



FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK

CHAPTER 70 - WILDERNESS EVALUATION

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Approved: FREDERICK NORBURY
Associate Deputy Chief

Date Approved: 12/19/2006

Posting Instructions: Amendments are numbered consecutively by handbook number and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document. The last amendment to this handbook was 1909.12-2006-9 to 1909.12_contents.

New Document	1909.12_70	25 Pages
Superseded Document(s) by Issuance Number and Effective Date	!1909.12,7 Contents (Amendment 1909.12-92-1, 08/03/1992) 1909.12,7 (Amendment 1909.12-92-1, 08/03/1992) id_1909.12-2006-1, 09/07/2006	1 Page 15 Pages 25 Pages

Digest:

Incorporates interim directive 1909.12-2006-1. Notice of issuance of this directive was published in the Federal Register on January 31, 2007 (72 FR 4478).

Recodes chapter (parent text) from a 1-digit chapter to a 2-digit chapter. Interim directive (ID) 1909.12-2006-1 was issued using the 2-digit coding scheme. Revises and updates the direction previously contained in the parent text.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

Digest--Continued:

7.01 - Recodes to section 70.1.

7.1 - 7.13 - Recodes to sections 71 - 71.3.

7.14 - Removes obsolete direction about the roadless area database. The database no longer exists (formerly in parent text).

7.2 - 7.22 - Recodes to sections 72 – 72.2.

7.22a - Removes obsolete direction about lands generally unavailable for wilderness. Revises and incorporates direction at section 72.2.

7.23 - Recodes direction on need to section 72.3.

7.23a - Removes code and caption of “assumptions” (formerly in parent text). Incorporates direction into code 72.31.

7.23b - Recodes direction on factors to section 72.31.

7.24 - Removes direction on “Limitations on Roadless Area Recommendations in the East,” and recodes direction on areas east of the 100th meridian to section 72.41.

7.25 - Recodes direction on documentation to section 72.4.

7.26 - Recodes direction on boundary adjustment to section 72.5.

7.3 - 7.33d - Recodes to sections 73 - 73.34.

70 - Incorporates direction with adjustments made from comments on the Interim Directive 1909.12-2005-8 (ID).

70.1 - Revises to clarify that direction is for evaluation and recommendation of potential wilderness areas.

71 - Changes caption used in the ID from “Identification of Potential Wilderness Areas,” to “Identification of Potential Wilderness.” Incorporates direction on inventory, previously contained in the ID (formerly in section 7.1 of parent text). Paragraph 1, adds direction on the statutory definition of wilderness. Paragraph 2, adds direction about the term “potential wilderness area” and explains what the identification and inventory of potential wilderness areas means. Adds sentence to clarify difference in terminology between lands east and west of the 100th meridian. Adds paragraph 3 to recognize the uniqueness of each area and the use of local

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

knowledge and judgment in the inventory process. Adds sentence about locating boundaries to facilitate easy on-the-ground identification.

Digest--Continued:

71.1 - Incorporates direction previously contained in the ID and, in addition, makes the following revisions. The introductory paragraph clarifies that areas qualify for placement on the inventory if they meet either criteria 1 and 3 or 2 and 3. In addition, the areas must meet the criteria in section 71.11, and for areas east of the 100 meridian they must also meet the criteria in 71.12. Clarifies the intent of enumerated paragraph 2; it is not necessary to meet all three criteria. Revises enumerated paragraph 3, the third criterion concerning roads from “areas do not contain improved roads maintained for travel by standard passenger-type vehicles” to “areas do not contain forest roads (36 CFR 212.1) or other permanently authorized roads.”

71.11 - Incorporates direction on criteria for including improvements previously contained in the ID (formerly in section 7.11a of parent text). Corrects numbers, adding a number 6 by changing number 7 to 6 and renumbering remaining paragraphs. ID paragraph 11, renumbered to paragraph 10, removes “etc.” and replaces the word with “and powerlines.”

71.12 - Changes caption to “Criteria for Potential Wilderness East of the 100th Meridian.” Incorporates direction on criteria for areas east of the 100th meridian (formerly in ID) with changes to enumerated paragraph 5 and other editorial changes. Revises the first paragraph clarifying that the criteria in section 71.12 are in addition to the criteria in sections 71.7 and 71.11. At enumerated paragraph 5, and revises the wording to be consistent with that at section 71.1 concerning forest roads.

71.2 - Revises caption used in the ID from “Listing and Mapping Potential Wilderness Areas” to “Listing and Mapping Potential Wilderness.” Incorporates direction to identify areas during plan revision, previously contained in the ID. Removes enumerated paragraph 4 (previously contained in ID) that stated list and map “all other Congressionally mandated study areas.”

71.3 - Adds a requirement that when areas on different units border one another, the same name be used for both. Incorporates wording from the ID that removed reference to “RARE II areas” (formerly in parent text).

72 - Incorporates direction on evaluation of potential wilderness areas previously contained in the ID (formerly in section 7.2 of parent text).

72.1 - Revises the principal wilderness characteristics from those described in the ID (environment, challenge, outdoor recreation opportunities, special features, manageability) to those described in the 1964 Wilderness Act: (1) natural; (2) undeveloped; (3) outstanding opportunities for solitude or primitive and unconfined recreation; (4) special features and values;

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

and (5) manageability. Enumerated paragraph 5, incorporates wording from section 7.21 of parent text pertaining to how boundaries affect the manageability of an area (wording had been removed by the ID). Except at enumerated paragraph 5, did not incorporate the previously coded paragraph d (formerly in section 7.21 of parent text) about “boundaries acting as a shield.”

Digest--Continued:

72.11 - Revises the caption to be “Additional Capability Characteristics for Areas East of the 100th Meridian.” Incorporates direction formerly in the parent text (section 7.21a) and in the ID, however, revises the list of examples at enumerated paragraphs 1 and 2.

72.2 - Incorporates changes previously contained in the ID as follows: At paragraph 1, removes wording associated with resource value offset and use combinations yielding the greatest dollar return or unit output (formerly in section 7.22 of parent text). At paragraph 2, adds “negatively affect” and removes wording associated with current or planned uses of private land (formerly in section 7.22 of parent text). Removes paragraph 3, which discussed effect of wilderness designation and management on adjacent lands (formerly in section 7.22 of parent text).

72.21 - Removes code and caption for “Lands Generally Unavailable for Wilderness” previously contained in the ID (coded as 7.22a in parent text), because section 72.2 provides necessary direction.

72.3 - Incorporates changes in direction, previously contained in the ID, as follows: Removes wording associated with considering clear evidence of current or future public need (formerly in section 7.23 of parent text). Removes wording, which discussed local and national distribution of wilderness and presence of wildlife (formerly in section 7.23 of parent text). Removes paragraph 2, which discussed need for wilderness wholly apart for demand for other land uses (formerly in section 7.23 of parent text).

72.31 - Revises caption from “Assumptions” (formerly in ID) to “Factors.” Incorporates direction originally coded as 7.23a and 7.23b in parent text (coded at 72.31 and 72.32 in ID). Incorporates previously issued direction on assumptions and factors under the caption of “Factors” to eliminate repetition.

72.32 - Removes code and caption for “Assumptions” and associated direction, previously contained in the ID (formerly in section 7.23b of parent text). Direction now incorporated at section 72.31.

72.4 - Revises caption from “Evaluation and Recommendation” to “Evaluation and Documentation.” Incorporates direction on evaluation and documentation, previously contained

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

in the ID in section 72.41 (formerly in parent text at 7.25). Modifies direction from ID text for clarity. Removes cross-reference to the court's ruling in "*California v. Block*."

72.41 - Changes caption from "Areas West of the 100th Meridian" to "Areas East of the 100th Meridian." Incorporates direction on areas east of the 100th meridian, previously contained in the ID at section 72.42 (formerly section 7.24 of parent text).

72.42 - Removes code and caption for "Areas East of the 100th Meridian" and associated direction. Direction now incorporated at section 72.41.

Digest--Continued:

72.5 - Incorporates direction on boundary adjustment guidelines, previously contained in the ID (formerly in section 7.26 of parent text). Removes enumerated paragraphs 6 and 7, previously contained in the parent text.

73 - Incorporates direction on review and approval of wilderness recommendations, previously contained in the ID (formerly in section 7.3 of parent text). Clarifies that recommendation is "preliminary" and changes wording from "other mandated study" to "legislatively mandated study."

73.1 - Incorporates the caption of "Proposals Resulting from Land Management Planning," previously contained in the ID. However, recodes all direction to sections 73.11 and 73.12 (formerly in section 7.31 of parent text).

73.11 - Establishes a new code and caption for "Evaluation." Incorporates enumerated paragraphs 1 and 2 of section 73.1, previously contained in the ID (formerly in section 7.31 of parent text). Throughout the section, changes document names to reflect the 1982 planning rule and the 2005 planning rules. For example, changes draft and final environmental impact statement to plan set of documents. At enumerated paragraph 1, adds a cross-reference to FSH 1909.15 for further guidance on the applicable NEPA documentation. At enumerated paragraph 2, removes the requirement to file environmental impact statement and plan with the Environmental Protection Agency. Clarifies bolded text as "preliminary" administrative recommendations. Deletes unnecessary qualifying text.

73.12 - Establishes a new code and caption for "Agency Recommendation." Incorporates direction with modifications from enumerated paragraph 3 of section 73.1, previously contained in the ID (formerly in section 7.31 of parent text). Adds new introductory paragraph to reflect that the Chief determines when to forward a recommendation for wilderness areas to the Secretary. Adds enumerated paragraph 1 to explain how the applicable NEPA document is prepared under the 2005 planning rule and clarifies that no additional NEPA analysis is required for wilderness recommendations under the 1982 planning rule. Enumerated paragraph 2

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

contains the direction previously contained in enumerated paragraph 3 of section 73.1, previously contained in the ID (formerly in section 7.31 of parent text). However, enumerated paragraph 2 has been revised to clarify the role of the Director, Legislative Affairs Staff, Washington Office, and the contents of the legislative proposal. Replaces original last paragraph, previously contained in section 73.1 of the ID with enumerated paragraph 3 and a final paragraph to clarify the additional review and approval process, consistent with the section.

73.2 - Removes reference to statewide wilderness proposal. Adds a last paragraph providing direction to do a plan amendment if the action taken by Congress regarding the preliminary recommendation differs from that prescribed in the plan.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

Digest--Continued:

73.2 - Changes the caption from “Proposals Resulting from Special Studies” to “Proposals Resulting from Legislatively Mandated Studies” (formerly in the ID). Incorporates direction at sections 73.21, 73.22, 73.23, and 73.23a (formerly in ID at 73.2, and in parent text at 7.32). Throughout this section, references to Washington Office staff are revised and updated to agree with current staff names. In addition, references to “environmental impact statement” are changed to “applicable NEPA document.”

73.21 - Establishes a new code and caption for “Study Report and Applicable National Environmental Policy Act Document.” Incorporates paragraphs 1 and 3 of section 73.2, previously contained in the ID (formerly coded at section 7.32 of the parent text). Changes made for clarity. Removes reference to exhibit 01 and removes exhibit 01 and exhibit 02 on subject of process for wilderness designation, previously contained in the ID, because it is unnecessary with revised direction. Revises remainder of first paragraph, referring the reader to FSH 1909.15 to determine the applicable NEPA documentation and its processing. Makes minor changes to original enumerated paragraph 1. Removes enumerated paragraph 2, previously contained in the ID, which was specific to filing of an environmental impact statement.

73.22 - Establishes a new code and caption for “Public Notice and Comment.” Combines and revises original enumerated paragraphs 3, 4, 5, and 6 of section 73.2, previously contained in the ID, into a single paragraph (formerly coded at section 7.32 of the parent text). This revised paragraph clarifies the role of the responsible administrative unit in soliciting and responding to other agency and public comments, and submitting a preliminary final study report/applicable NEPA document for review and approval to the Washington Office.

73.23 - Establishes a new code and caption for “Approval Process.” Adds enumerated paragraph 1, which describes the responsibility of the Regional Forester to prepare a summary document to support the legislative proposal. Modifies original enumerated paragraph 7 of section 73.2, previously contained in the ID, to reflect the contents of the letter forwarding the legislative proposal from the Secretary to the President and the Congress. Adds final paragraph to indicate the number of copies of the final study report/applicable NEPA document necessary as background for the Office of Management and Budget (OMB) coordination.

73.23a - Establishes a new code and caption for “Office of Management and Budget Coordination.” Modifies original enumerated paragraph 8 through 13 of section 73.2 previously contained in the ID to clarify the Departmental review and approval process (formerly in section 7.32 of parent text).

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

73.3 - Removes the following explanatory information on public hearings previously contained in the ID (formerly in section 7.33 of parent text.): “Congress, in legislation subsequent to the Wilderness Act, has considered it necessary to expressly provide for public involvement by

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

Digest--Continued:

reference to section 3(d) of the original act. This section applied to those areas that, on the effective date of the Wilderness Act, were described as primitive. Therefore, there is no statutory requirement that review of selected areas that may have likelihood for wilderness designation comply with the public participation provisions of section 3(d) of the Act. However, the fact that Congress, in designating wilderness study areas, has required hearings does imply a desire for public participation in a hearing or some comparable proceeding, such as a public meeting, in order to obtain comment about wilderness recommendations while developing or revising a land management plan.”

73.31 - Incorporates direction on notice previously contained in the ID (formerly in section 7.33a of parent text).

73.32 - Incorporates direction on conduct of hearings previously contained in the ID (formerly in section 7.33b of parent text).

73.33 - Incorporates direction on record of hearings previously contained in the ID (formerly in section 7.33c of parent text).

73.34 - Incorporates direction on analysis of testimony previously contained in the ID (formerly in section 7.33d of parent text).

74 - Incorporates caption of “Wilderness Evaluation Documentation” and direction on documentation, previously contained in ID. Incorporates direction from former FSH 1909.12, sec. 4.19 (formerly in parent text). Incorporates direction on wilderness evaluation documentation with adjustments made from comments on the ID. Revises enumerated paragraph 2 consistent with terminology in section 72.1. Revises requirements for wilderness evaluation documentation at enumerated paragraph 5, “Effects of Recommendations.” Removes exhibit 01 on consideration of options for potential wilderness areas, previously contained in ID.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

Table of Contents

70.1 - Authority.....	11
71 - IDENTIFICATION OF POTENTIAL WILDERNESS.....	11
71.1 - Inventory Criteria.....	11
71.11 - Criteria for Including Improvements.....	12
71.12 - Criteria for Potential Wilderness East of the 100th Meridian.....	13
71.2 - Listing and Mapping Potential Wilderness.....	14
71.3 - Numbering of Potential Wilderness Areas.....	15
72 - EVALUATION OF POTENTIAL WILDERNESS.....	15
72.1 - Capability.....	15
72.11 - Additional Capability Characteristics for Areas East of the 100th Meridian.....	17
72.2 - Availability.....	18
72.3 - Need.....	18
72.31 - Factors.....	18
72.4 - Evaluation and Documentation.....	19
72.41 - Areas East of the 100th Meridian.....	19
72.5 - Boundary Adjustment Guidelines.....	19
73 - REVIEW AND APPROVAL OF WILDERNESS RECOMMENDATIONS.....	20
73.1 - Proposals Resulting from Land Management Planning.....	20
73.11 - Evaluation.....	20
73.12 - Agency Recommendation.....	21
73.2 - Proposals Resulting from Legislatively Mandated Studies.....	22
73.21 - Study Report and Applicable National Environmental Policy Act Document.....	22
73.22 - Public Notice and Comment.....	22
73.23 - Approval Process.....	23
73.23a - Office of Management and Budget Coordination.....	23
73.3 - Public Hearings.....	23
73.31 - Notice.....	24
73.32 - Conduct of Hearings.....	24
73.33 - Record of Hearings.....	24
73.34 - Analysis of Testimony.....	25
74 - WILDERNESS EVALUATION DOCUMENTATION.....	25

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK CHAPTER 70 - WILDERNESS EVALUATION

This chapter describes the process for identifying and evaluating potential wilderness in the National Forest System (NFS). This process is used by the Forest Service to determine whether areas are to be recommended for wilderness designation by Congress. It also identifies the procedures for obtaining public review and comment on areas recommended for wilderness designation.

70.1 - Authority

The purpose of wilderness and the broad direction for managing wilderness are in the Wilderness Act of 1964 (16 U.S.C. 1131–1136, 78 Stat 890) and the Eastern Wilderness Act of 1975 (16 U.S.C. 1132). Further requirements for evaluation and recommendations of potential wilderness areas are in Title 36, Code of Federal Regulations, section 219.7 (36 CFR 219.7), and FSM 1923.

71 - IDENTIFICATION OF POTENTIAL WILDERNESS

The first step in the evaluation of potential wilderness is to identify and inventory all areas within National Forest System (NFS) lands that satisfy the definition of wilderness found in section 2(c) of the 1964 Wilderness Act.

Areas of potential wilderness identified through this process are called potential wilderness areas. This inventory of potential wilderness is not a land designation, nor does it imply any particular level of management direction or protection in association with the evaluation of these *potential wilderness areas*. It is completed with the express purpose of identifying all lands that meet the criteria for being evaluated for wilderness suitability and possible recommendation to Congress for wilderness study or designation. Lands east of the 100th meridian are evaluated for potential wilderness study area recommendations, and lands west of the 100th meridian are evaluated for potential wilderness recommendations.

The application of the inventory criteria should rely on local knowledge and judgment regarding unique, site-specific conditions of each area being considered for placement on the inventory of potential wilderness. When delineating areas for the potential wilderness inventory; locate boundaries at prominent natural or semi-permanent human-made features to facilitate easy on-the-ground identification.

71.1 - Inventory Criteria

Areas qualify for placement on the potential wilderness inventory if they meet the statutory definition of wilderness. Include areas that meet either criteria 1 and 3, or criteria 2 and 3 below. In addition, they may have improvements if they meet the criteria in section 71.11, and for areas east of the 100 meridian, they must also meet the criteria in 71.12.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

1. Areas contain 5,000 acres or more.
2. Areas contain less than 5,000 acres, but can meet one or more of the following criteria:
 - a. Areas can be preserved due to physical terrain and natural conditions.
 - b. Areas are self-contained ecosystems, such as an island, that can be effectively managed as a separate unit of the National Wilderness Preservation System.
 - c. Areas are contiguous to existing wilderness, primitive areas, Administration-endorsed wilderness, or potential wilderness in other Federal ownership, regardless of their size.
3. Areas do not contain forest roads (36 CFR 212.1) or other permanently authorized roads, except as permitted in areas east of the 100th meridian (sec. 71.12).

71.11 - Criteria for Including Improvements

Areas may qualify for the inventory of potential wilderness even though they include the following types of areas or features:

1. Airstrips and heliports.
2. Cultural treatments involving plantations or plantings where the use of mechanical equipment is not evident.
3. Electronic installations, such as cell towers, television, radio, and telephone repeaters, and the like, provided their impact is minimal.
4. Evidence of historic mining (50+ years ago). Do not include areas of significant current mineral activity, including prospecting with mechanical or motorized earthmoving equipment. The inventory may include areas where the only evidence of prospecting is holes that have been drilled without access roads to the site. Potential wilderness also may include:
 - a. Areas that otherwise meet inventory criteria if they are covered by mineral leases having a “no surface occupancy” stipulation.
 - b. Areas covered by mineral leases that otherwise meet inventory criteria only if the lessee has not exercised development and occupancy rights. If and when these rights are exercised, remove the area, or portion affected, from the inventory unless it is possible to establish specific occupancy provisions that would maintain the area in a condition suitable for wilderness.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

5. Structures or evidence of vegetative manipulation resulting from past management practices in National grasslands and prairies. National Grassland and Prairie areas that contain the following features may qualify for the inventory:

- a. Areas where vegetation type conversions are reverting to native vegetation with minimal evidence of cultivation.
- b. Areas with less than one mile of interior fence per section.

6. Federal ownership of less than 70 percent if it is realistic to manage the Federal lands as wilderness, independent of the private land.

7. Minor structural range improvements (FSM 2240.5), such as fences or water troughs. Exclude areas where nonstructural range improvements are readily visible and apparent. Areas with spray or burning projects are permissible if there is little or no evidence of the project.

8. Recreation improvements such as occupancy spots or minor hunting or outfitter camps. As a general rule, do not include developed sites. Areas with minor, easily removable recreation developments may be included.

9. Timber harvest areas where logging and prior road construction are not evident, except as provided in Section 71.12 for areas east of the 100th meridian. Examples include those areas containing early logging activities related to historic settlement of the vicinity, areas where stumps and skid trails or roads are substantially unrecognizable, or areas where clearcuts have regenerated to the degree that canopy closure is similar to surrounding uncut areas.

10. Ground-return telephone lines, electric lines, and powerlines if a right-of-way has not been cleared.

11. Watershed treatment areas if the use of mechanical equipment is not evident. The inventory may include areas where minor watershed treatment has been accomplished manually such as small hand-constructed gully plugs.

71.12 - Criteria for Potential Wilderness East of the 100th Meridian

National Forest System lands in the eastern United States (east of the 100th meridian) have been acquired over time from private ownership. Criteria for inventorying those lands that may have potential for wilderness recommendation recognize that much, if not all of the land, shows some signs of human activity and modification even though they have shown high recuperative capabilities. In addition to meeting the criteria in sections 71.1 and 71.11, areas east of the 100th meridian may qualify for inventory as lands that have potential for wilderness recommendation if:

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

1. The land is regaining a natural, untrammeled appearance.
2. Improvements existing in the area are being affected by the forces of nature rather than humans and are disappearing or muted.
3. The area has existing or attainable NFS ownership patterns, both surface and subsurface, that could ensure perpetuation of identified wilderness characteristics.
4. The location of the area is conducive to the perpetuation of wilderness values. Consider the relationship of the area to sources of noise, air, and water pollution, as well as unsightly conditions that would have an effect on the wilderness experience. The amount and pattern of Federal ownership is also an influencing factor.
5. Each area contains no more than a half mile of forest roads (36 CFR 212.1) under Forest Service jurisdiction for each 1,000 acres.
6. No more than 15 percent of the area is in non-native, planted vegetation.
7. Twenty percent or less of the area has been harvested within the past 10 years.
8. The area contains only a few dwellings on private lands and the location of these dwellings and their access needs insulate their effects on wilderness characteristics on NFS lands.

71.2 - Listing and Mapping Potential Wilderness

After identifying areas that may qualify for potential wilderness during development or revision of the land management plan, record each area on maps of a minimum scale of a half inch equals one mile. In addition, as a minimum, list and map:

1. Existing wilderness and primitive areas.
2. Areas endorsed by the Administration for wilderness. Indicate any dates set by law at which time the areas specified are to become legally available for uses other than wilderness, provided that there has been no other legislative action in the interim.
3. Congressionally mandated study areas and whether recommended by the Administration for wilderness. Indicate statutory dates, if any.
4. National Forest System lands statutorily designated for management for nonwilderness purposes. Indicate effective dates, if any.

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK CHAPTER 70 - WILDERNESS EVALUATION

See section 72.5 for guidelines on establishing, adjusting, and mapping boundaries of areas recommended for wilderness designation.

71.3 - Numbering of Potential Wilderness Areas

Assign a numerical identifier and name to each potential wilderness area. Use a logical sequencing to identify each unique area and to differentiate among areas within a region. Where a potential wilderness area borders a potential wilderness area in a neighboring unit, it is important that the same name is used and that the number for the adjacent area be noted in the evaluation write-up.

72 - EVALUATION OF POTENTIAL WILDERNESS

Carefully evaluate potential wilderness areas as potential additions to the National Wilderness Preservation System to determine the mix of land and resource uses that best meet public needs. An area recommended as suitable for wilderness must meet the tests of capability, availability, and need. In addition to the inherent wilderness quality it possesses, an area must provide opportunities and experiences that are dependent upon or enhanced by a wilderness environment. Also consider the ability of the Forest Service to manage the area as wilderness.

72.1 - Capability

The capability of a potential wilderness is the degree to which that area contains the basic characteristics that make it suitable for wilderness recommendation without regard to its availability for or need as wilderness. The combinations of basic natural characteristics are of infinite variety. No two areas possess these characteristics in the same measure. The combinations that may be appraised in one section of the country as being highly desirable for wilderness recommendation might be appraised as nominal in another. The principal wilderness characteristics, as identified in the Wilderness Act, that follow are generally, but not necessarily, listed in order of importance or desirability. Consider these characteristics in analyzing the quality of the wilderness resource of a potential wilderness area. If these characteristics are determined to be important, describe and refer to them in trade-off analyses when pertinent.

1. Natural. Determine whether the area's ecological systems are substantially free from the effects of modern civilization and generally appear to have been affected primarily by forces of nature. Consider such factors as:
 - a. The presence of non-native species that alter the composition of natural plant and animal communities (such as non-native plants, animals, fish, livestock, invertebrates, and pathogens).

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

- b. Developments that degrade the free-flowing condition of rivers and streams (such as dams or other water diversions and impoundments).
 - c. The presence of light pollution that degrades night sky quality and night sky quality related values
 - d. The presence of pollutants that degrade water quality; and
 - e. The health of ecosystems, plant communities, and plant species that are rare or at risk.
2. Undeveloped. Determine the degree to which the area is without permanent improvements or human habitation. A measure of undeveloped is the level of human occupation and modification of the area including evidence of structures, construction, habitations, or other forms of human presence, use, and occupation.

3. Outstanding Opportunities for Solitude or Primitive and Unconfined Recreation. Determine an area's capability of providing solitude or primitive and unconfined types of recreation. This includes providing a wide range of experiential opportunities such as: physical and mental challenge, adventure and self-reliance, feelings of solitude, isolation, self-awareness, and inspiration.

Solitude is the opportunity to experience isolation from sights, sounds, and the presence of others from the developments and evidence of humans. To determine opportunities for solitude, look at the size of the area, presence of screening, distance from impacts, and degree of permanent intrusions.

The opportunity to experience isolation from the evidence of humans, to feel a part of nature, to have a vastness of scale, and a degree of challenge and risk while using outdoor skills are measures of primitive and unconfined recreation. Primitive-type recreation activities include hiking, backpacking, horseback riding, fishing, hunting, floating, kayaking, cross-country skiing, camping, and enjoying nature.

4. Special Features and Values. Determine the area's capability to provide other values such as those with ecologic, geologic, scientific, educational, scenic, historical, or cultural significance. Examples include unique fish and wildlife species, unique plants or plant communities, connectivity, potential or existing research natural areas, outstanding landscape features, and significant cultural resource sites. Identify and describe any such values and their contribution to wilderness character.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

5. Manageability. In determining capability, consider the ability to manage an area as wilderness as required by the Wilderness Act. Section 2(c) of the Wilderness Act defines Wilderness as an area that “. . . (3) has at least 5,000 acres of land or is of sufficient size to make practicable its preservation and use in an unimpaired condition. . . .” Forest Service ability to manage an area as an enduring resource of wilderness, untrammelled by humans, retaining its primeval character, and to protect and manage its natural character are all factors to consider. Consider such factors as size, shape, and juxtaposition to external influences.

Evaluate how boundaries affect manageability of an area. In the most desirable situations:

- a. Boundary locations avoid conflict with important existing or potential public uses outside the boundary that might result in demands to allow nonconforming structures and activities in the wilderness.
- b. It is possible to readily and accurately describe, establish, and recognize boundaries on the ground.
- c. Boundaries, where possible, conform with terrain or other features that constitute a barrier to prohibited use.
- d. Boundaries provide adequate opportunity for access and traveler transfer facilities.

72.11 - Additional Capability Characteristics for Areas East of the 100th Meridian

National forests, grasslands, prairies, and other comparable administrative units east of the 100th meridian may contain limited nonconforming uses and/or nonconforming structures and improvements while retaining capability for wilderness recommendation. Criteria for desirable capability characteristics east of the 100th meridian include:

1. Nonconforming uses are of such a nature that they can be effectively mitigated or terminated. Examples include a variety of uses such as logging, special-use facilities, vegetation treatment, that can be terminated and the improvements easily removed or ignored because they are rapidly disappearing through natural deterioration.
2. Nonconforming structures and improvements, except range improvements, are generally lacking. If present, they are rapidly disappearing through natural processes, or it would be practical to remove them and permit the site to return to a near-natural condition. Examples include log or frame cabins, abandoned powerlines, or unauthorized and temporary roads that, if closed, would recover naturally.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

72.2 - Availability

All National Forest System (NFS) lands determined to meet wilderness capability requirements are considered potentially available for wilderness designation. However, the determination of availability is conditioned by the value of and need for the wilderness resource compared to the value of and need for other resources. In evaluating availability, describe the other resource demands and uses that the area under evaluation could satisfy. Include all other resource potentials—pertinent quantitative and qualitative information including current use, outputs, trends, and potential future use, and outputs of the various resources involved.

Constraints and encumbrances on lands may also govern the availability of lands for wilderness. Determine the degree of Forest Service control over the surface and subsurface of the area. The Forest Service should have sufficient control to prevent development of unresolvable, incompatible uses that would negatively affect wilderness character and potential.

72.3 - Need

Determine the need for an area to be designated as wilderness through an analysis of the degree to which it contributes to the overall National Wilderness Preservation System. Demonstrate this need through the public involvement process, including public input to the evaluation report. Deal with “need” on a regional basis and evaluate such factors as the geographic distribution of areas and representations of landforms and ecosystems.

72.31 - Factors

In determining whether there is a need to recommend a potential wilderness area for wilderness study or designation, at a minimum consider the following factors:

1. The location, size, and type of other wildernesses in the general vicinity and their distance from the proposed area. Consider accessibility of areas to population centers and user groups. Public demand for wilderness may increase with proximity to growing population centers.
2. Present visitor pressure on other wildernesses, the trends in use, changing patterns of use, population expansion factors, and trends and changes in transportation.
3. The extent to which nonwilderness lands on the NFS unit or other Federal lands are likely to provide opportunities for unconfined outdoor recreation experiences.
4. The need to provide a refuge for those species that have demonstrated an inability to survive in less than primitive surroundings or the need for a protected area for other unique scientific values or phenomena.

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK CHAPTER 70 - WILDERNESS EVALUATION

5. Within social and biological limits, management may increase the capacity of established wildernesses to support human use without unacceptable depreciation of the wilderness resource.

6. An area's ability to provide for preservation of identifiable landform types and ecosystems. Consideration of this factor may include utilization of Edwin A. Hammond's subdivision of landform types and the Bailey-Kuchler ecosystem classification. This approach is helpful from the standpoint of rounding out the National Wilderness Preservation System and may be further subdivided to suit local, subregional, and regional needs.

72.4 - Evaluation and Documentation

Document the results of evaluating potential wilderness areas against characteristics of capability, availability, and need. The minimum requirements for this documentation are outlined in section 74. Supplement the contents as necessary to fully evaluate the suitability of a potential wilderness area for preliminary administrative wilderness or wilderness study area recommendation. Ensure that this documentation includes the following:

1. For each area evaluated, comprehensively assess and describe resource trade-offs and consequences associated with nonwilderness options.
2. Consider measures designed to avoid or minimize the impact to or loss of wilderness characteristics.
3. Develop and evaluate wilderness and nonwilderness options.

72.41 - Areas East of the 100th Meridian

Evaluation of potential wilderness areas east of the 100th meridian as part of plan development or plan revision yields one of the two following options:

1. Manage the area for multiple uses other than wilderness.
2. A preliminary administrative recommendation as a wilderness study area.

72.5 - Boundary Adjustment Guidelines

Potential wilderness area boundaries may be adjusted for areas that are preliminary administrative recommendations for wilderness designation as a result of the foregoing evaluation. Establish boundaries that are easy to define and locate on the ground and that can be managed. Locate a recommended wilderness boundary by using the following methods, listed in descending order of desirability.

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK CHAPTER 70 - WILDERNESS EVALUATION

1. Use natural features that are locatable both on the map and on the ground. Live streams, well-defined ridges, mountain peaks, and well-defined natural lake shorelines are examples. Note on the map whether the thread (centerline of a stream) or either bank (to mean high water line) has been used.
2. Use semi-permanent human-made features that are locatable on the map and on the ground. Roads, trails, dams, powerlines and pipelines, and bridges may be used. In addition, lines may be drawn parallel and set back a given distance from any of these features with well-defined starting and ending points. Clearly indicate the feature itself and the distance of boundary lines from the feature on the map.
3. Use previously surveyed lines or legally determined lines such as section and township lines, section subdivision lines, metes and bounds property lines, county or state boundaries, and national park or Indian reservation boundaries. It is desirable to use these lines if they are clearly located on the ground to avoid the cost of reestablishing them.
4. Use a straight line from one locatable point to another. These points should normally be high points in the landscape as they must be visible to be effective.
5. Use a series of bearings and distances between locatable points as in a metes and bounds survey. Use this technique when points are not visible.

73 - REVIEW AND APPROVAL OF WILDERNESS RECOMMENDATIONS

The following sections, 73.1 through 73.34, describe the procedures to follow in the public review and agency approval of areas that are preliminary administrative recommendations for wilderness designation. Provide the public an opportunity to review and comment on all preliminary wilderness recommendations, whether they result from land management planning or legislatively mandated study. In some instances, it is necessary to hold formal public hearings as a part of the process.

73.1 - Proposals Resulting from Land Management Planning

73.11 - Evaluation

When wilderness recommendations result from the plan development or plan revision of a land management plan, the following special instructions apply:

1. Prepare the proposed land management plan and accompanying applicable National Environmental Policy Act of 1969 (NEPA) document as outlined in FSM 1926 (1982 planning rule) or proposed land management plan and accompanying plan set of documents as outlined in FSM 1921 (2005 planning rule). See FSH 1909.15 for further guidance on the applicable NEPA

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

documentation. Request that the public specifically address the wilderness recommendations in its review of the proposed land management plan and applicable NEPA document (1982 planning rule) or proposed plan and plan set of documents (2005 planning rule). Conduct public hearings, if necessary.

2. Prepare the planning documents following analysis of comments received on the proposed land management plan/applicable NEPA document (1982 planning rule) or proposed land management plan/plan set of documents (2005 planning rule). Identify the wilderness recommendation proposal as a “preliminary administrative recommendation” in the decision document and applicable NEPA document (1982 planning rule) or plan approval document and plan set of documents (2005 planning rule), and qualify it by stating that:

This recommendation is a preliminary administrative recommendation that will receive further review and possible modification by the Chief of the Forest Service, Secretary of Agriculture, and the President of the United States. The Congress has reserved the authority to make final decisions on wilderness designation.

The plan is effective 30 days after publication of notice of its approval (36 CFR part 219). Plan implementation is not dependent on final resolution of the areas recommended for wilderness designation.

73.12 - Agency Recommendation

Once the Chief has determined that the Forest Service intends to forward a recommendation of areas to include in the National Wilderness Preservation System to the Secretary, the Regional Forester shall:

1. Prepare and forward the applicable National Environmental Policy Act (NEPA) document to support the legislative proposal resulting from preliminary administrative recommendations under the 2005 planning rule. No additional analysis under NEPA is necessary to support a legislative proposal for wilderness recommended for designation under the 1982 planning rule. The wilderness appendix and wilderness study included in the applicable NEPA document and decision document constitute the NEPA documentation.

2. Work with the Director, Legislative Affairs Staff, Washington Office to submit a legislative proposal. The package should contain:

a. A brief summary of each recommended area to include a discussion of its capability, availability, and need.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

- b. A page-size map that clearly indicates the proposed boundary of the area.
 - c. A summary tabulation of the areas recommended for wilderness to include pertinent resource data such as mineral resources, timber resources, recreation resources, and so on.
 - d. Recommended bill wording and draft transmittal letter from the Secretary of Agriculture to the President and the Congress.
 - e. A copy of the land management plan and record of decision (1982 planning rule) or plan approval document (2005 planning rule).
3. Forward the legislative proposal (paragraph 2) to the Chief as background information for the Department, Office of Management and Budget, and Congressional members and staff.

Review and approval of the legislative proposal follows the same steps beginning with the last sentence of section 73.23 for legislatively mandated study.

Following congressional action, the plan may require a technical conforming amendment if the action taken by Congress is different from that described in the plan. Such an amendment would be non-discretionary and require appropriate public notice only.

73.2 - Proposals Resulting from Legislatively Mandated Studies

73.21 - Study Report and Applicable National Environmental Policy Act Document

1. The Responsible Official prepares the combined wilderness study report and applicable National Environmental Policy Act (NEPA) document for legislatively mandated wilderness study. See FSH 1909.15 to determine the applicable NEPA documentation.
2. The Regional Forester shall send two copies of the preliminary study report/applicable NEPA document to the Chief for review and approval to print.

73.22 - Public Notice and Comment

The responsible administrative unit transmits the draft study report/applicable NEPA document to other agencies and the Governor of the involved state(s) for comment and responds to these and other comments received. The unit prepares a preliminary final study report/applicable NEPA document and sends two copies upon Regional Forester concurrence to the Director, Wilderness and Wild and Scenic Rivers Staff, Washington Office. Upon Chief's approval, the responsible administrative unit prints the final study report/applicable NEPA document.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

73.23 - Approval Process

After publication of the final study report/applicable NEPA document, the Regional Forester shall:

1. Prepare a brief summary document that includes a discussion of the area's capability, availability and need, and a page-sized map clearly indicating the proposed boundary area.
2. Prepare a draft transmittal letter from the Secretary of Agriculture to the President and the Congress. This letter serves as a decision document and should include: recommendation from the study and, if appropriate, draft legislation, alternatives considered, and generalized description of the area and likely effects on resources and uses.

The region should also send 10 copies of the final study report/applicable NEPA document to the Director, Wilderness and Wild and Scenic Rivers Staff, Washington Office for background and Office of Management and Budget (OMB) coordination.

73.23a - Office of Management and Budget Coordination

1. The Director, Legislative Affairs Staff, Washington Office, works with the region in preparation of proposed legislation for the designation recommended in the study report. This legislation is in the form of an amendment to the Wilderness Act. The proposed legislation and supporting documentation are transmitted to the Secretary of Agriculture with a cover letter for transmittal to OMB.
2. OMB coordinates the final review by other Federal agencies and recommended changes resulting from this interagency review are usually incorporated into the transmittal letter or wording of the draft legislation. Occasionally, where significant changes occur, it may be necessary for the Responsible Official to revise the study report and/or applicable NEPA document.
3. When the OMB review is complete, the Secretary signs and forwards a transmittal letter and legislative proposal including the study report/applicable NEPA document to the President and the Congress. Copies of the study report/applicable NEPA document and the transmittal letter are then distributed to the public by the responsible administrative unit.

The proposal then awaits legislative action by the Congress.

73.3 - Public Hearings

Public hearings on specific wilderness studies or wilderness recommendation proposals may be required by statute or conducted at the request of the Responsible Official. Deciding how to

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

involve the public in the review process for potential wilderness areas recommended for wilderness designation and designated wilderness study areas is a matter of discretion for the Responsible Official. Follow the direction in sections 73.31 through 73.34 when conducting public hearings on specific wilderness studies or wilderness recommendation proposals.

73.31 - Notice

Issue public notices to inform interested parties of the proposal and invite them to present their views as part of the hearing record. Publish notice in the Federal Register, in newspapers having general circulation in the area of the proposal, and in the newspaper(s) of adjacent communities. In addition, post notices in public places. Publication and posting should occur at least 30 days before the date of the hearing.

Provide notification of public hearings and the study report/applicable NEPA document to the Congressional delegation from the affected state(s), other Federal agencies, tribal governments of affected Indian tribes, the governor of the affected state(s), appropriate state agencies, and governing boards of affected counties.

73.32 - Conduct of Hearings

A presiding officer shall conduct the public hearings. Afford interested persons an opportunity to present written or oral statements and other evidence relative to matters within the scope of the hearing notice. Following an opening statement by the presiding officer, the Forest Service representative should outline the proposal under consideration. As appropriate, representatives of the United States (U.S.) Department of the Interior, U.S. Geological Survey and Bureau of Mines are then invited to report. The Governor, United States Senators and Representatives, elected officials of tribal governments, state agencies, and local government officials can then be invited to give their views in that order. Other interested persons may then be called in an impartial manner and be permitted to present their views. Parties do not present testimony under oath.

Ask those presenting their views to first state their name, address, and the name of the organization, if any, that they represent. Do not permit cross-examination. The presiding officer may ask questions for the purposes of clarifying testimony or evidence already submitted. Prior to adjourning the hearing, the presiding officer may set a time within which supplemental statements may be filed. When filed, they become a part of the hearing record.

73.33 - Record of Hearings

Preparation of a verbatim transcript of the hearing is essential. It is standard practice to employ a commercial stenographic reporting service under contract. The number of copies of the

FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK CHAPTER 70 - WILDERNESS EVALUATION

transcript depends upon local circumstances. As a minimum, there must be one for the Chief, and one for each Regional Forester and forest, grassland, prairie, or other comparable administrative unit supervisor involved. Individuals and organizations desiring transcripts should arrange for direct purchase from the reporting service. Have the exhibits and statements resulting from the hearing indexed and referenced in the transcript according to the practice customarily used in the locality of the hearing or as the presiding officer directs.

73.34 - Analysis of Testimony

The forest, grassland, prairie, or other comparable administrative unit supervisor shall analyze, summarize, and consider the testimony and all written views presented as a result of the public notice. Incorporate the summary of the analysis in the final proposal and study report. If very complex, a separate report may be needed. In such a case, summarize the results and incorporate the separate report by reference in the final proposal and study report. Send any separate report through the Regional Forester to the Chief, and make it available for public review. The appendix of the final proposal and study report contains copies of the letters received from the congressional delegation, elected tribal officials, the governor, government agencies, and key individuals and groups. Retain all other letters received as a result of public notice and all exhibits in the forest, grassland, prairie, or other comparable administrative unit's supervisor's office. Assemble the letters so that interested parties can review them easily and they can be forwarded if necessary to congressional committees.

In preparing the written analysis and summary, assure that statements of the congressional delegation, Governor, elected officials of tribal governments, county governing boards, and Federal departments and agencies are identified.

In analyzing the testimony, the forest, grassland, prairie, or other comparable administrative unit supervisor should explicitly treat contrasting opinion and show how it relates to the proposal. Review and describe compromise suggestions, especially if they are new and significantly different in concept.

Identify boundary changes recommended in the testimony by a key letter or number on a map suitable for inclusion with the report. The discussion should include such items as the effect of the change on the proposal, on other resources and uses, and on the boundary itself. The facts, evidence, and testimony summarized in this report serve as a basis upon which the Responsible Official recommends and supports a definite course of action in the final proposal and study report.

74 - WILDERNESS EVALUATION DOCUMENTATION

This documentation describes the potential wilderness areas and the analysis factors used in evaluating them. Contiguous areas on adjacent units shall be identified and evaluated in total

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

within a land management plan. Normally, the National Forest System unit with the largest acreage assumes the lead in this discussion. The content listed here is the minimum required; supplement as appropriate. Refer also to Title 36, Code of Federal Regulations, section 219.7 (36 CFR 219.7), FSM 1923, and the remainder of this handbook for evaluation criteria.

1. Overview. Provide an overview that includes:

- a. Potential wilderness area name and number of acres included in the area.
- b. Location and vicinity, including access by type of road or trail.
- c. Geography.
- d. Topography.
- e. Vegetation, including the ecosystem type(s).
- f. Current uses of the area.
- g. Appearance of the area.
- h. Surroundings such as the characteristics of contiguous areas.
- i. Key attractions, if any, such as sensitive wildlife and scenic landmarks.

2. Wilderness Capability. Indicate each potential wilderness area's capability for wilderness by describing the basic characteristics that make the area appropriate and valuable for wilderness, regardless of the area's availability or need. Address the following characteristics:

- a. Naturalness of the area; include the degree to which humans and past or present human activity have affected natural ecological processes and conditions.
- b. Undeveloped; include the degree to which the area's appearance is appropriate and valuable for wilderness.
- c. Opportunities for experiences often unique to wilderness such as solitude, self-reliance, adventurous and challenging experiences, and primitive recreation.
- d. Special features and values of the area including those of ecological, geological, scientific, educational, recreational, scenic, or historical value. Describe rare and endangered plant and animal species and other wildlife.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

- e. A description of size and shape to include the implications of the area's size, shape, and juxtaposition to external influences on the wilderness attributes.
 - f. A summary of the boundary conditions, needs, and management requirements should the area be designated for wilderness. Address whether or not boundary changes would enhance the wilderness characteristics or whether or not it would be possible to use boundary modifications to separate incompatible activities from those characteristics.
3. Availability for Wilderness. Indicate availability of the potential wilderness area by describing other resource potentials. Summarize pertinent quantitative and qualitative information including current use, outputs, trends, and potential future use and/or outputs for the applicable resources. Summarize the following information for each area:
- a. Recreation, including tourism.
 - b. Information on wildlife species, populations, and management needs.
 - c. Water availability and use.
 - d. Livestock operations.
 - e. Timber.
 - f. Minerals.
 - g. Cultural resources.
 - h. Authorized and potential land uses.
 - i. Management considerations including fire, insects and diseases, and presence of non-Federal lands.
4. Need for Wilderness. Summarize the factors considered and the process used in assessing the need for each potential wilderness area. Include the public involvement process (both past and present), assumptions made, the social and economic factors considered, and interest expressed by proponents, including Congress. Discuss nearby wildernesses and their uses, other nearby potential wilderness areas, distance from population centers, and use trends.
5. Effects of Recommendations. Describe the potential effects of wilderness and nonwilderness recommendations for each potential wilderness area.

**FSH 1909.12 - LAND MANAGEMENT PLANNING HANDBOOK
CHAPTER 70 - WILDERNESS EVALUATION**

a. Discuss the impact on the area if it were designated as wilderness and the impact on the area if it were managed as nonwilderness. Show the social and economic effects in each case.

(1) Description: Recommended Wilderness

Management Direction: xx

Describe:

Effects on wilderness characteristics and values.

Effects on nonwilderness resources and uses.

Economic and social effects.

(2) Description: Nonwilderness

Management Direction: yy

Describe:

Effects on wilderness characteristics and values.

Mitigation, if any.

Effects on nonwilderness resources and uses.

Economic and social effects.

Continue this discussion for additional management direction options, if applicable.