



THE WILDERNESS SOCIETY

Public Policy Department
Bureau of Land Management Program

With the Generous Support of the Wyss Foundation

The BLM Scoping Process: Making the Process Work for You in National Monuments and National Conservation Areas

Updated March 12, 2002

WHAT IS SCOPING?

Scoping is the first stage in the planning process where the BLM solicits public input to get a general understanding of major resource issues and management concerns. During this stage, the BLM issues a Notice of Intent (NOI) in the Federal Register, signaling the start of the formal environmental review process under the National Environmental Policy Act (NEPA). Ideas are also often solicited by BLM through mailings, newspaper articles, public and private meetings, and workshops. By law, BLM must give a minimum of 30 days for public review and comment. However, the BLM usually allows a longer comment period.

WHY SUBMIT FORMAL COMMENTS DURING SCOPING?

Submitting comments during the scoping period is essential because:

- It gives BLM early warning about your expectations of the issues that should be addressed during planning and about problems that need to be solved; and
- It will ensure that you have “standing” in administrative protests or litigation. If you decide to protest or litigate planning decisions, you will have to demonstrate that you have an interest that was adversely affected by planning decisions and that the issue was submitted for the record during the planning process.

WHAT ACTION SHOULD YOU TAKE DURING THE SCOPING PERIOD?

- **Ask for More Time:** The NOI initiating the planning process should state the amount of time allowed for formal public scoping. BLM planning regulations¹ require a minimum of 30 days for scoping. It is beneficial to have 90 to 120 days for scoping to fully understand the issues being raised and to generate interest in the planning effort. Present a written request to the Monument or NCA Manager² and the State Director that the scoping period be extended if the scoping period specified is less than 90 -120 days. Persuade others to sign your written request or encourage other constituency groups to write their own letters. Getting elected officials to ask is especially useful to your efforts. In the Grand Staircase-Escalante Monument planning process, the BLM allowed 120 days for scoping comments.

1 43 CFR 1610.2(e)

2 The Federal Register Notice of Intent should list a contact name, address and telephone number for further information.

- **Ask for public meetings and attend them:** The BLM should hold public meetings or workshops during the scoping period in diverse locations and at convenient times. If they don't, you should ask them to. The BLM held 14 public meetings during scoping for the Grand Staircase-Escalante Monument planning process. These meetings are an opportunity to voice concerns, to show widespread public support for particular positions and, if needed, to initiate relationships with BLM managers and planning staff. Having lots of people supporting your position at the meeting is important. It may also be helpful to offer written materials describing specific issues for both the BLM and other interested parties.

WHAT WRITTEN COMMENTS SHOULD YOU MAKE DURING THE SCOPING PERIOD?

First, establish your vision for the Monument or NCA

This is likely your only opportunity to persuade the BLM to adopt a vision for what the Monument or NCA will ultimately look like. The vision (sometimes referred to as the mission) is crucial because it is the foundation upon which to build more specific objectives and decisions, and it will guide how BLM manages these special areas for years. BLM Monuments and NCAs are quite different from other public lands managed by the BLM or other agencies – they were established to protect and restore healthy, remote and undeveloped landscapes. This unique niche and the inherent value of these lands to the greater ecosystem should be evident in the vision statement.

You should support your vision by tying it to the specific proclamation or legislation and the vision, objectives, and mission statements of the National Landscape Conservation System³ (NLCS). This will demonstrate that your vision is not simply your opinion, but one that has been well established by proclamation/legislation and BLM's own statements.

Prepare comments outlining your vision. Consider the following key themes for your vision:

- **Protect special values of the landscape:** The overriding objective of the Monument or NCA is the permanent conservation of its natural and cultural resources, including historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest. Management must place priority on conserving, protecting and restoring the natural and cultural values of the landscape, and must identify those uses of the land that are secondary to that objective.
- **Protect remote and undeveloped character of the landscape:** BLM must safeguard the remote and undeveloped character of these landscapes, which is essential to the protection of the scientific and historic resources. Monuments and NCAs should be places that preserve the natural, historic, prehistoric, scenic and other resources unspoiled for future generations. They should be living landscapes that are untouched by development, paved roads and off-road vehicles, including dirt

³National Landscape Conservation System: They system of National Monuments, National Conservation Areas, Wilderness Areas, Wild and Scenic Rivers, and National Trails managed by the BLM

bikes, all-terrain vehicles, and jet skis. Visitor developments should be limited to the periphery of units or to adjacent communities to help protect resources and benefit the local communities.

- **Foster scientific inquiry to enhance resource management and public education.** NLCS units should serve as outdoor laboratories where current and future generations can study biological and earth sciences, prehistoric life and environments, human history, and the application of scientific knowledge to improving land management. BLM should support and encourage scientific study, consistent with the primary objective of protection and preservation of the cultural and natural resources within the units.
- **Build community relationships to foster cooperative stewardship.** BLM National Monuments and NCAs should be managed in the context of surrounding communities as well as for the national interest. For example, locating visitor services in surrounding communities will build ownership within those communities for the long-term protection of these special places and will create economic opportunities for citizens rather than the government. It will also demonstrate to visitors the relationship of the landscape to communities, so that they will not view the Monument or NCA as an enclosed land mass separate from the people who live nearby.

Next, prepare specific scoping comments using your vision as a foundation

In addition to highlighting your vision, scoping comments should include expectations about issues that the BLM will address and specific recommendations on how the BLM can protect resources through its plan. Although it is early in the process, you should be as specific as possible. Comments that present a detailed request for action and offer rationale for why that action is necessary will be most successful. Where possible, tie comments directly to the proclamation or enabling legislation. Comments that simply state a position in favor of or against the Monument or NCA, merely disagree with BLM policy, or otherwise express an unsupported personal opinion are not effective. Three pages of comments with specific actions will be far more persuasive to the BLM than thirty pages of general admonitions.

You may wish to consider the following generic scoping comments when developing yours. Note that, where possible, these comments should be tailored to the specific circumstances of a Monument or NCA. The more targeted the comment is, the more likely that it will be used by the BLM in making planning decisions. For example, under the wildlife section below, the third bullet could be tailored to state: “BLM should prohibit all development within [define a location] area to protect the migratory habitat of [include name of specific species].” Likewise, comments under the transportation section could be tailored to a particular issue: “The [define a travel way] route should not be upgraded. It has an unpaved, primitive character that is essential to maintaining the cultural value of the Monument. Upgrading this route would have harmful impacts to the [describe the resources] native resources that are identified for protection in the proclamation.”

DESIRED OUTCOMES

The *Antiquities Act of 1906* (16 U.S.C. §§ 431-433) obligates the BLM to protect and manage the objects of scientific and historic interest listed in the proclamation or establishing statute. All planning and

decision-making activities must tier off the proclamation or enabling statute and the objects of historic and scientific interest must be prioritized for protection and management. Thus, the desired future outcomes for the management plan, the environmental impact statement, and any other decisions or analyses must be based on the proclamation itself, *not* the traditional resource program categories of the BLM (e.g., range, water, minerals, etc.).

- BLM's first priority is to protect the objects and resources outlined in the proclamation or enabling legislation for the Monument or NCA.
- BLM should develop goals and objectives that protect the objects and resources described in the proclamation or enabling legislation, and that protect the biodiversity and health of the ecosystem.
- BLM should develop goals, objectives, and desired outcomes that are measurable so that progress in meeting them can be tracked.
- BLM should determine a maximum carrying capacity that ensures natural resource sustainability within the Monument or NCA.

RESOURCES

Air Quality

Archeology and History

These resources are protected by the ***Federal Land Policy and Management Act of 1976 (FLPMA)*** (43 U.S.C. §§ 1701(a)(8) (obligation to protect scientific, historical, and archeological values), 1702(c) (listing scientific and historical values as key multiple uses). Pursuant to ***FLPMA***, the BLM must "take any action necessary to prevent unnecessary or undue degradation" of these values (43 U.S.C. § 1732(b)). The ***Antiquities Act of 1906*** (16 U.S.C. §§ 431-433) enhances the protection given to cultural, geologic, and paleontologic resources listed as objects within the proclamation or enabling statute.

- BLM's goal should be to protect and preserve the archeological and historical sites, historic landscapes and legal traditional uses of the Monument or NCA.
- BLM should determine the sites or areas that are most vulnerable to current and future impact and adopt management actions necessary to protect and restore cultural resources.
- BLM should outline specific management actions, such as stabilization, fencing, signing, closures, or interpretative development, to protect and preserve cultural resources.
- BLM should adopt measures to protect cultural resources from artifact collectors, looters, thieves, and vandals.
- BLM should engage the Native American community to determine whether there are sites or specific areas in the national monument of particular concern.
- BLM should define the level of inventory needed to provide a basis for understanding the distribution, comparative importance, and potential uses of cultural resources in the national monument, i.e., relative sensitivity, relative opportunities for interpretive development, relative scientific importance, relative potential for research and education.

Biology

Fish & Wildlife

The ***Federal Land Policy and Management Act of 1976 (FLPMA)*** (43 U.S.C. §§ 1701-1784) states that fish and wildlife are a protected resource of the public lands (43 U.S.C. § 1702(c)) and that the BLM must “provide food and habitat for fish and wildlife” (43 U.S.C. § 1701(a)(8)). To protect these biological resources and habitats, ***FLPMA*** states that the BLM must prevent “permanent impairment” (43 U.S.C. § 1702(c)) and “take any action necessary to prevent the unnecessary or undue degradation” of the fish and wildlife and their habitat (43 U.S.C. § 1732(b)). The ***Antiquities Act of 1906*** (16 U.S.C. §§ 431-433) enhances the protection to species listed as objects within the proclamation or enabling statute.

- BLM’s goal should be to achieve and maintain natural populations, population dynamics, and population distributions of wildlife in the Monument or NCA.
- BLM should adopt management actions necessary to protect and preserve the biodiversity, integrity, and population viability of wildlife within the Monument or NCA.
- BLM should preserve the integrity of wildlife corridors, migration routes, and access to key forage by limiting developments within the monument.
- BLM should reintroduce [specific species] previously native to the national monument.
- BLM should include visitor restrictions in the plan to prevent impacts to wildlife populations from increased road use and other recreation.
- BLM should define the status and distribution of the wildlife species within the national monument using a variety of data resources in delineating wildlife populations and habitats before developing alternatives for the plan.
- BLM should develop a monitoring plan to monitor the status of wildlife populations and to detect impacts to wildlife populations from various uses.
- BLM should define what animal damage control activities will be permitted, and in what manner. BLM should allow control actions to be taken only to deal with individual offending animals rather than indiscriminate killing of entire populations. Or, predator control activities should not be allowed within monuments.

Riparian Areas and Wetlands

The ***Federal Land Policy Management Act of 1976 (FLPMA)*** (43 U.S.C. §§ 1701-1784) obligates the BLM, in appropriate circumstances, to protect land in its “natural condition” and to protect ecological resource values (43 U.S.C. § 1701(a)(8)). Under ***FLPMA***, the BLM must also “prevent permanent impairment to the productivity of the land and the quality of the environment” (43 U.S.C. § 1702(c)) and “take any action necessary to prevent unnecessary or undue degradation of the lands” (43 U.S.C. § 1732(b)). The BLM is also under a duty to comply with all federal, state, and local water pollution control laws (33 U.S.C. § 1323(a); 43 U.S.C. § 1712(c)(8)), most notably the ***Clean Water Act*** (33 U.S.C. § 1251 *et seq.*). The ***Clean Water Act*** requires the BLM to deal with both point (e.g., the National Pollutant Discharge Elimination System program, 33 U.S.C. § 1342) and nonpoint (e.g., Nonpoint Source Management Programs, 33 U.S.C. § 1329) source water pollution to achieve Water Quality Standards and Total Maximum Daily Loads (33 U.S.C. 1313). The ***Antiquities Act of 1906*** (16 U.S.C. §§ 431-433) enhances the protection given to riparian areas

and wetlands listed as objects within the proclamation or enabling statute. These provisions give the BLM significant wetlands and riparian area management responsibilities.

- BLM should evaluate or re-evaluate all wetlands and riparian areas within the Monument or NCA to assess whether they are in properly functioning condition (PFC) and should take action to restore and protect PFC on all streams.
- BLM should incorporate biotic and ecological indicators into its Riparian PFC assessments. Current PFC assessments are inadequate because they only cover physical (hydrology and soils) components of the system.
- Trails and recreation facilities should not be placed in riparian areas.

Soils and Biological Soil Crusts

Threatened and Endangered Species, Special Status Species, and Critical Habitat Designations

The ***Endangered Species Act of 1973 (ESA)*** (16 U.S.C. §§ 1531-1543) obligates the BLM to “conserve” (16 U.S.C. § 1531(c)(1)) listed species. This is accomplished, in part, through the designation of “critical habitat” (16 U.S.C. § 1533(a)(3)) and the formation of “recovery plans” (16 U.S.C. § 1531(f)). The ***ESA*** further requires that the BLM does not “jeopardize” the species or destroy/adversely modify critical habitat (16 U.S.C. § 1536(a)(2)). The BLM must also consult with the Fish and Wildlife Service or National Marine Fisheries Service (depending on the species) to ensure that it does not violate the ***ESA***’s jeopardy provision (16 U.S.C. § 1536(a)(2)). No entity, public or private, can “take” (harass, harm, kill, wound, trap, capture, collect) a species listed under the ***ESA*** without authorization (16 U.S.C. § 1538(a)). The ***Antiquities Act of 1906*** (16 U.S.C. §§ 431-433) enhances the protection given to such species listed as objects in the proclamations or enabling statutes.

- BLM’s goal should be to ensure the protection of and recovery of threatened and endangered species, special status species, and critical habitat within the Monument or NCA. BLM should designate protected activity centers around known species.
- BLM should manage visitation and use by limiting activities and closing certain areas to prevent impacts (i.e.: theft and disturbance) to sensitive species.

Vegetation/Plan Communities

(43 U.S.C. §§ 1701-1784) obligates the BLM, in appropriate circumstances, to protect land in its “natural condition” and to protect ecological resource values (43 U.S.C. § 1701(a)(8)). Under ***FLPMA***, the BLM must also prevent “permanent impairment to the productivity of the land and the quality of the environment” (43 U.S.C. § 1702(c)) and to “take any action necessary to prevent unnecessary or undue degradation of the lands” (43 U.S.C. § 1732(b)). The ***Antiquities Act of 1906*** (16 U.S.C. §§ 431-433) enhances the protection given to vegetation listed as objects within the proclamation or enabling statute. These provisions give the BLM significant vegetation management responsibilities.

- BLM's goal should be to manage for a natural range of native plant associations. Management activities should not be allowed to significantly shift the makeup of those associations, disrupt their normal population dynamics, or disrupt the normal progression of those associations.
- BLM should outline the desired conditions of the vegetation types within the national monument.
- BLM should place a priority on the control of noxious weed species and prevent the introduction of new invasive species.
- The use of machinery (e.g., roller chopping, chaining, plowing, discing) for vegetation manipulation should be carefully limited and should not be used where it will harm resources or objects.
- Chaining should not be allowed.
- Aerial chemical applications for vegetation management should be strictly limited.
- Native plants should be used in all restoration and revegetation projects.
- Vegetation manipulation should not be allowed for the purpose of increasing forage for cattle.
- BLM should outline the status and distribution of the vegetative communities within the national monument, and develop a plan to monitor vegetation to assess whether it is meeting desired conditions.

Geology

The *Antiquities Act of 1906* (16 U.S.C. §§ 431-433) enhances the protection given to geologic resources listed as objects within the proclamation or enabling statute.

- BLM's goal should be to protect geologic resources in the Monument or NCA.
- BLM should determine the sites or areas that are most vulnerable to current and future impact and adopt management actions necessary to protect geologic resources.
- BLM should outline specific management actions, such as stabilization, fencing, signing, closures, or interpretative development, to protect and preserve geologic resources.
- BLM should adopt measures to protect geologic resources from looters, thieves, and vandals.
- BLM should define the level of inventory needed to provide a basis for understanding the distribution, comparative importance, and potential uses of geologic resources in the national monument, i.e., relative sensitivity, relative opportunities for interpretive development, relative scientific importance, relative potential for research and education.

Paleontology

The *Antiquities Act of 1906* (16 U.S.C. §§ 431-433) enhances the protection given to paleontologic resources listed as objects within the proclamation or enabling statute.

- BLM's goal should be to protect paleontological resources in the Monument or NCA.
- BLM should determine the sites or areas that are most vulnerable to current and future impact and adopt management actions necessary to protect and restore paleontologic resources.
- BLM should prohibit the collection of any specimens.
- BLM should outline specific management actions, such as stabilization, fencing, signing, closures, or interpretative development, to protect and preserve paleontological resources.
- BLM should adopt measures to protect paleontological resources from looters, thieves, and vandals.

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- BLM should define the level of inventory needed to provide a basis for understanding the distribution, comparative importance, and potential uses of paleontological, resources in the national monument, i.e., relative sensitivity, relative opportunities for interpretive development, relative scientific importance, relative potential for research and education.

Visual Resources

Water Resources

- BLM should develop a strategy to ensure that the appropriate quality and quantity of water resources are available for protection of resources.
- BLM should ensure that land management practices (grazing, recreation, etc) protect water resources.
- BLM should monitor to ensure water is adequate to support monument resources.
- BLM should pursue options for assuring water availability if necessary (appropriate water rights under state law, federal reserved water right, etc.).

USES

Grazing

The BLM manages the range resource consistent with the *Taylor Grazing Act of 1934* (43 U.S.C. §§ 315-315r), the *Federal Land Policy and Management Act of 1976* (43 U.S.C. §§ 1701-1784), and the *Public Rangelands Improvement Act of 1978* (43 U.S.C §§ 1901-1908). In granting ranchers a permit or lease (which are *not* property rights), the BLM must, pursuant to *FLPMA*, “prevent permanent impairment of the productivity of the land and the quality of the environment” (43 U.S.C. § 1702(c)) and must “take any action necessary to prevent unnecessary or undue degradation” (43 U.S.C. § 1732(b)). Effectively, this means attaining the “Fundamentals of Rangeland Health” (43 C.F.R. § 4180.1) by following “Standards and Guidelines for Grazing” developed by each BLM State Office (43 C.F.R. § 4180.2).

- BLM should manage livestock grazing in a manner that will not harm the objects or resources that the Monument or NCA was established to protect. Grazing should be managed consistent with the primary purpose of resource protection.
- BLM should ensure grazing conforms to the “Standards and Guidelines for Grazing Administration” by placing a priority on assessing areas within the Monument or NCA to see if they are meeting the standards and guidelines. Where standards and guidelines are not being met, BLM should take immediate action to rectify grazing management.
- BLM should address how it will handle buy-out of grazing permits by conservation organizations. BLM should identify how it will retire such permits through the planning process.

Facilities, Development and Operations

The administrative infrastructure and operations of the National Monument must ensure the protection of the objects of historic and scientific interest listed in the proclamation and given enhanced protection under *the Antiquities Act of 1906* (16 U.S.C. §§ 431-433). Pursuant to the *Federal Land Policy and Management Act of 1976 (FLPMA)* (43 U.S.C. §§ 1701-1784), the BLM must not cause “permanent impairment of the productivity of the land or quality of the environment” (43 U.S.C. § 1702(c)). The

BLM is further obligated under *FLPMA* to “take any action necessary to prevent unnecessary or undue degradation of the lands” (43 U.S.C. § 1732(b)).

- BLM should describe in detail the type of structures that will be allowed and the type that will not be +allowed within the boundaries and within various parts of the Monument or NCA. These structures should be limited to minor visitor facilities (signs, fences, etc.) necessary for safety or resource protection.
- BLM should make use of existing infrastructure rather than developing new facilities.
- BLM should not allow lodges or developed campgrounds to be built in the Monument or NCA. These facilities should be privately owned in the local community.
- BLM should not allow concessions in the Monument or NCA.
- BLM should maintain management authority for the Monument and should not consider untested management initiatives for the protection of the Monument’s resources.

Fire Management

- BLM should develop a comprehensive fire management program for the Monument or NCA.
- BLM should identify the threats imposed by Hazardous Fuel situations.
- BLM should define the Appropriate Management Response to fires within the Monument or NCA, taking into account protection of objects and resources.
- BLM should develop appropriate Emergency Fire Rehabilitation protocols that are consistent with the protection of Monument or NCA objects, resources, and objectives.

Implementation and Funding

- BLM should address how the plan will be funded and implemented.
- BLM should describe in the plan how resources and objectives will be monitored and evaluated.
- BLM should address how the plan will be updated and management changed based on new information gained from monitoring and evaluation.

Mineral Development

Permits and Rights-of-Way

- BLM should specify how it plans to address access to private property.
- BLM should identify a strategy for purchasing or acquiring inholdings within the monument from willing sellers.
- BLM should specify how it intends to handle existing [specify type of permit] permits within the Monument or NCA.
- BLM should specify how it intends to handle requests for new [specify type of permit] permits within the Monument or NCA.
- BLM should prohibit new rights-of-way in the Monument or NCA, except those providing access to private property.
- BLM should address how it will handle energy leases and mining claims that were valid at the time the Monument or NCA was established. BLM should perform a validity examination before claimants conduct surface disturbing activities greater than casual use.

Predator Control Activities

Private Property

Although the BLM must recognize valid existing rights, unless it exercises its power of eminent domain, the BLM is obligated to impose the least degrading management alternative on use of those rights. This duty arises under the ***Federal Land Policy and Management Act of 1976*** (43 U.S.C. §§ 1701-1784) which states that the BLM must “take any action necessary to prevent unnecessary or undue degradation of the lands” (43 U.S.C. § 1732(b)).

Recreation

Pursuant to the ***Federal Land Policy and Management Act of 1976 (FLPMA)*** (43 U.S.C. §§ 1701-1784) the BLM allows the public to use the public lands for a variety of outdoor recreational uses (43 U.S.C. § 1701(a)(8)). In allowing use, however, ***FLPMA*** requires that the BLM “prevent permanent impairment of the productivity of the land and the quality of the environment” (43 U.S.C. § 1702(c)) and must “take any action necessary to prevent unnecessary or undue degradation of the lands” (43 U.S.C. § 1732(b)).

- BLM’s goal should be to provide opportunities for visitor exploration and discovery in an undeveloped, primitive setting.
- BLM should be specific in identifying uses that will be acceptable/allowable; e.g., hiking may be allowed only on designated trails in certain areas of the monument or NCA, but groups greater than 25 might not be allowed at all in some areas.
- BLM should manage overnight camping to prevent impacts to resources. BLM should consider prohibiting camping in sensitive areas or limiting camping to designated sites.
- Rock climbing should not be allowed where it would harm archeological, paleontological, biological or other resources.
- BLM should prohibit recreational collecting of objects.
- BLM should limit or prohibit competitive events in the Monument or NCA.
- BLM should limit or prohibit the production of feature films within the Monument or NCA.

Roads and ORV’s

Pursuant to the ***Federal Land Policy and Management Act of 1976 (FLPMA)*** (43 U.S.C. §§ 1701-1784) the BLM is required to prevent “permanent impairment of the productivity of the land and the quality of the environment” in creating and managing a transportation infrastructure. The BLM is further required by ***FLPMA*** to “take any action necessary to prevent unnecessary or undue degradation of the lands” (43 U.S.C. § 1732(b)).

- BLM should designate a transportation network that retains the minimum amount of routes necessary to provide for reasonable access in the Monument or NCA. Extraneous or little used routes should be closed.
- BLM should not upgrade existing routes or build any new routes in Monument or NCA.
- BLM should prohibit all vehicle use off designated routes.
- BLM should consider the impacts of existing roads in ecologically sensitive areas and should consider their removal (or reconstruction with appropriate mitigation measures).

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- BLM should locate parking areas or turnouts in areas that have already been disturbed, and should take into account natural, cultural and scenic values when identifying locations. Or, BLM should not build any new parking areas.
- BLM should close and restore informal (unofficial or undesignated) parking areas within the Monument or NCA.
- The speed of vehicles should be limited in the Monument or NCA.
- BLM should address the need for sightseeing/recreation turnouts within the national monument.
- As part of monitoring, BLM should undertake relevant transportation studies to understand how increased visitation impacts the natural resources of the Monument or NCA.
- BLM should encourage bicycle transportation or walking instead of vehicle use within [certain high-use areas] of the Monument or NCA.
- BLM should designate administrative routes detailing the specific use for the routes and elimination of the route once the purpose no longer exists.

Water Development

Water and watersheds are essential multiple use values of the public lands (43 U.S.C. §§ 1701(a)(8), 1702(c)) under the **Federal Land Policy and Management Act of 1976 (FLPMA)** (43 U.S.C. §§ 1701-1784). Pursuant to **FLPMA**, the BLM must prevent “permanent impairment of the productivity” of watersheds and the “quality” of the associated environment (43 U.S.C. § 1702(c)). The BLM is further required under **FLPMA** to “take any action necessary to prevent unnecessary or undue degradation” of the water resource and their watersheds (43 U.S.C. § 1732(b)). **FLPMA** also obligates the BLM to comply with all federal, state, and local water pollution control (43 U.S.C. § 1712(c)(8)), most notably the **Clean Water Act** (33 U.S.C. § 1251 *et seq.*) (which independently requires BLM compliance --33 U.S.C. § 1323(a)). The **Clean Water Act** requires the BLM to deal with both point (e.g., the National Pollutant Discharge Elimination System program, 33 U.S.C. § 1342) and nonpoint (e.g., Nonpoint Source Management Programs, 33 U.S.C. § 1329) source water pollution to achieve Water Quality Standards and Total Maximum Daily Loads (33 U.S.C. 1313). The **Antiquities Act of 1906** (16 U.S.C. §§ 431-433) enhances the protection given to water resources listed as objects within the proclamation or enabling statute.

- Water developments should only be allowed where it is the only method to protect resources. Or, additional water developments/diversions should not be allowed in the monument.
- Water developments/diversions should not be allowed to dewater springs or streams.
- Existing water developments and diversions should be assessed for their impact on resources, and BLM should consider removing them where they are causing harm.
- Water developments should not be allowed for the purpose of increasing livestock numbers.

Wilderness Study Areas

According to the **Federal Land Policy and Management Act of 1976 (FLPMA)** (43 U.S.C. §§ 1701-1784), wilderness is a multiple use value (43 U.S.C. §§ 1701(a)(8), 1702(c)). The BLM must prepare and maintain on a continuing basis an inventory of wilderness values (43 U.S.C. § 1711(a)) and, where appropriate, protect those lands as Wilderness Study Areas through the resource management planning process (43 U.S.C. § 1712). The BLM must protect all WSAs consistent with **FLPMA** and the **BLM’s**

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Interim Management Policy for Lands Under Wilderness Review (H-8550-1). In general, this requires the BLM to prevent impairment of the WSA and to take any action necessary to prevent unnecessary or undue degradation.

- BLM should address designation of additional Wilderness Study Areas in the planning process.
- BLM should assess roadless areas by using the BLM Wilderness Inventory Handbook to evaluate designation of Wilderness Study Areas.
- BLM should review information presented by the public in determining potential wilderness areas in the Monument or NCA.

Wild and Scenic River designation

The ***Wild and Scenic Rivers Act of 1968*** (16 U.S.C. §§ 1271-1287) preserves “selected” rivers and their “immediate environments” that contain outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values” in their “free-flowing condition” (16 U.S.C. § 1271). The BLM evaluates identified river segments for their eligibility and suitability for designation under the ***Wild and Scenic Rivers Act*** through the resource management planning process; evaluations cannot be completed through activity level planning (BLM Manual § 8351.06(B)). Rivers or river segments are designated either by an act of Congress or by an application filed by the state where the river is located approved by the Secretary of the Interior (16 U.S.C. § 1275).

- BLM should address eligibility and suitability of rivers for Wild and Scenic status in the management plan.
- BLM should address how streams found suitable will be managed for protection of Wild and Scenic values until Congress acts to designate Wild and Scenic rivers.
- BLM should address restrictions on access or other uses in areas found to be suitable in order to provide for protection of Wild and Scenic values.

Community Involvement

Pursuant to the ***Federal Land Policy and Management Act of 1976*** (43 U.S.C. §§ 1701-1784), the BLM must consider the views of national, regional, and local communities (43 U.S.C. § 1701(a)(5)) and must involve the public in the development, maintenance, implementation, and revision of resource management plans (43 U.S.C. §§ 1712(a), 1739(e)).

- BLM should engage communities in the planning process.
- BLM should locate visitor services, visitor centers, and operational facilities outside of the Monument or NCA in local communities in order to enhance economic opportunities.

For more information, please contact:

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