicitor.

C. We will manage valid private rights in wilderness in accordance with the specific conditions and requirements of the valid rights.

D. We will work with the owner of the private rights to develop stipulations in a special use permit or other agreement to alleviate or minimize adverse impacts on wilderness character.

E. In accordance with the nondegradation principle, we will use the conditions prevailing in the area at the time of wilderness designation as the standard for developing restoration requirements where appropriate.

F. We will pursue voluntary land exchanges, purchases, or donations to consolidate Service ownership where the exercise of private rights would be detrimental to wilderness character or values.

2.10 May the Service authorize access through wilderness to non-Federal land where rights to access do not exist? Where there is existing access or a right of access through nonwilderness land, we will generally not allow access through wilderness other than that available to the general public. We will give State or private landowners, and their successors in interest, effectively surrounded by or adjacent to wilderness, access to their land through wilderness where such access is appropriate and compatible with the purposes of the refuge, including the purposes of the Wilderness Act, and does not involve uses generally prohibited by the Wilderness Act. We will only approve that combination of routes and modes of travel which will, as determined by the Refuge System, cause the least lasting impact on wilderness character. We will authorize such access through a renewable special use permit for a period not to exceed 5 years. See 610 FW 5 for some of the additional provisions applicable in Alaska.

2.11 May the Service authorize rights-of-way in wilderness? Unless legally required, we will not issue permits for any new or expand any existing rights-of-way in wilderness. We will evaluate whether to authorize or terminate or extinguish existing rights-of-way that have been included in wilderness. Where termination is not possible, we will work with the holder of the right-of-way permit to:

A. Establish maintenance and operating procedures, consistent with the terms of the right-of-way permit, that minimize impacts to wilderness character and resources. If we renew or authorize maintenance of an existing right-of-way, we may do so subject to applicable requirements of our compatibility policy.

B. We must also ensure conditions protect wilderness character and resources and limit use of motorized equipment and mechanical transport that are outlined in the right-of-way permit or easement and the WSP. Following the nondegradation principle, we will use the conditions prevailing in the area at the time of designation as the standard for developing restoration requirements.

C. See 610 FW 5 for some of the additional provisions applicable in Alaska.

2.12 May the Service authorize commercial enterprises and services in wilderness?

A. Section 4(c) of the Wilderness Act prohibits commercial enterprises in wilderness.

B. Section 4(d)(6) of the Act includes a special provision for commercial services when such services are “necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.” For example, guiding and outfitting services may provide opportunities for the public to enjoy wilderness and may enhance visitor appreciation of wilderness values. We may authorize commercial services, such as guiding and outfitting, if we determine that they:

(1) Are appropriate and compatible,

(2) Necessary for the public enjoyment of wilderness,

(3) Provide opportunities for primitive and unconfined types of recreation,

(4) Preserve wilderness character, and

(5) Are managed in concert with our other policies and enabling legislation.

C. Commercial service providers may not use motor vehicles, motorized equipment, motorboats, or other forms of mechanical transport; permanent structures or installations; land aircraft; or establish temporary roads. We regulate commercial services through special use permits. See 610 FW 5 for some of the additional provisions applicable in Alaska.

D. We generally prohibit commercial photography in wilderness areas unless we determine it is necessary to provide educational information about wilderness uses and values and does not degrade the wilderness character of the area. In cases where we allow such photography as a commercial service, we first evaluate it for appropriateness and compatibility, and we manage the use through an audiovisual productions permit. (See 43 CFR 5.)

E. Wilderness areas may incorporate commercial-free zones where we prohibit all commercial services. We determine the need for use limitations and commercial-free zones through the unit’s WSP or CCP. In cases where it is necessary for us to limit use, we will seek to provide a fair balance between commercial and private uses of wilderness, recognizing that in extreme cases, accommodating both types of uses may not always be possible. See 610 FW 5 for some of the additional provisions applicable in Alaska.

F. We conduct and document an MRA for all proposed commercial services in wilderness to determine whether allowing a commercial service is the minimum requirement for administering the area as

wilderness and is necessary to accomplish the purposes of the refuge, including Wilderness Act purposes. The MRA clarifies the need for and impacts of a proposed action.

2.13 How does the Service manage permits for commercial services?

A. If the refuge has an approved WSP less than 15 years old, and it includes a written MRA for each proposed commercial service, we may authorize those services as described in the plan. The analysis in the WSP must include an estimate of the extent of the services.

(1) If circumstances associated with the service or its effects significantly change, or we want to allow the same service in a different part of the wilderness, we may need to reevaluate the service for appropriateness and compatibility and conduct a new MRA.

(2) If we did not identify a proposed service in the WSP, we must ensure that appropriateness and compatibility determinations are current, and we must conduct an MRA before we allow the proposed service.

(3) If the refuge does not have an approved WSP or has one more than 15 years old, we must ensure that appropriateness and compatibility determinations are current, and we must conduct a new MRA before renewing a special use permit for commercial services.

B. When we determine a commercial service is necessary, we must then determine parameters (such as location, timing, extent, etc.) so that there will be the least possible impact on all of the area's wilderness character, including the natural conditions and cultural resources, outstanding opportunities for solitude, and potential for the public to have a primitive and unconfined type of recreational experience.

C. We consider not only the direct impacts of the commercial service, but also the indirect impacts associated with the service. We also consider the cumulative impacts of the service when conducted in conjunction with other existing or planned uses or actions in the wilderness areas. Following the nondegradation principle, the conditions prevailing in an area at the time of wilderness designation establish a benchmark for assessing the significance of a proposed service's impacts on wilderness character.

D. Commercial operators must employ all applicable Leave No Trace (LNT) standards and techniques. We generally allow only temporary structures and facilities (such as tents) that are the minimum necessary to support wilderness recreation. We require their removal at the end of the actual use period, unless specifically permitted otherwise. We will determine the distance the structures must be located away from main trails; sensitive habitats such as riparian zones, wetlands, streams, rivers, ponds, and lakes; significant cultural resources; other key interest features; and public use areas not used for commercial services, as well as other restrictions that may be necessary to preserve wilderness character. We generally prohibit commercial service providers from permanently storing equipment and supply caches in wilderness areas. See 610 FW 5 for special provisions applicable in Alaska.

2.14 May the Service authorize mineral exploration and development activities in wilderness areas? We authorize, under Part 612 of the Service Manual, mineral exploration and development activities in wilderness areas, recommended wilderness, and proposed wilderness under limited circumstances, as described below. Sections 4(d)(2) and (3) of the Wilderness Act address prospecting, mineral locations, mineral patents, and mineral leasing within national forest wilderness areas. These provisions do not apply to refuge wilderness areas.

A. Locatable Minerals on Refuge Lands Withdrawn from the Public Domain and Appropriation Under the Mining Laws. We prohibit prospecting, locating, or filing mining claims on these refuge lands unless otherwise provided by law (50 CFR 27.64). We allow development, extraction, and removal of

Federal minerals on valid claims established prior to withdrawal from operation and appropriation under the general mining laws subject to:

(1) Verification of claim validity and compliance with claim recording and annual maintenance requirements, and

(2) Reasonable conditions outlined in a special use permit. (See 612 FW 1.)

B. Leasable Minerals. Regulations prohibit leasing of oil and gas in wilderness areas, recommended wilderness, and proposed wilderness (43 CFR 3100.0-3). They also prohibit leasing of geothermal resources, coal, and solid minerals in wilderness areas, recommended wilderness, and proposed wilderness (43 CFR 3201.11, 3400.2, and 3503.10). We allow exploration and development of leasable minerals where valid rights existed prior to wilderness recommendation or designation, subject to reasonable conditions outlined in a special use permit.

C. Common Variety Minerals. Regulations prohibit the extraction of common variety minerals (such as sand and gravel) in wilderness areas, recommended wilderness, and proposed wilderness.

D. Reserved or Excepted Mineral Rights on Acquired Refuge Lands. We allow exploration, development, extraction, and removal of minerals owned or retained by private parties. We will authorize these activities subject to the terms of the instrument by which the private owner acquired their interest or in accordance with the conditions in our deed and subject to reasonable conditions outlined in a special use permit. (See 50 CFR 29.32.)

E. Special Use Permits for Mining Activities.

(1) We allow exploration and development associated with a valid, privately owned mineral right through a special use permit or other agreement. The permit or agreement will provide for reasonable access and the protection of refuge resources, including wilderness character, to the fullest extent possible by minimizing disturbance or damage caused by mining activities. Use and physical occupancy must be kept to the minimum necessary for conducting efficient mineral operations.

(2) We require compliance with all applicable Federal, State, and local laws and regulations, including obtaining necessary bonds, permits, and other approvals prior to conducting mineral operations on the refuge. Operators must remove all structures, equipment, and other facilities and initiate reclamation when mining operations are complete. Operators must restore the surface as near as practicable to the condition, appearance, and contour of the surface before mining operations began.

2.15 Will the Service propose names for geographic features in wilderness? Some view attaching official, permanent names to mountains and other natural features in wilderness as a form of trammeling. We support the general policy of the U.S. Board of Geographic Names to not name geographic features within wilderness. We may name new wilderness areas within the Refuge System, but we will neither propose nor support naming them after any person. (See 040 FW 2 for additional guidance on naming and renaming units.)

2.16 How does the Service conserve wildlife and habitat in wilderness?

A. We conserve fish, wildlife, and plant resources and their habitats (including water resources) in wilderness in a manner consistent with the Administration Act and refuge purpose(s), including Wilderness Act purposes. Fish, wildlife, plants and their habitat are essential and inseparable components of wilderness. On wilderness areas within the Refuge System, we conserve fish, wildlife, and plants by preserving the wilderness environment. Both the Service and State fish and wildlife agencies have authorities and responsibilities for management of fish and wildlife on refuges as described in 43 CFR part 24. We work cooperatively with State fish and wildlife agencies to conserve fish, wildlife, and plant resources and their habitats (including water resources).

B. Major ecosystem processes including wildfire, drought, flooding, windstorms, pest and disease outbreaks, and predator/prey fluctuations may be natural ecological and evolutionary processes.

(1) We will not interfere with these processes or the wilderness ecosystem's response to such natural events unless necessary to accomplish refuge purposes, including Wilderness Act purposes, or in cases where these processes become unnatural. Examples of unnatural conditions are:

(a) Excess fuel loads from past fire suppression activities,

(b) Disrupted predator/prey relationships,

(c) Elimination of native grazers, and

(d) The spread of alien species.

(2) In such cases, we encourage the restoration and maintenance of biological integrity and wilderness character.

(3) All decisions and actions to modify ecosystems, species population levels, or natural processes must be:

(a) Required to respond to a human emergency, or

(b) The minimum requirement for administering the area as wilderness and necessary to accomplish the purposes of the refuge, including Wilderness Act purposes. In addition, such decisions and actions must:

(i) Maintain or restore the biological integrity, diversity, or environmental health of the wilderness area; or

(ii) Be necessary for the recovery of threatened or endangered species.

C. Hunting and fishing, when compatible, are among the priority general public uses of the Refuge System. We design our wildlife population management strategies to support accomplishing refuge purposes, including Wilderness Act purposes. (See section 2.30 and Refuge System recreation policies in 605 FW 1-7 for further guidance.)

2.17 May the Service introduce, transplant, or stock fish, wildlife, and plants in wilderness? We will not introduce, transplant, or stock any species into a wilderness area where it is not native (see 601 FW 3). We will not introduce fish into wilderness waters that do not naturally support fish populations. We may continue to manage species traditionally stocked before wilderness designation only if they meet the criteria established in section 2.16. We will determine suitable stocking levels and native species for a given wilderness area in consultation with State fish and wildlife agencies. We will use local genetic strains whenever possible and will not use genetically modified organisms. We will give preference to threatened or endangered species and native species exterminated by humans. We will not use fertilizers or supplemental food to artificially enhance fisheries or other wildlife resources. See 610 FW 5 for some of the additional provisions applicable in Alaska.

2.18 May the Service use livestock grazing as a refuge management economic activity? If we determine that the loss of native grazing species has adversely impacted the biological integrity, diversity, environmental health, and wilderness character of an area, we may allow livestock grazing in wilderness (subject to the criteria in section 2.16) as a refuge management economic activity, but not as a commercial enterprise. The grazing must maintain or restore essential ecosystem functions and mimic natural processes to the greatest extent possible.

2.19 May the Service control invasive species, pests, and diseases in wilderness?

A. We may control invasive species, pests, or diseases when:

(1) We have demonstrated that they have degraded or there is a high probability they will degrade the biological integrity, diversity, environmental health, or wilderness character of a wilderness area;

(2) They pose a significant threat to the health of humans, and the U.S. Public Health Service (which includes the Centers for Disease Control) has advised us to control them; or

(3) We have demonstrated that they pose a significant threat to the health of fish, wildlife, plants, or their habitats.

B. We will follow an integrated pest management (IPM) approach to prevent, control, or eradicate invasive species, pests, and diseases subject to the criteria in section 2.16 (also see the biological integrity policy at 601 FW 3.16). We will determine appropriate IPM procedures through an MRA and document them in the refuge's WSP. If the approved IPM plan determines that chemical or biological treatments are necessary, we will only use agents that have the least impact on nontarget species and on the wilderness environment in compliance with current Service policy. We may make an exception to introducing species (see section 2.17) for Service-approved, nonnative biological control agents.

2.20 May the Service control predation in wilderness? Predation is an essential and integral process in the wilderness ecosystem. We will initiate actions intended to alter natural predator/prey relationships only when compelling evidence exists that the proposed action will correct or alleviate identified impacts on native fish, wildlife, plants, or their habitats and would be in compliance with section 2.16. We will direct control at the individual animal(s) causing the problem using the method least likely to adversely impact nontarget species and wilderness visitors. We will not manage predation solely to protect livestock, wilderness visitors, or other users.

2.21 What is the Service's general policy for managing wilderness fires? Three types of wildland fire may occur in our wilderness areas: wildfire, wildland fire use, and prescribed fire. We manage all wildland fires to achieve wilderness objectives in accordance with an approved fire management plan (FMP) that is developed or reviewed and revised in concert with the WSP. In the WSP, we must identify and address wilderness character and the values to be protected, desired fire regime, condition class, ecological conditions, and specific fire management considerations.

A. Firefighter and public safety is always the first priority on all wilderness fire operations.

B. We will conduct fire management planning, preparedness, wildland fire operations, monitoring, and research on an interagency basis with the involvement of all partners.

C. See 621 FW 1-3 for specific guidance on fire management policy, fire management plans, and prescribed burning. See 095 FW 3 for Service policy on wildland fire suppression. The *Fire Management Handbook* contains detailed guidance on FMP development.

2.22 May the Service manage wildland fire in wilderness? Wildland fires and their effects are inherent parts of the ecological processes of wilderness. The principal wildland fire use objective in wilderness is to allow fire to play its natural role in the ecosystem. We will not interfere with the wilderness ecosystem's recovery response to these effects. A wildland fire implementation plan is developed for each wildland fire used to achieve wilderness objectives. If we decide to suppress a wildland fire, we select the appropriate management response that preserves wilderness character and values as well as accomplishes suppression objectives. We will identify the appropriate minimum impact suppression tactics in the FMP and develop them in conjunction with the fire management officer.

2.23 May the Service use prescribed fire in wilderness?

A. We may use prescribed fire within a wilderness area only where fire is a natural part of the ecosystem, and only if prescribed fire is the minimum requirement for administering the area as wilderness and is necessary to accomplish the purposes of the refuge, including Wilderness Act purposes. In addition, such decisions and actions must:

- (1) Maintain or restore the biological integrity, diversity, or environmental health of the wilderness area; or
- (2) Be necessary for the recovery of threatened or endangered species.

B. We must include prescribed fire use within wilderness in an approved FMP and develop a fire plan for any prescribed fire. The FMP must be incorporated through reference in the unit's WSP. We should plan prescribed fire to avoid or minimize adverse effects on:

- (1) Safety of visitors and staff;
- (2) Biological integrity and diversity;
- (3) Health of humans, fish, wildlife, plants, and their habitats;
- (4) Visibility; and
- (5) Other air-quality-related values.

2.24 How does the Service accomplish emergency stabilization and rehabilitation in wilderness following a wildfire? Consistent with applicable guidelines, we may prepare a Burned Area Emergency Response (emergency stabilization) or Rehabilitation Plan (see 620 DM 3).

2.25 How does the Service protect air resources in wilderness? Maintaining the wilderness character and values of an area requires proper stewardship of air resources.

A. Clean Air Act (CAA). Congress passed the CAA to protect both human health and the environment and to provide protection of air quality in wilderness areas by means of national standards for air quality and the prevention of significant deterioration (PSD) program (also see the air quality protection policy, 563 FW 2).

(1) Class I Air Quality Areas. The PSD program designated all wilderness areas over 5,000 acres (2,000 hectares) in existence on August 7, 1977, as mandatory Class I air quality areas. This includes 21 of our wilderness areas. The CAA gives Class I areas the highest level of protection from air pollutants. The PSD program established limits for the additional amounts of air pollution (PSD increments) that can be allowed in Class I areas.

(2) Class II Air Quality Areas. We classify all other Service areas as Class II, including wilderness areas less than 5,000 acres in size and wilderness areas coming into the National Wilderness Preservation System (NWPS) after August 7, 1977. Class II classification allows moderate deterioration of air quality associated with well-managed growth.

(3) Air-Quality-Related Values (AQRVs). The CAA charges the Federal land manager and the Service with an "affirmative responsibility" to protect the AQRVs of Class I lands. In the Department of Interior, the Federal land manager is the Assistant Secretary of the Interior for Fish and Wildlife and Parks. AQRVs, including visibility, wildlife, vegetation, soil, water, and geological and cultural resources, may be adversely affected by air pollution. While the CAA provides legal tools to help protect wilderness from the impacts of air pollution, our air quality stewardship goals come from the Wilderness Act. As such, we will identify the AQRVs of each wilderness area and evaluate their sensitivity to air pollution in the unit's

WSP. We may allow air quality and AQRV monitoring, including the placement of samplers, within wilderness areas subject to the conditions outlined for research (see section 2.27) and inventory and monitoring (see section 2.28).

B. Visibility. The CAA grants special protection to visibility in Class I areas. The CAA establishes a national goal of remedying any existing and preventing any future, human-caused visibility impairment in mandatory Class I areas. The Environmental Protection Agency (EPA) established regional haze regulations as part of their strategy to meet this goal, requiring the States to make “reasonable progress” towards natural visibility conditions. We work with the EPA and the States to identify natural visibility conditions and set reasonable goals for improving visibility in Class I areas.

C. External Pollution Sources. Even small amounts of air pollution from external sources such as power plants, industries, and automobiles can cause significant changes to sensitive AQRVs. To ensure the protection of AQRVs from these external sources, we:

(1) Conduct monitoring as appropriate to determine the existing condition of AQRVs and evaluate their sensitivity to increases in air pollution. We use this information to participate in State and local planning and permitting processes, including the review of air pollution permit applications for major new sources or modifications of existing sources of air pollution.

(2) Review the National Environmental Policy Act (NEPA) documents for projects with the potential to affect wilderness areas. In consultation with the EPA, other Federal, State, or local agencies, we will determine whether air pollutant emissions from a proposed action will adversely affect AQRVs in wilderness and, if so, make recommendations to minimize or eliminate any adverse impacts.

(3) Monitor the existing condition of those most sensitive AQRVs to determine if existing air pollution sources are causing or contributing to adverse impacts. Where appropriate, we will work with air regulatory agencies to reduce existing air pollution emissions.

D. Internal Pollution Sources. Emissions also can come from sources within wilderness areas, notably fire. We may use fire as a tool to restore or maintain the biological integrity, diversity, and environmental health of wilderness ecosystems. However, we must balance the use of fire and its resultant smoke with our responsibility to comply with Federal, State, and local air quality plans and regulations and to protect public health, safety, and visibility both inside and outside wilderness (see section 2.23 and the fire management policy at 621 FW 1-3 for additional guidance).

2.26 How does the Service protect natural night skies and natural soundscapes in wilderness?

Natural night skies and natural soundscapes are aspects of wilderness character that we preserve. We do this by:

A. Evaluating potential light and noise effects of refuge management activities and commercial services in an MRA. (See section 2.12 and 610 FW 1.18.)

B. Cooperating with neighbors and local government agencies to minimize the intrusion of artificial light and unnatural sounds in wilderness areas.

C. Monitoring activities causing excessive or unnecessary artificial light or unnatural sounds in and adjacent to wilderness areas, including low-level aircraft overflights.

D. Taking action to prevent or minimize artificial light and unnatural sounds that adversely affect wilderness resources or values or visitors’ enjoyment of them.

2.27 How does the Service conduct research in wilderness?

A. The scientific value of wilderness derives from the relatively undisturbed condition of the biophysical environment and its ecological and evolutionary processes. Because such undisturbed natural areas are increasingly rare, wilderness areas provide unique opportunities for scientific investigation. Everyone associated with research in wilderness must know and understand the purposes, values, and protective provisions of wilderness.

B. We will not allow or engage in research that has significant or long-term adverse impacts on wilderness character or refuge purposes.

C. We permit research in wilderness only if it furthers the administrative or educational objectives or scientific knowledge of the area. There must be a reasonable assurance that the benefits to be derived from the research outweigh any impacts on wilderness character. We require researchers to restore disturbed areas to their previous condition to the greatest extent practical. Existing and potential research activities should be described and evaluated in the refuge's WSP or CCP.

(1) Research as a Refuge Management Activity. We administer Refuge System and Refuge System-sponsored research as refuge management activities. We will evaluate research proposals through an MRA (see 610 FW 1.18).

(2) Research as a Refuge Use. We may authorize private research in a wilderness area, with a special use permit (SUP) if it is appropriate and compatible with refuge purposes, including Wilderness Act purposes, and does not involve generally prohibited uses (see section 2.7 and 610 FW 1.16 for additional information).

2.28 How does the Service conduct inventory and monitoring activities in wilderness? Long-term wilderness stewardship requires that we inventory and monitor wilderness character. Conditions prevailing within a wilderness area at the time of designation serve as a benchmark for the area's wilderness character.

A. We will not allow degradation of these conditions.

B. We should conduct baseline inventories for key wilderness resources and identify the nature, magnitude, and source of any threats that originate both within and outside the wilderness area. Baseline data also provide a frame of reference for the limits, thresholds, and indicators identified in the WSP that may trigger refuge management activities, including limiting public use.

C. Inventories also give us the information necessary to evaluate the effects of refuge management activities, refuge uses, and external threats on wilderness character. We will evaluate proposed inventory and monitoring protocols and activities in an MRA and document inventory and monitoring activities in the refuge's WSP.

2.29 How does the Service protect cultural resources in wilderness? Cultural resources, such as archaeological sites, historic trails and structures, and sacred sites, may be unique and nonrenewable components of wilderness. We follow Service policy and standards for identifying, evaluating, protecting, and managing cultural resources (see the cultural resources management policy at 614 FW 1-5).

A. Burial and Sacred Sites. We may maintain burial sites or cemeteries located within a wilderness area, but we prohibit new interments unless authorized by Federal statute, existing reservations, or retained rights.

(1) We will identify and protect Native American sacred sites and religious areas.

(2) We allow Native American practitioners access to these sites within wilderness areas for religious and traditional ceremonial purposes subject to the prohibitions in 610 FW 1.16, the Service's sacred sites protection policy, and the compatibility policy (see 603 FW 2).

(3) We will notify and consult with appropriate tribal leaders on any decisions that may affect sacred sites and the practice of Native American religion as early as possible in the CCP and WSP processes. The American Indian Religious Freedom Act of 1978 (42 U.S.C. 1996 and 1996a), Executive Order 13007 (Protection of Sacred Sites), and Service policy require this consultation. We must coordinate consultation through the Regional Historic Preservation Officer (RHPO) and Regional Native American liaison.

B. Archeological Research. We administer archaeological research within wilderness areas according to the conditions outlined for research in section 2.27. We encourage archeological research employing noninvasive and nondestructive survey and inventory methods. The refuge manager and the RHPO will review proposals for archeological research. The Regional Director approves or denies archaeological research permits based on the recommendation of the refuge manager and Regional archeologist. We will approve archeological research requiring digging, trenching, or other forms of excavation in wilderness when required to protect a threatened resource. We may also approve other research involving excavation when it can be demonstrated that significant archaeological information may be obtained that cannot reasonably be expected to be obtained from nonwilderness lands.

C. Historic Buildings and Structures. We comply with cultural resource administration requirements and policies when maintaining, using, or removing historic buildings and structures. We will use an MRA to make our decisions. We must consult with the RHPO and adhere to the requirements covered by sections 106 and 110 of the National Historic Preservation Act, and the regulations in 36 CFR part 800, for any work affecting historic buildings and structures. The RHPO determines if such properties are listed in or eligible for the National Register of Historic Places and consults with the appropriate State Historic Preservation Officer and the Advisory Council on Historic Places. For buildings and structures that are eligible for or listed in the National Register that we have decided to use or maintain through an MRA, we will follow the Secretary of the Interior's Standards for the Treatment of Historic Properties using the minimum tools necessary. See section 2.5 for additional information about structures and installations in wilderness.

2.30 What are the Service's general public use guidelines for wilderness? We provide opportunities for appropriate and compatible use and enjoyment of wilderness areas in a manner that will preserve their wilderness character and that will "leave them unimpaired for future use and enjoyment as wilderness" (Wilderness Act, section 2 (a)). Refuges are generally closed to public access and use unless opened, following an appropriateness finding and a compatibility determination, through the applicable process (e.g., compatibility determination, NEPA and planning process, special use permit, regulation, etc.) (see 50 CFR 25.21). If we open a refuge, we may impose conditions or restrictions on any activity to ensure that it is appropriate and compatible and, for wilderness areas, preserves wilderness character and values. We emphasize providing "opportunities for solitude or a primitive and unconfined type of recreation" (Wilderness Act, section 2(c)). See 610 FW 5 for some of the specific provisions applicable in Alaska.

A. We prioritize public uses in wilderness areas of refuges as follows:

(1) Compatible wildlife-dependent recreational uses of the Refuge System (hunting, fishing, wildlife observation and photography, and environmental education and interpretation). In refuge wilderness, we facilitate these uses that do not generally involve prohibited uses unless specifically allowed by the provisions of the wilderness-establishing legislation or when they are an existing private right. See Refuge System recreation policies at 605 FW 1-7 for further guidance. We will work closely with the State fish and wildlife agencies to ensure close coordination when managing hunting and fishing activities.

(2) Other appropriate and compatible recreation uses that are enhanced by a wilderness setting. Hiking, canoeing, and cross-country skiing, for example, allow visitors to experience and observe wildlife and its habitat in a wilderness context. They provide opportunities to experience the physical, psychological, symbolic, and spiritual values of wilderness under conditions that include risk and challenge, self-reliance, and a spirit of exploration, discovery, and adventure.

B. Where use conflicts occur or when we must limit the number of visitors, we will give preference to compatible wildlife-dependent recreational uses in accordance with the Administration Act that best preserve the wilderness and are enhanced by a wilderness setting. In cases where it is necessary to limit use, we will seek to provide a fair balance between commercial services and private uses of wilderness, recognizing that in extreme cases, accommodating both types of uses may not always be possible.

2.31 What types of public uses does the Service prohibit in wilderness?

A. Unless specifically allowed by the provisions of the wilderness-establishing legislation or they are an existing private right, we generally prohibit public uses that:

- (1)** Involve using motor vehicles, motorboats, mechanical transport, or motorized equipment;
- (2)** Involve landing aircraft;
- (3)** Involve building structures and installations in wilderness;
- (4)** Are considered extreme or thrill sports; or
- (5)** Involve competitive events or contests

B. Uses in Alaska refuge wilderness areas are identified in 610 FW 5.

2.32 May the Service allow use and grazing of recreational pack and saddle stock in wilderness?

A. We may allow recreational use of pack and saddle stock in wilderness if appropriate and compatible. We may authorize grazing of commercial recreational livestock used by packers and outfitters under special use permits (see section 2.13).

B. We may require a permit for noncommercial recreational pack and saddle stock when necessary for the administration or protection of the wilderness.

C. When adequate forage is not available, we will ensure the protection of wilderness by requiring all recreational livestock users, including commercial outfitters, to pack in certified "weed free and weed-seed free" feed.

D. When we prepare and adopt the refuge's WSP, we will evaluate the need for permits, regulations, or restrictions relating to commercial recreational saddle and pack stock, such as hobbling rather than tethering horses, restrictive zoning, horse party size limits, and use of supplemental feed.

2.33 How does the Service address visitor safety in wilderness? Wilderness visitors have an increased responsibility for their own safety. We will not modify wilderness areas to eliminate risks normally associated with wilderness. We provide visitors with general information about the unpredictable nature of risks inherent in wilderness, including potential dangers related to isolation, terrain, water, wildlife, and weather. We use caution in providing site-specific information to avoid the implication that we have identified all potential hazards. Information on risks and recommended precautions should emphasize that safety is the visitor's responsibility and that the freedom, independence, and self-reliance of the wilderness experience requires proper mental, physical, and material preparation. We must be

prepared to respond appropriately to emergencies related to public safety, including conducting or assisting State or local agencies with search and rescue functions. We must not convey the impression, however, that assistance is readily available in all situations.

2.34 How does the Service enhance solitude or opportunities for primitive and unconfined recreation in wilderness? We minimize the presence of modern artifacts of civilization, such as signs, bridges, structures, and technology; large groups; unnecessary managerial presence; and conflicting uses that tend to interfere with one's free and independent response to nature. We employ nonintrusive survey methods to evaluate visitor satisfaction related to solitude and primitive and unconfined recreation, and we correct deficiencies.

2.35 How can the Service best preserve a quality wilderness experience as well as the wilderness itself? We should try to maximize the visitor's autonomy and isolation from the influences of the mechanized and settled outside world. Management actions, facilities, and onsite presence must be as unobtrusive and subtle as possible, consistent with the overriding criteria of maintaining wilderness character and values and follow Leave No Trace (LNT) principles and practices. (See section 2.37.) We must set a high standard and provide an example for the public to follow. We generally prefer informing and educating the public to persuade them to adopt wilderness-preserving behavior over direct regulation. We may institute permit systems, limit group sizes, and establish other rules to ensure protection of both the wilderness experience and wilderness character. See 610 FW 5 for additional provisions applicable in Alaska.

2.36 How does the Service inform and educate the public about wilderness?

A. Refuge managers should develop an information and education program designed to increase awareness and appreciation of the full spectrum of wilderness values, without stimulating unacceptable demand for use. The program should focus on providing information that enhances the experience, describes the limitations of wilderness to accommodate use, and encourages visitors to practice LNT techniques (see section 2.37). Our goal is to cultivate a personal ethic based on a willingness to exercise self-restraint in the interest of the wilderness itself, other users, and future generations. The most effective tools for protecting wilderness can be the development and use of thoughtful information materials and interpretive programs.

B. We should limit interpretation of wilderness to locations outside a wilderness area, except as necessary to address visitor health and safety, to administer wildlife-dependent recreation, or to protect wilderness character. However, we may conduct educational programs, such as LNT training or interpretative walks, inside a wilderness area when deemed suitable to help foster a better understanding and appreciation of wilderness. Such programs should remain sensitive to the wilderness resource, wilderness character, and the experience of other users. Where appropriate, we should also produce materials for the nonvisiting public who may want to learn about wilderness and who find value in just knowing that it is there.

C. As we develop information and educational materials, we should use the "Primary Interpretive Themes for Wilderness Education" as a guide (see Exhibit 1 and 605 FW 6-7).

2.37 What is the Leave No Trace (LNT) program? The LNT program promotes and inspires responsible outdoor recreation through education, research, and partnerships. LNT, Inc., a nonprofit organization, manages the program. All four Federal wilderness management agencies have adopted the LNT program as the standard for minimum impact practices. We apply LNT principles and practices to all stewardship and public use activities within wilderness to help protect wilderness character. As an educational program, the LNT program offers managers a tool for dealing with issues and impacts.

2.38 How does the Service address special needs for people with disabilities?

A. The Secretary's regulations on "Nondiscrimination in Federally Assisted Programs in the Department of the Interior" (43 CFR part 17) require that we operate all programs and activities so that they are accessible to and usable by people with disabilities to the greatest extent practicable. However, 43 CFR 17.550 does not require agencies to take any actions or provide access that would result in a fundamental alteration in the nature of a program or activity. The agency has the burden of proving that compliance would result in a fundamental alteration.

B. ADA section 507(c) does not require agencies to provide any form of special treatment or accommodation or construct any facilities or modify any conditions of lands within a wilderness area to facilitate use. Although we are not required to provide any special treatment to provide access for people with disabilities, if we make a modification to accommodate visitor use, we should consider the principles of Universal Design to provide the appropriate level of accessibility that does not diminish wilderness resource values. For example, if a toilet is necessary to protect the wilderness from the impact of many visitors, we should make the toilet as accessible as possible within its primitive design, to the extent that it does not diminish wilderness resource values.

C. Our legal obligation is to make equal opportunities available for people with disabilities and includes the opportunity to participate in wilderness experiences. When responding to requests for special consideration to provide wilderness access to people with disabilities, management decisions must comply with the Architectural Barriers Act of 1968, the Rehabilitation Act of 1973 (amended in 1978), and section 507(c) of the ADA. Our decisions should balance the intent of the disabilities laws with wilderness laws and find a way to provide the highest level of access for those with disabilities with the lowest level of impact to wilderness.

D. We allow wheelchairs in wilderness if they meet the Americans with Disabilities Act of 1990 (ADA) definition (see 610 FW 1.4EE.). We will provide reasonable accommodation to people using wheelchairs in wilderness without compromising wilderness character and its values.

E. A publication entitled the "Wilderness Access Decision Tool" (available from the [Carhart Center on the Internet](#)) provides more guidance to assist managers in making suitable, objective, and consistent decisions about people with disabilities using wilderness areas.

Primary Interpretive Themes for Wilderness Education

Interpretation provides opportunities for people to forge intellectual and emotional connections to the meanings inherent in wilderness resources. Interpretive themes communicate specific messages based on the significance of the wilderness resource and experience to the American people. They are the stories through which we convey the values of wilderness to the public. These themes connect wilderness to larger ideas as well as universal meanings and values. They are the building blocks on which we base interpretive products and services for wilderness. The interpretive themes for wilderness areas follow:

PRIMARY INTERPRETIVE THEMES FOR WILDERNESS EDUCATION	
Theme A	The concept of wilderness, codified in law, originated in the United States with the conviction that some wildland resources are most valuable (e.g., social, scientific, economic, educational, recreational, and cultural value) to Americans left in their natural state.
Theme B	As a foundation for healthy and diverse ecosystems, officially designated wilderness and other remaining wildlands provide critical habitat for rare and endangered species and play a significant role in the overall health of natural systems worldwide (e.g., watersheds, air quality).
Theme C	By law, we manage wilderness differently than other Federal lands in order to retain its primeval character and preserve wilderness as a special place for humans to experience their relationship to the natural world.
Theme D	Wilderness offers opportunities for personal renewal, inspiration, artistic expression, pride of ownership of our shared heritage, and the prospect of hope for the future. Wilderness has inspired and continues to inspire a distinctive genre of literature and art, enriching millions of lives in the United States and around the world.
Theme E	Wilderness provides opportunities for physical and mental challenge, risk and reward, renewal, self-reliance, and solitude or opportunities for primitive and unconfined recreation and serves as a haven from the pressures of modern society.
Theme F	The survival of wilderness depends on individual and societal commitment to the idea of wilderness and on appropriate visitor use, behavior, and values.
Theme G	Wilderness provides a unique setting for teaching ecosystem stewardship as well as science, math, literature, art, and other subjects (e.g., civics, outdoor skills, music, and others) using an interdisciplinary approach.
Theme H	Wilderness contains primitive areas relatively undisturbed by human activities where scientific research may reveal information about natural processes and living systems that may have wide-ranging applications and may serve as global indicators of ecological change.

Theme I	Cultural and archeological sites found in wilderness can provide a more complete picture of human history and culture. (This includes indigenous peoples; conquests; colonialism and resistance, freedom, independence, and ingenuity; a sense of connectedness; stewardship; and human survival.)
Theme J	The Wilderness Act created a National Wilderness Preservation System that preserves some of the most unique ecological, geological, scientific, scenic, and historical values in the National Wildlife Refuge System, the National Park System, National Forest System, and in public lands administered by the Bureau of Land Management that the public and Congress have determined to require special protection.
Theme K	Wilderness visitors must accept certain inherent risks associated with weather, terrain, water, fish, wildlife, plants, and/or their habitats, and other natural elements. We cannot guarantee visitor safety, but we can enhance it with proper trip planning, appropriate skills, and responsible behavior.

3.1 What is the purpose of this chapter? This chapter describes how to develop wilderness stewardship plans (WSPs).

3.2 What is the scope of this chapter?

A. This chapter covers:

(1) Congressionally designated wilderness (see 610 FW 1, Exhibit 1, National Wildlife Refuge System Designated Wilderness Areas),

(2) Proposed wilderness, and

(3) Where specifically addressed in this chapter, recommended wilderness.

B. Where this guidance conflicts with provisions of legislation establishing wilderness on refuges (see 610 FW 1.3F), the provisions of the establishing legislation take precedence.

C. We administer wilderness areas in Alaska following the guidance in this chapter. The policy addresses the special provisions on Alaska wilderness in the Alaska National Interest Lands Conservation Act (ANILCA), and there should be no conflicts. However, if anything in the policy guidance conflicts with the provisions of ANILCA, the provisions of ANILCA prevail. Refer to 610 FW 5 for some of the special provisions for wilderness in Alaska.

3.3 What are the authorities that directly affect wilderness stewardship on Service lands? Our authorities to be stewards of wilderness are contained in 610 FW 1.3.

3.4 What is a wilderness stewardship plan (WSP)? A WSP guides the preservation, stewardship, and use of a particular wilderness area.

A. The WSP is a step-down management plan (602 FW 1.6 and 602 FW 4). The WSP provides detailed strategies and implementation schedules for meeting the broader wilderness goals and objectives identified in the refuge comprehensive conservation plan (CCP). We develop WSPs using the planning process guidance in 602 FW 1, 3, and 4.

B. We base the goals and objectives for a particular wilderness on refuge purpose(s), including Wilderness Act purposes, the provisions of the establishing legislation for the wilderness area, the Refuge System mission, and wilderness stewardship principles.

C. The WSP contains specific and measurable stewardship strategies and implementation schedules that address the preservation or, as appropriate, restoration of cultural and natural resource values and conditions.

(1) A WSP must clearly show the strategies and actions we will use and implement to preserve the wilderness resource and the linkage between those strategies and actions and the wilderness goals and objectives identified in the CCP.

(2) It also contains indicators, standards, conditions, or thresholds that define adverse impacts on wilderness character and values and that will trigger stewardship actions to reduce or prevent those impacts.

(3) The WSP also describes ongoing and needed monitoring and research, appropriate and compatible uses and associated determinations, and Minimum Requirement Analyses (MRAs) for refuge management activities and commercial services.

3.5 Does every wilderness area need a WSP? We describe the stewardship direction for each wilderness area either in a WSP or as part of a CCP (602 FW 3). Where the majority of a refuge is designated wilderness, we may prepare a detailed CCP that incorporates the required elements of a WSP rather than preparing a separate WSP. In a WSP, we address each wilderness as a separate management area.

3.6 May refuge managers prepare a WSP for wilderness study areas (WSA) recommended for wilderness designation in a final CCP, recommended wilderness areas, or proposed wilderness areas? Yes. It may be appropriate to prepare WSPs for these areas in the absence of an approved CCP or when a CCP does not adequately address the goals, objectives, strategies, implementation schedules, and other details necessary to maintain wilderness character. Other considerations include degree of public interest, the amount of available information, and the complexity of the issues.

3.7 May refuge managers combine other step-down management plans with the WSP? Yes. The manager may combine step-down planning for other refuge resources and programs with the WSP when it is logical to take an integrated approach. The decision to do so rests with the refuge manager. Refer to 602 FW 4 for more guidance.

3.8 What should a WSP contain? The WSP should include, at a minimum (see Exhibit 1 for more guidance):

A. Stewardship direction in accordance with refuge purposes, including Wilderness Act purposes, the Wilderness Act, specific wilderness-establishing legislation, and the Refuge System mission.

B. Goals and objectives for the wilderness area. We derive wilderness goals and objectives from refuge purposes, including Wilderness Act purposes; the Refuge System mission and goals; the Wilderness Act; wilderness-specific establishing legislation; and continental, international, national, and Regional plans. If the refuge has a completed CCP, we use the wilderness goals and objectives, without change, from the CCP and use them in the WSP.

C. A description of baseline wilderness resource conditions and public uses existing at the time of designation as well as current wilderness resource conditions, including:

(1) A description of:

(a) The wilderness area,

(b) Natural resources,

(c) Cultural resources and values,

(d) Stewardship activities,

(e) Existing facilities,

(f) Search and rescue programs and associated partnerships, and

(g) Public use levels and activities, and

(2) Indicators of change in resource conditions, standards for measuring that change, and desired conditions or thresholds that will trigger stewardship actions to reduce or prevent impacts on the wilderness.

D. A description of stewardship strategies (administrative, natural and cultural resources, public recreation, and interpretation and education) and an implementation schedule, including:

(1) Funding and staff required to adequately administer the area,

(2) A list of specific actions needed to accomplish WSP objectives,

(3) Prioritized action items, and

(4) Target dates for completing action items.

E. As appropriate, references to approved step-down management plans for other refuge programs and resources that are applicable to those programs and resources in the wilderness area.

F. A description of research needs and monitoring programs and protocols (for wilderness character and, as appropriate, other natural resources, cultural resources, and public use programs) necessary to determine if we are meeting our wilderness stewardship objectives.

G. MRAs and documentation of National Environmental Policy Act (NEPA) compliance for all refuge management activities and commercial services necessary to administer the wilderness area.

H. Copies of appropriateness and compatibility determinations for refuge uses in the wilderness area. We prepare new compatibility determinations for uses if the WSP addresses new uses, determines an ongoing use to be incompatible, or requires significant changes in the way people are currently using wilderness areas.

I. Descriptions of how we will administer valid existing rights and congressionally authorized uses to protect wilderness character.

J. An explanation of how we will coordinate, as much as possible, with adjoining wilderness units so that visitors traveling between them can do so with minimal impediments.

K. A legal description and map of the wilderness area.

L. The Regional Chief, National Wildlife Refuge System's signature approving the WSP.

3.9 How does the Service coordinate with States, other Federal agencies, and tribes in wilderness stewardship planning? Effective conservation of fish, wildlife, and plants and their habitat depends on partnership and cooperation among many individuals and organizations. This is especially true in designated wilderness areas where refuge management activities must not only meet the purpose(s) for which the refuge was established, but also meet the purposes of the Wilderness Act.

A. Representatives of State fish and wildlife agencies, other Federal agencies, and tribes most commonly will be involved in wilderness stewardship planning by serving on or coordinating with the CCP team. These teams conduct wilderness reviews and establish wilderness goals and objectives as part of CCP development. We directly incorporate these wilderness goals and objectives into the WSP.

B. If we significantly modify the CCP wilderness-related goals or objectives when developing the WSP, we must provide the State fish and wildlife agencies, other Federal agencies, and tribes another opportunity for comment (see 602 FW 4.2). We prepare WSPs in compliance with NEPA, including appropriate interagency and tribal notification, coordination, and opportunity for comment.

3.10 How does the Service involve the public in wilderness stewardship planning? We provide opportunities for meaningful public involvement as we develop stewardship guidance for our wilderness areas. We require public involvement in the preparation of CCPs (see 602 FW 3), and we directly incorporate the wilderness goals and objectives from the CCP into the WSP. If we significantly modify the CCP wilderness-related goals or objectives when developing the WSP, we must provide the public another opportunity for comment (see 602 FW 4.2). We prepare WSPs in compliance with NEPA, including appropriate public notification, coordination, and opportunity for comment.

3.11 How does the Service administer wilderness areas that do not have an approved WSP? During WSP development, we follow the wilderness stewardship policy (610 FW 1-5) and the refuge CCP as we conduct day-to-day activities.

3.12 May the Service decide to implement a WSP that was completed before development of the refuge CCP? We may implement a WSP that was completed before the development of the refuge's CCP if the WSP:

A. Is current and approved, and

B. Was prepared in accordance with the NEPA process, including appropriate interagency and tribal coordination and public involvement.

3.13 How frequently should the Service revise WSPs? We will review the WSP annually to determine if it requires any revisions. At least every 15 years, we will formally review and revise a WSP concurrently with the CCP. We also revise a WSP when significant changes to assumptions and conditions warrant, including major natural events, legal requirements, uses, management strategies and actions, or environmental conditions. When we revise wilderness stewardship direction, we include appropriate interagency and tribal coordination, public involvement, and documentation of compliance with NEPA.

3.14 How does wilderness stewardship planning work when Service wilderness adjoins wilderness of another Federal agency? When a Refuge System wilderness area adjoins lands administered by another Federal agency, we coordinate wilderness stewardship planning, including appropriate interagency and tribal coordination and public involvement, with the neighboring agency. We develop joint stewardship plans with all involved agencies, if practicable.

WILDERNESS STEWARDSHIP PLAN OUTLINE

I. Introduction.

A. Wilderness establishment, including contents of pertinent laws, date(s) of establishment, boundary or other legal changes, pertinent committee report discussion, and special provisions.

B. Goals and objectives for the wilderness area and its relationship to the refuge's purposes and Refuge System mission and goals, including protection of the air-quality-related values of Class I wilderness areas.

II. Description of the Wilderness Area.

A. Legal and narrative description of the area.

B. Map displaying Service refuge boundary; wilderness area boundary; and other relevant legal, administrative, and natural boundaries.

C. A description of the baseline wilderness resource conditions existing at the time of designation as well as current wilderness resource conditions, including a description of the wilderness area, natural conditions, cultural resources and values, stewardship activities, existing facilities, and public use levels and activities.

III. Interagency and Tribal Coordination and Public Involvement. Description of coordination with States, other Federal agencies, and tribes. Description of public involvement activities and a summary and analysis of comments received and how the plan responds to them.

IV. Stewardship.

A. Description of stewardship strategies (administrative, natural and cultural resources, public recreation, interpretation and education, and commercial services) required to adequately administer the area.

B. Minimum requirement analyses (MRAs) and documentation of National Environmental Policy Act (NEPA) compliance for all refuge management activities and commercial services necessary to administer the area.

C. Descriptions of how we will manage existing private rights, existing rights-of-way, activities associated with valid mineral rights, and congressionally authorized uses to protect wilderness values.

D. An explanation of how we will coordinate with adjoining wilderness units so that the wilderness character and natural and cultural resources and values are managed in a complementary manner that minimizes the impediments to visitors traveling from one wilderness area to another.

V. Research. Description of any past and current research and identification of research needs. Include necessary appropriateness and compatibility determinations, MRAs, and relevant partnership, funding, and staffing requirements.

VI. Funds and Personnel. A discussion of staff and funds needed to administer the wilderness.

VII. Monitoring. To determine if we are meeting our wilderness stewardship objectives and other refuge management objectives in wilderness, identify: monitoring requirements; associated protocols; partnership, funding, and staffing needs; indicators of change in resource conditions; standards for measuring that change; and desired conditions or thresholds that will trigger management actions to reduce or prevent impacts on the wilderness.

VIII. Implementation Schedule. A schedule of implementation, prioritization of action items, staff assignments, and funding requirements to adequately administer the area.

IX. Appropriateness and Compatibility Determinations.

X. Review and Approval.

XI. Appendix.

A. A copy of the legislation establishing, modifying the boundary of, or making other changes to the wilderness.

B. Wilderness study report for the wilderness.

C. NEPA documentation.

D. Public hearing record from the wilderness study and record of review of comments received from States, other Federal agencies, tribes, and the public.

E. Congressional hearing record.

F. Congressional committee report accompanying the authorizing legislation.

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.

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.

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 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:

(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?

(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)).

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.
- 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.

C. 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.

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.

5.1 What is the purpose of this chapter? The purpose of this chapter is to describe the special provisions of the Alaska National Interest Lands Conservation Act (ANILCA) (Public Law 96-487) that we must consider together with the policy in 610 FW 1-4 in administering National Wildlife Refuge System (Refuge System) wilderness areas in Alaska.

5.2 What is the scope of this chapter? This chapter covers congressionally designated wilderness areas in Alaska, including areas designated by Public Laws 91-504, 93-632, and 94-557 prior to the passage of ANILCA, and areas designated by ANILCA (see 610 FW 1, Exhibit 1).

5.3 How do the other chapters in the Service's wilderness policy (610 FW 1-4) apply to Alaska wilderness?

A. ANILCA contains a number of special provisions that limit and sometimes modify the applicability of certain management provisions of the Wilderness Act and affect how we administer refuge management activities and refuge uses in Alaska wilderness. A number of these ANILCA provisions pertain to the conservation system unit (section 102(4)) as a whole, applying equally to wilderness and nonwilderness refuge lands. Stewardship of wilderness in Alaska requires that we take into account the provisions of both the Wilderness Act and ANILCA.

B. We administer wilderness areas in Alaska in accordance with the policy in 610 FW 1-5. The policy addresses the special provisions for Alaska wilderness in ANILCA, and there should be no conflicts. If there is any conflict, we follow the more specific provisions of ANILCA and the implementing regulations at 43 CFR part 36 and 50 CFR part 36.

5.4 How do the special provisions of ANILCA affect the need for a minimum requirement analysis (MRA) for proposed refuge management activities and facilities in Alaska wilderness? We conduct MRAs in accordance with 610 FW 1.18 - 1.21 for all proposed refuge management activities in Alaska wilderness whether or not the actions involve a generally prohibited use. We document and review uses and management actions approved through MRAs for their individual and cumulative impacts on wilderness character during the development and any subsequent revisions of the wilderness stewardship plan (WSP) and comprehensive conservation plan (CCP).

5.5 What special provisions apply to public access for traditional activities and travel to and from villages and homesites? Section 1110(a) of ANILCA authorizes the use of snowmachines, motorboats, airplanes, and nonmotorized surface transportation for traditional activities and for travel to and from villages and homesites (43 CFR 36.11). Rights for this special access are subject to reasonable regulations to protect natural and other resource values. We may close an area on a temporary or permanent basis to such use only if we find that the use would be detrimental to the resource values of the area, and then only in accordance with the procedures set forth in 43 CFR 36.11(h).

5.6 What special provisions apply to access to inholdings in Alaska wilderness areas? Section 1110(b) of ANILCA requires that we give the owners of valid inholdings adequate and feasible access, for economic or other purposes, across a refuge, including a designated wilderness area. An inholding is State-owned or privately owned land, including subsurface rights underlying public lands, valid mining claims, or other valid occupancy that is within or effectively surrounded by one or more conservation system units. We require a right-of-way permit for access to an inholding only when section 1110(b) does not provide adequate and feasible access without a right-of-way permit (43 CFR 36.10(b)). When a right-of-way permit is necessary under this provision, we process the application in accordance with regulations in 43 CFR 36.10 and 50 CFR 29.21.

5.7 What special provisions apply to public access to subsistence resources? The nonwasteful subsistence uses of fish and wildlife and other renewable resources must be the priority consumptive uses of Alaska refuges (50 CFR 36.11(c)). On refuge lands in Alaska, including wilderness areas, section 811(b) of ANILCA authorizes the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence activities (50 CFR 36.12(a)). The refuge manager may restrict or close a route or area to such access only in accordance with regulations at 50 CFR 36.12(b) and (c). People operating under this authorization must comply with the requirements of 50 CFR 36.12(d).

5.8 What special provisions apply to authorization of temporary access to non-Federal lands?

A. Section 1111 of ANILCA requires the Service to authorize and permit temporary access across wilderness to State or private land by a landowner for the purpose of survey, geophysical, exploratory, or other temporary uses where access will not result in permanent harm to the resources of the area or lands. Regulations at 43 CFR 36.12 implementing section 1111 of ANILCA define temporary access to State or private lands as limited, short-term access, which does not require permanent facilities.

B. The landowner seeking access must complete an application for temporary access (SF 299). After evaluating the application and ensuring that no permanent harm will result to the resources of the area, the refuge may issue a special use permit with the necessary stipulations and conditions.

5.9 What special provisions apply to helicopter access in Alaska wilderness areas? Subject to an MRA, we may permit the use of helicopters at designated landing areas through a special use permit or memorandum of understanding (43 CFR 36.11(f)(4)) for uses including volcano monitoring, geologic hazards evaluations, and fisheries and wildlife management activities. Section 4 of the Wilderness Act authorizes helicopter landings for emergency or search and rescue operations without a permit. Helicopter landings for initial-attack fire suppression must comply with operational guidance in the appropriate interagency and refuge fire management plans.

5.10 What special provisions apply to rights-of-way for transportation and utility systems in and across Alaska wilderness areas? We review and process right-of-way applications for transportation and utility systems in and across Alaska wilderness areas. This includes National Environmental Policy Act (NEPA) compliance, in accordance with Title XI of ANILCA and the implementing regulations at 43 CFR part 36. We may not issue rights-of-way for transportation and utility systems in wilderness areas under Title XI without a Presidential recommendation and congressional approval. We must recommend approval for such rights-of-way in wilderness areas if the proposed systems would be compatible with the refuge purposes, including Wilderness Act purposes, and there is no economically feasible and prudent alternate route (43 CFR 36.7(b)).

5.11 What special provisions apply to assessment, exploration, and development of mineral resources on Alaska wilderness areas?

A. Subject to valid mineral rights existing on December 2, 1980, section 304 of ANILCA withdrew all Refuge System lands from all forms of appropriation or disposal under the public land laws, including location, entry, and patent under the mining laws, but not from operation of mineral leasing laws. We only authorize exploration and development of mineral resources on wilderness areas in Alaska under limited circumstances in accordance with 610 FW 2.9 and 2.14: existing private rights or reserved or excepted mineral rights on acquired refuge lands that allow exploration and development of mineral resources. See sections 5.6 and 5.8 for policy on access.

B. Section 1010 of ANILCA requires the Secretary to assess oil, gas, and other mineral potential on all public lands in Alaska, including wilderness areas. The mineral assessment program may include, but is not limited to, techniques such as sidelooking radar imagery and core and test drilling, notwithstanding any restrictions on such drilling under the Wilderness Act. The mineral assessment program does not include exploratory drilling of oil and gas test wells. Section 1010 of ANILCA authorizes access by air for

assessment activities. If we allow mineral assessment activities, we will issue a special use permit with conditions to ensure that the activities are compatible with refuge purposes and would not result in lasting environmental impacts that would appreciably alter the natural character or biological or ecological systems in the wilderness area.

5.12 Does the Service allow the use of motorized equipment in Alaska wilderness areas? Under ANILCA, we may authorize by special use permit the use of motorized equipment for mineral resources assessments (section 1010) and the operation, construction, and maintenance of navigation aids and other facilities (section 1310). As part of the authorization process, we evaluate whether the use of motorized equipment constitutes the minimum tool and establish the terms and conditions for the use of motorized equipment in the special use permits issued for these activities.

5.13 What provisions apply to commercial enterprises and services in Alaska wilderness areas?

A. Except as described in section 4(d)(6) of the Wilderness Act, commercial enterprises are prohibited in wilderness (see 610 FW 2.12). However, sections 304(d) and 707 of ANILCA in conjunction with section 4(c) of the Wilderness Act authorize the exercise of valid commercial fishing rights in Alaska refuge system wilderness.

(1) We may restrict or prohibit the exercise of these rights or privileges pertaining to the use of Federal lands if, after conducting a public hearing in the affected locality, we determine that they are inconsistent with the purposes of the refuge and that they constitute a significant expansion of the commercial fishing activities within the refuge beyond the level of such activities during 1979.

(2) Under section 1316(a), we allow, subject to reasonable regulation, temporary campsites, tent platforms, shelters, and other temporary facilities and equipment (including the use of motorized vehicles) and aircraft landings (also see section 4(d) of the Wilderness Act) directly related to the exercise of valid commercial fishing rights (see section 5.15 for guidance on temporary facilities and equipment related to the taking of fish and wildlife).

(3) We issue special use permits for existing commercial cabins associated with commercial fishing operations following the regulation at 50 CFR 36.33(e)(3). We do not allow new commercial cabins in wilderness areas. (See section 5.14 for guidance on management of structures and installations.)

B. We manage visitor services using special use permits following section 1307 of ANILCA and the regulations at 50 CFR 36.37 and 36.41.

5.14 What special provisions apply to management of structures and installations in Alaska wilderness areas? Section 4(c) of the Wilderness Act generally prohibits structures and installations in wilderness areas. ANILCA, however, contains specific direction about the authorization and management of the types of structures and installations described in the following sections. We conduct and document an MRA as a part of the authorization process for the facilities described below and include it in the WSP. (See section 5.15 for guidance on temporary facilities and equipment related to the taking of fish and wildlife.)

A. Cabins. We manage cabins within Alaska wilderness areas in accordance with sections 1303 and 1315 of ANILCA and the implementing regulations at 50 CFR 36.33.

(1) Subsistence and commercial cabins. We authorize the use and occupancy of cabins existing prior to the passage of ANILCA on December 2, 1980 (pre-ANILCA), for traditional and customary uses that are compatible with the purposes for which the refuge was established, including wilderness purposes.

(a) We authorize these cabins through a nontransferable, renewable, 5-year special use permit subject to restrictions necessary to preserve wilderness character (see ANILCA section 1303(b)(2)).

(b) We may authorize construction of a new trapping cabin in a wilderness area where trapping has been a traditional and customary use, the proposed cabin is necessary to provide for continuation of that use, and no reasonable alternative site exists (see ANILCA section 1303(b)(1) and 50 CFR 36.33(d)). New trapping cabins in wilderness will be available for public use to ensure public health and safety (50 CFR 36.33(d)(5)).

(c) We do not allow new commercial cabins in wilderness areas (50 CFR 36.33(e)(3)). We will not issue a special use permit for private recreational use of existing or new cabins (see ANILCA sections 1303(b)(1) and (2)).

(2) Public use and administrative cabins. The public may continue to use, and we may maintain or replace existing (pre-ANILCA) public use cabins in wilderness areas. We may place restrictions on their use that are necessary to preserve the wilderness character of the area (see ANILCA section 1315(c)). We may construct or authorize construction of new administrative or public use cabins in wilderness areas if they are built specifically for the administration of the area (section 4(c) of the Wilderness Act) or for public health and safety (section 1315(d) of ANILCA).

(3) Congressional notification requirements for public use cabins. Section 1315(d) of ANILCA requires the Secretary to notify the House and the Senate authorizing committees of our intent to remove an existing or construct a new public use cabin or shelter in wilderness.

(a) Refuge managers must request approval for new construction or the removal of any public use cabins or shelters at least 18 months in advance of the proposed action.

(b) For the Regional Director to make a decision, the refuge manager's request must be accompanied by a supporting MRA, documentation of NEPA compliance, and a health and safety analysis. The Regional Director will send the completed proposal to the Director for submission to the Secretary. The 18-month advance notice of a proposed action allows the agency to meet ANILCA's congressional notification requirement.

B. Navigation Aids and Other Facilities. Section 1310 of ANILCA authorizes reasonable access to, and operation and maintenance of, existing air and water navigation aids, communications sites, and related facilities, as well as existing facilities for national defense purposes, weather, climate, and fisheries research and monitoring. We will authorize establishment of new structures and facilities identified in section 1310 after consultation between the head of the requesting Federal department or agency and the Secretary and in accordance with such terms and conditions as mutually agreed on to minimize the adverse effects of such structures and facilities.

C. Administrative Sites and Visitor Facilities. We may establish new administrative sites or visitor facilities in refuges, including wilderness areas, in accordance with section 1306 of ANILCA, only if the facilities conform to the CCP and are compatible with refuge purposes, including Wilderness Act purposes.

5.15 What temporary facilities and equipment related to the taking of fish and wildlife does the Service authorize in Alaska wilderness areas? Section 1316 of ANILCA authorizes the use of temporary campsites, tent platforms, shelters, other temporary facilities, and equipment directly related to and necessary for the taking of fish and wildlife on refuge lands in Alaska, including wilderness areas, subject to reasonable regulation to ensure compatibility. These facilities and equipment must be constructed, used, and maintained in a manner consistent with the protection of the wilderness character of the area. Any new facilities must be constructed with materials that blend with the landscape. We may, after adequate notice, deny establishing new facilities and using equipment for these activities if we determine that they are a significant expansion of existing facilities or uses which would be detrimental to the refuge's purposes (section 1316(b) of ANILCA).

5.16 What special provisions apply to management of fish populations on Alaska wilderness areas? In accordance with section 304(e) of ANILCA and subject to reasonable regulations, an MRA, and in accord with sound fisheries management principles, we may permit scientifically acceptable means of maintaining, enhancing, and rehabilitating fish stocks where compatible with refuge purposes, including Wilderness Act purposes. Any new facilities associated with these activities should be temporary whenever feasible.

5.17 Does the Service conduct wilderness reviews of refuge lands in Alaska? We have completed wilderness reviews for refuges in Alaska in accordance with section 1317 of ANILCA. Additional wilderness reviews as described in the refuge planning policy (602 FW 1 and 3) are not required for refuges in Alaska. During preparation of CCPs for refuges in Alaska, we follow the provisions of section 304(g) of ANILCA, which requires us to identify and describe the special values of the refuge, including wilderness values. Subsequently, the CCP must designate areas within the refuge according to their respective resources and values and specify the programs for maintaining those values. However, ANILCA does not require that we incorporate formal recommendations for wilderness designation in CCPs and CCP revisions.

5.18 What is the Service's general policy for managing wilderness study areas (WSAs), recommended wilderness, and proposed wilderness in Alaska? The review provisions of ANILCA (see section 1317(c)) do not affect the normal administration and management of the affected areas of the refuge until Congress takes action. We will manage WSAs, recommended wilderness, and proposed wilderness according to the management direction in the CCP for these areas. In Alaska, MRAs are not required for proposed refuge management activities and commercial services in WSAs, recommended wilderness, and proposed wilderness.