

Appendix K Wilderness Inventory

Wilderness Inventory for Guadalupe-Nipomo Dunes National Wildlife Refuge

Introduction

A wilderness inventory is the process used to determine whether to recommend lands or waters in the National Wildlife Refuge System to Congress for designation as wilderness under the National Wilderness Preservation System (NWPS). The Service is required by policy to conduct a wilderness review for each refuge as part of the CCP process outlined in 602 FW 1 and 3, and according to the National Environmental Policy Act compliance. Lands or waters that meet the minimum criteria for wilderness are identified in a CCP and further evaluated to determine whether they merit recommendation for inclusion in the NWPS.

There are three phases to the wilderness inventory process: (1) inventory, (2) study, and (3) recommendation. Land and waters that meet the minimum criteria for wilderness are identified in the inventory. These areas are called wilderness study areas (WSAs). In the study phase, a range of management alternatives are evaluated to determine if a WSA is suitable for wilderness designation or management under an alternate set of goals and objectives that do not involve wilderness designation.

The recommendation phase consists of forwarding or reporting the suitable recommendations from the Director through the Secretary and the President to Congress in a wilderness study report. The wilderness study report is prepared after the record of decision for the final CCP has been signed.

Areas recommended for designation are managed to maintain wilderness character in accordance with management goals.

Evaluation Criteria

According to Section 13 of the Service's Director's Order No. 125 (12 July 2000), in order for a refuge to be considered for wilderness designation, all or part of the refuge must:

- Be affected primarily by the forces of nature, with the human imprint substantially unnoticeable;
- Have outstanding opportunities for solitude or a primitive and unconfined type of recreation;
- Have at least 5,000 contiguous acres (2,000 ha) or be sufficient in size to make practicable its preservation and use in an unimpaired condition, or be capable of restoration to wilderness character through appropriate management, at the time of review; and
- Be a roadless island.

Evaluation of the Size Criteria

Roadless areas or roadless islands meet the size criteria if any one of the following standards applied:

- An area with over 5,000 contiguous acres. State and private lands are not included in making this acreage determination.

- A roadless island of any size. A roadless island is defined as an area surrounded by permanent waters or that is markedly distinguished from the surrounding lands by topographical or ecological features.
- An area of less than 5,000 contiguous Federal acres that is of sufficient size as to make practicable its preservation and use in an unimpaired condition, and of a size suitable for wilderness management.
- An area of less than 5,000 contiguous Federal acres that is contiguous with a designated wilderness, recommended wilderness, or area under wilderness review by another Federal wilderness managing agency such as the Forest Service, National Park Service, or Bureau of Land Management.

Evaluation of Naturalness Criteria

In addition to being roadless, a wilderness area must meet the naturalness criteria. The area must appear natural to the average visitor rather than “pristine”; it should “generally appear to have been affected primarily by the forces of nature with the imprint of man’s work substantially unnoticeable.” The presence of historic landscape conditions is not required. An area may include some human impacts provided they are substantially unnoticeable in the unit as a whole. Significant human-caused hazards, such as the presence of unexploded ordnance from military activity, and the physical impacts of refuge management facilities and activities are also considered in evaluation of the naturalness criteria. An area may not be considered unnatural in appearance solely on the basis of the “sights and sounds” of human impacts and activities outside the boundary of the unit.

Evaluation of Outstanding Opportunities for Solitude or Primitive and Unconfined Recreation

In addition to meeting the size and naturalness criteria, a wilderness area must provide outstanding opportunities for solitude or primitive recreation. The area does not have to possess outstanding opportunities for both solitude and primitive and unconfined recreation, and does not need to have outstanding opportunities on every acre. Further, an area does not have to be open to public use and access to qualify under this criteria; Congress has designated a number of wilderness areas in the Refuge System that are closed to public access to protect resource values.

Opportunities for solitude refer to the ability of a visitor to be alone and secluded from other visitors in the area. Primitive and unconfined recreation means non-motorized, dispersed outdoor recreation activities that are compatible and do not require developed facilities or mechanical transport. These primitive recreation activities may provide opportunities to experience challenge and risk; self-reliance; and adventure.

These two “opportunity elements” are not well defined by the Wilderness Act, but in most cases, can be expected to occur together. However, an outstanding opportunity for solitude may be present in an area offering only limited primitive recreation potential. Conversely, an area may be so attractive for recreation use that experiencing solitude is not an option.

Evaluation of Supplemental Values

Supplemental values are defined by the Wilderness Act as “...ecological, geological, or other features of scientific, education, scenic, or historical value.” These values are not required for wilderness.

INVENTORY FINDINGS

As documented below, Guadalupe-Nipomo Dunes National Wildlife Refuge (Refuge) may meet the criteria to warrant wilderness consideration. Inclusion of this Refuge in the NWPS may be sought.

Roadless Areas and Roadless Islands

The Refuge has a gravel road that bisects the property, and therefore does not meet the roadless area criteria. It is surrounded by agricultural fields, a California State Park, and private property. The nearest major roadway California State Route 1, is approximately one mile away.

Size Criteria

The Refuge is approximately 2,553 acres and therefore, does not meet the 5,000 acre size criteria.

Naturalness Criteria

Some modification has been conducted on the lands prior to their transfer to the Refuge System. Mobil Oil Company acquired the property for oil exploration. Infrastructure from this exploration remains on site, including pipes and abandoned wells. Little else has been done to alter the dune and wetland ecosystems on the Refuge, except for an abundance of invasive grasses and other vegetation. The Refuge is also very difficult to access due to the shifting dunes. It is surrounded by relatively small towns along the San Luis Obispo County coast, which are primarily agricultural lands. For these reasons, the Refuge meets the naturalness criteria for wilderness designation.

Opportunities for Solitude or Primitive and Unconfined Recreation

The Refuge provides opportunities for solitude or primitive and unconfined types of recreation that are characteristic of a wilderness area. It is difficult to access, only by foot and therefore receives limited visitors. Based on this assessment, it provides opportunities for solitude and primitive recreation.

Supplemental Values

The location of the Refuge is part of the Guadalupe Dunes Complex of coastal dunes flanked by the Pacific Ocean. It is one of the few pristine coastal dune landscapes along the California coast. Shorebirds migrate along this area of the Pacific Flyway.

Appendix L Applicable Laws and Executive Order

This appendix contains an overview of laws, executive orders, polices, and plans created by federal, state and local agencies with jurisdiction in the vicinity of the Guadalupe-Nipomo Dunes National Wildlife Refuge. The following table contains a list of applicable laws and executive orders that may affect the Refuge’s CCP or the Service’s implementation of the CCP. A brief description of the law, executive order, policy, or plan is included as well as how it relates to the CCP.

Law, Regulation, or Guideline	Description	Relation to the CCP
Agency Coordination		
Executive Order No. 12372, Intergovernmental Review of Federal Programs.	Requires that Federal agencies afford other agencies review of documents associated with Federal programs.	Copies of this environmental assessment will be sent to the California State Clearinghouse, Federal and State agencies, and local governments.
Human Rights Regulations		
Executive Order 12898, Environmental Justice. February 11, 1994 Americans with Disabilities Act of 1990 (ADA)	Requires Federal agencies to consider the effects of projects and policies on minority and lower income population. Provides for access to Federal facilities for the disabled.	The proposed action will not have a disproportionately high and adverse human health or environmental effect on minority populations and low-income populations. The proposed action promotes reasonable and appropriate uses of the land that preserve the natural character and protect the natural resources of the area.
Cultural Resources Regulations		
Antiquities Act of 1906	This act authorizes the scientific investigation of antiquities on Federal land. It prohibits and provides penalties for unauthorized search for or collection of artifacts or other objects of scientific interest. The Act also authorizes the president to establish national monuments and cultural areas on Federal lands.	The Service will continue to comply with this Act under the CCP.
Executive Order No. 11593, Protection and Enhancement of the Cultural Environment	States that if the Service proposes any development activities that may affect archaeological or historical sites, the Service will consult with Federal and State Historic Preservation Officers to comply with Section 106 of the National Historic Preservation Act of 1966, as amended.	The Service will continue to comply with this Order under the CCP.
Native American Graves Protection and Repatriation Act of 1990 (PL 101-601; 25 USC 3001 et seq.)(NAGPRA)	Regulations for the treatment of Native American graves, human remains, funeral objects, sacred objects, and other objects of cultural patrimony. Requires consultation with Native American Tribes during Federal project planning.	The Service will continue to comply with this Act under the CCP.

Law, Regulation, or Guideline	Description	Relation to the CCP
Archaeological Resources Protection Act of 1979 (PL 96-95; 93 STAT 722; 16 USC 470aa-47011), as amended (ARPA)	Protects archaeological resources on public lands.	The Service will continue to comply with this Act under the CCP.
Executive Order 13007, Indian Sacred Sites. 24 May, 1996	Provides for access to, and ceremonial use of, Indian sacred sites on Federal lands used by Indian religious practitioners and direction to avoid adversely affecting the physical integrity of such sites.	The Service will continue to comply with this Order under the CCP.
American Indian Religious Freedom Act 1978 (PL 95-341; 92 STAT 469; 42 USC 1996)	Provides for freedom of Native Americans to believe, express, and exercise their traditional religion, including access to important sites.	The Service will continue to comply with this Act under the CCP.
Archaeological and Historic Preservation Act of 1974 (PL 93-291; 88 STAT 174; 16 USC 469)	Provides for the preservation of historical buildings, sites, and objects of national significance.	The Service will continue to comply with this Act under the CCP.
Archaeological Resources Protection Act of 1979	Protects materials of archeological interest from unauthorized removal or destruction and requires Federal managers to develop plans to locate archeological resources.	The Service will continue to comply with this Act under the CCP.
National Historic Preservation Act of 1966 (PL 89-665; 50 STAT 915; 16 USC 470 et seq.; 36 CFR 800), as amended (NHPA)	Requires Federal agencies to consider the effects of any actions or programs on historical properties.	The Service will continue to comply with this Act under the CCP.
Biological Resources Regulations		
Endangered Species Act of 1973 (16 USC 1531 et seq.), as amended (ESA)	Provides for protection of plants, fish, and wildlife that have a designation as threatened or endangered.	An Intra-Service Section 7 will be completed with the Service for endangered and threatened species on the Refuge.
National Environmental Policy Act of 1969 (42 USC 4321 et seq) (NEPA)	Requires analysis, public comment, and reporting for environmental impacts of Federal actions.	The public will be notified of the availability of the draft Environmental Assessment and had a 30-day period to provide comments.
Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds. Jan. 10, 2001.	Instructs Federal agencies to conserve migratory birds by several means, including the incorporation of strategies and recommendations found in Partners in Flight Bird Conservation Plans, the North American Waterfowl Plan, the North American Waterbird Conservation Plan, and the United States Shorebird Conservation Plan, into agency management plans and guidance documents.	The Service has incorporated the strategies and recommendations of the listed management plans into the CCP to conserve migratory birds. The Service will continue to comply with this Order under the CCP.
Fish and Wildlife Conservation Act of 1980 (16 USC 661-667e), as amended	Requires the Service to monitor non-gamebird species, identify species of management concern, and implement conservation measures to preclude the need for listing under ESA.	The Service will continue to comply with this Act under the CCP.

Law, Regulation, or Guideline	Description	Relation to the CCP
Migratory Bird Treaty Act of 1918, as amended (MBTA)	Provides protection for bird species that migrate across state and international boundaries.	The Service will continue to comply with this Act under the CCP.
The Clean Water Act of 1972, Section 404 (33 USC 1344 et seq.), as amended	Provides for protection of water quality.	The Service will continue to comply with this Act under the CCP.
Fish and Wildlife Act of 1956 (16 USC 742a-743j)	Provides Secretary of Interior with authority to protect and manage fish and wildlife resources.	The Service will continue to comply with this Act under the CCP.
National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act (1998)	Amends the Fish and Wildlife Act of 1956 to promote volunteer programs and community partnerships for the benefit of national wildlife refuges, and for other purposes	The Service will continue to promote volunteer programs and community partnerships under the CCP.
Fish and Wildlife Coordination Act of 1958	Requires equal consideration and coordination of wildlife conservation with other water resource development programs.	The Service will continue to comply with this Act under the CCP.
Emergency Wetlands Resources Act of 1986	Promotes the conservation of migratory waterfowl and offsets or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitats.	The Service will continue to comply with this Act under the CCP.
Federal Noxious Weed Act of 1990	Requires the use of integrated management systems to control or contain undesirable plant species, and an interdisciplinary approach with the cooperation of other Federal and State agencies.	The Service will continue to comply with this Act under the CCP.
Executive Order 13112, Invasive Species, 1999	Directs federal agencies to prevent introduction and provide control of invasive species.	The Service will continue to comply with this Act under the CCP.
Rivers and Harbor Act of 1899	Requires authorization by the U.S. Army Corps of Engineers prior to any work in, on, over, and under a navigable water of the U.S.	The Service will continue to comply with this Act under the CCP.
Hazardous Materials Regulations		
Oil Pollution Act of 1990 (PL 101-380; 33 USC 2701, et seq.)	Provides oil pollution policies and protections.	The Service will continue to comply with this Act under the CCP.
Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (PL 96-510; 42 USC 9601, et seq.) (CERCLA)	Provides mechanism for hazardous waste clean up.	The Service will continue to comply with this Act under the CCP.
Land and Water Use Regulations		

Law, Regulation, or Guideline	Description	Relation to the CCP
The National Wildlife Refuge System Administration Act of 1966 (16 USC 668dd-668ee), National Wildlife Refuge System Improvement Act of 1997 (PL 105-57)	Administration, management, and planning for National Wildlife Refuges, Amends the National Wildlife Refuge System Administration Act of 1966. Requires development of CCPs for all refuges outside of Alaska.	The Service will determine whether research, wildlife observation, photography, environmental education, and interpretation are compatible with the purposes for which the Refuge was established. This document will satisfy this Act.
Executive Order No. 11988, Floodplain Management	Provides for the support, preservation, and enhancement of the natural and beneficial values of floodplains.	No structure that could either be damaged by or significantly influence the movement of floodwater in the project area is planned for construction by the Service, thus the proposed action is consistent with this Order.
Executive Order No. 11990, Protection of Wetlands	Provides for the conservation of the natural and beneficial values of wetlands and their associated habitats.	The Service plans no detrimental impacts to wetlands but plans to preserve, enhance, and restore wetlands in the project area, thus the proposed action is consistent with this Order.
The Refuge Recreation Act of 1962, as amended	Provides for recreation use that is compatible with the primary purpose of a refuge.	The Service will determine whether recreation including wildlife observation, photography, environmental education, and interpretation are compatible with the purposes for which the Refuge was established.
Fish and Wildlife Improvement Act of 1978	Improves administration of fish and wildlife programs and amends earlier laws including Refuge Recreation Act, NWRS Administration Act, and Fish and Wildlife Act of 1956. Authorizes the Secretary to accept gifts or real and personal property on behalf of the U.S. Also authorizes use of volunteers on Service projects and appropriations to carry out a volunteer program.	The Service will continue to comply with this Act under the CCP.
Land and Water Conservation Fund Act of 1948	This act provides funding through receipts from the sale of surplus federal land, appropriations from oil and gas receipts from the outer continental shelf, and other sources of for land acquisition under several authorities. Appropriations from the fund may be used for matching grants to states for outdoor recreation projects and for land acquisition by various federal agencies, including the Fish and Wildlife Service.	The Service will continue to comply with this Act under the CCP.

Law, Regulation, or Guideline	Description	Relation to the CCP
Migratory Bird Conservation Act of 1929 (16 U.S.C. 715-715d, 715e,715f-715r)	Established the Migratory Bird Conservation Commission. The Commission approves acquisition of land and water, or interests therein, and sets the priorities for acquisition of lands by the Secretary for sanctuaries or for other management purposes.	The Service will continue to comply with this Act under the CCP.
Wilderness Act of 1964 (16 U.S.C. 1131-1136; 78 Stat. 890)	Directs the Secretary of the Interior to review, within ten years, every roadless area of 5,000 acres or more and every roadless island regardless of size within the National Wildlife Refuge System and to recommend suitability of each such area.	The Refuges do not contain 5,000 acres of roadless land.

**Appendix M Persons Responsible for Preparing this Document,
Core Team Members and Expanded Team
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Persons Responsible for Preparing this Document – Core Team Members and Expanded Team Members

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