

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

Natural and Cultural Resources Management

Part 610 Wilderness Stewardship

Chapter 2 Wilderness Administration and Resource Stewardship

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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.

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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.

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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

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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.

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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

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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.

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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

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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

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(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.

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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;

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- (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.

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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.

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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

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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

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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

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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

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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.

/sgd/ Rowan W. Gould
ACTING DIRECTOR

Date: November 7, 2008

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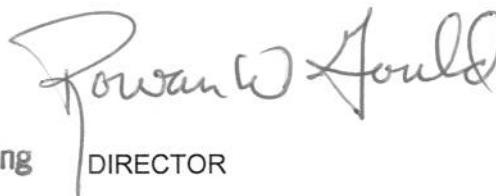
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Acting DIRECTOR

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11/7/2008