Date: August 14, 2026

U.S. Department of the Interior, Director (630)
Bureau of Land Management
1849 C St. NW, Room 5646
Washington, DC 20240
Attention: Considering Lands with Wilderness Characteristics

Via submission on Regulations.gov: https://www.regulations.gov/docket/BLM-2026-0068

RE: **Policy Review: BLM Manual 6320, Considering Lands with Wilderness Characteristics**
Document ID: BLM 2026-11951 (91 FR 35996)

Dear DOI & BLM Policy Review Teams,

Utah Public Lands Alliance (UPLA) is writing to provide public comment on the Policy Review: BLM Manual 6320, Considering Lands With Wilderness Characteristics in the BLM Land Use Planning Process. These comments are submitted on behalf of UPLA, its members, affiliated clubs, and volunteers who regularly recreate within the 244.4 million acres of BLM-administered public lands in the USA. This letter of comment shall not supersede the rights of other UPLA agents, representatives, or members from submitting their own comments; the Bureau of Land Management (BLM) should consider and appropriately respond to all comments received for this policy review.

UPLA is a non-profit organization representing over 5,800 members, in addition to speaking out for 69 OHV clubs and organizations. We advocate for responsible outdoor recreation, active stewardship of public lands, and encourage members to exercise a strong conservation ethic including "leave no trace" principles. We champion scrupulous use of public lands for the benefit of the general public and all recreationists by educating and empowering our members to secure, protect, and expand shared outdoor recreation access and use by working collaboratively with public land managers, all recreationists, and other public land stakeholders. Our members participate in outdoor recreation of all forms to enjoy federally and state managed lands throughout Utah, including BLM and US Forest Service managed public lands. UPLA members visit public lands to participate in motorized and human-powered activity such as off-roading, camping, hiking, canyoneering, horseback riding, sightseeing, photography, wildlife and nature study, observing cultural resources, and other similar pursuits on a frequent and regular basis throughout every season of the year. UPLA members and supporters have concrete, definite, and immediate plans to continue such activities in BLM managed public lands throughout the future.

I, Rose Winn, am an avid outdoor recreation enthusiast and anthropologist; hiking, backpacking, camping, rock climbing, off-roading, fishing, forage of wild herbs and plants for medicinal uses, and exploration of cultural and archeological sites and artifacts on public lands are among my core areas of activity and interest. I serve as the Natural Resources Consultant for Utah Public Lands Alliance (UPLA), a non-profit organization dedicated to keeping offroad trails open for all recreation users. While my profession allows me to advocate to protect public access to public lands for all stakeholders and multiple-uses, I also work as a volunteer on conservation, mitigation, and restoration projects on public lands.

As a joint writer of this comment letter, Loren Campbell is a Jeeper and UTV enthusiast from Virgin, Utah. Loren serves as the President of Utah Public Lands Alliance (UPLA). We share a strong interest in maximizing opportunities for offroad motorized recreation. Loren works full time as a volunteer advocate to protect access for all users, but also organizes and works as a volunteer on projects on public lands. UPLA, Loren, and I are also members of BlueRibbon Coalition. These comments are submitted on behalf of both me and Loren Campbell, as well as our members and followers from within and outside of Utah.

Please note our support and agreement with the comments submitted by BlueRibbon Coalition.

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GENERAL COMMENTS

Utah Public Lands Alliance (UPLA) submits these comments in response to the Bureau of Land Management's June 15, 2026 notice requesting recommendations concerning potential updates, clarifications, or revisions to BLM Manual 6320, *Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process*. The Bureau has expressly invited public recommendations regarding whether and how the existing Manual should be revised (Bureau of Land Management [BLM], 2026a).

UPLA supports responsible conservation of public-land resources together with meaningful implementation of the Federal Land Policy and Management Act of 1976 (FLPMA) mandate for multiple use and sustained yield. Utah's public lands support motorized and nonmotorized recreation, hunting, dispersed camping, livestock grazing, mineral and energy production, rights-of-way, utility infrastructure, wildfire response, tourism, local economies, cultural traditions, and access to State, private, and Federal lands. Wilderness characteristics may be relevant to land-use planning, but those characteristics are one component of the larger multiple-use landscape and must not become an administrative mechanism through which ordinary BLM lands are incrementally converted into de facto Wilderness.

Manual 6320 correctly recognizes several critical principles that should become the controlling foundation of the revised policy. It states that non-Wilderness, non-Wilderness Study Area lands possessing wilderness characteristics are not subject to statutory protective requirements prior to a planning or project-level decision. It further acknowledges that when BLM inventories land as possessing wilderness characteristics, the Bureau is not required to protect those characteristics as a priority over other resource values and multiple uses; that inventory and management are separate functions arising under different provisions of FLPMA; and that BLM may decide not to protect inventoried wilderness characteristics (BLM, 2024, pp. 1-1, 1-3).

Those statements are legally important, but the balance of the current Manual undermines them. Manual 6320 simultaneously directs BLM personnel toward the protection of lands with wilderness characteristics (LWC), authorizes consideration of new administrative Wilderness Study Areas, and lists an extensive suite of restrictions that may be imposed to protect LWC, including mineral withdrawal recommendations, no-surface-occupancy leasing restrictions, right-of-way exclusion, road prohibitions, motorized and mechanized travel restrictions, mineral-material closures, restrictions on commercial activity, Visual Resource Management Class I or II

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designations, restrictions on structures and facilities, and retention of lands in Federal ownership (BLM, 2024, pp. 1-6 to 1-7).

Taken cumulatively, those prescriptions can produce management conditions that closely resemble statutory Wilderness even though Congress has not designated the land as Wilderness and the land is not subject to FLPMA Section 603's Wilderness Study Area non-impairment mandate. **The present policy therefore risks allowing an inventory finding to become a functional land designation**.

UPLA recommends that BLM revise Manual 6320 to restore a clear separation between wilderness-character inventory and land-use allocation, preserve FLPMA multiple-use management as the governing framework for ordinary public lands, require continuing reassessment of existing LWC, protect existing public access and valid existing rights, and ensure that LWC policy cannot be used to manufacture future wilderness eligibility through progressive closure and restoration of existing uses.

GOVERNING LEGAL FRAMEWORK

A. FLPMA Section 201 Makes Inventory Informational, Not Self-Executing Management

The most important statutory constraint upon LWC policy is contained within FLPMA Section 201. Congress directed the Secretary to maintain a continuing inventory of public lands and their resource and other values and required that the inventory remain current as conditions change. Congress then imposed an equally important limitation: preparation and maintenance of that inventory "shall not, of itself, change or prevent change of the management or use of the public lands." 43 U.S.C. § 1711(a) (Federal Land Policy and Management Act [FLPMA], 1976). That distinction should control Manual 6320. An LWC determination may inform subsequent planning, but it is not itself a withdrawal, closure, Wilderness designation, Wilderness Study Area, right-of-way exclusion, travel-management decision, or conservation allocation. Nor should the mere presence of LWC trigger interim restrictions intended to preserve the area's future eligibility for wilderness-oriented management.

The Supreme Court has similarly described FLPMA as establishing a "dual regime of inventory and planning." *Norton v. Southern Utah Wilderness Alliance*, 542 U.S. 55, 58-60 (2004). Inventory under Section 201 supplies information; planning under Section 202 establishes management direction. The Court separately recognized that FLPMA's multiple-use mandate involves balancing competing recreational, range, timber, mineral, watershed, wildlife, scenic,

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scientific, and historical values rather than treating one resource as categorically superior to the others. *Norton*, 542 U.S. at 58-60.

Manual 6320 should therefore expressly state at its outset, and repeat where necessary, that an LWC inventory finding creates no interim protective status and no presumption that subsequent management must protect wilderness characteristics.

B. FLPMA Requires Multiple-Use and Sustained-Yield Management

FLPMA declares that public lands generally are to be managed under principles of multiple use and sustained yield. 43 U.S.C. §§ 1701(a)(7), 1702(c), 1732(a). Section 302 directs the Secretary to manage public lands under those principles in accordance with applicable land-use plans unless particular lands have been dedicated to a specific use by another law. 43 U.S.C. § 1732(a). The Supreme Court has recognized that multiple-use management requires BLM to strike a balance among competing uses and values rather than maximizing one resource everywhere. *Norton*, 542 U.S. at 58. Likewise, the Tenth Circuit has recognized that protective management can fall within BLM's planning discretion, but that principle does not transform wilderness protection into the statutory default. *New Mexico ex rel. Richardson v. Bureau of Land Management*, 565 F.3d 683, 710-11 (10th Cir. 2009).

UPLA therefore does not contend that BLM is legally prohibited from protecting wilderness characteristics through an otherwise lawful RMP decision. Rather, BLM must make that choice through the ordinary planning process, grounded in the record and balanced against competing resource values and uses. LWC inventory status should not predetermine the outcome.

C. Wilderness and LWC Must Remain Legally and Operationally Distinct

The Wilderness Act establishes a special statutory management regime for lands included within the National Wilderness Preservation System. Subject to statutory exceptions, Wilderness generally excludes permanent roads, commercial enterprises, motorized equipment, motor vehicles, and structures or installations. 16 U.S.C. § 1133(c) (Wilderness Act, 1964). The Supreme Court has emphasized the distinction between ordinary multiple-use lands and Wilderness. In *Norton*, the Court observed that Congress made a legislative choice to set certain lands aside as Wilderness at the expense of otherwise available commercial and recreational uses and stated that Wilderness designation can be made only through congressional action. 542 U.S. at 58-59.

Manual 6320 itself recognizes that LWC is different. It expressly states that non-Wilderness, non-WSA lands possessing wilderness characteristics do not carry statutory protective requirements comparable to designated Wilderness or existing WSAs (BLM, 2024, p. 1-1). Yet the current Manual's menu of LWC protection measures can collectively reproduce many of the practical limitations associated with Wilderness. That does not necessarily render each restriction unlawful when adopted under independent authority, but it makes a clear policy firewall essential. Manual 6320 should prevent an informational inventory category from becoming an administrative substitute for the special designations Congress established by law.

D. FLPMA's Original Wilderness Review Has Legal Significance

FLPMA Section 603 directed BLM to conduct a wilderness review of qualifying roadless public lands and make recommendations to the President and Congress. 43 U.S.C. § 1782. As the Tenth Circuit has recognized, BLM's statutory authority to make recommendations under that original Section 603 wilderness-review process expired after completion of the congressionally prescribed review period. *Richardson*, 565 F.3d at 700-01.

The Tenth Circuit has not held that BLM lacks general Section 202 authority to adopt conservation-oriented land-use allocations after that process. Indeed, *Richardson* assumed for purposes of the dispute before it that WSA designation under Section 202 could constitute a lawful planning option while noting that the underlying legal question had not been conclusively resolved in the earlier Utah litigation. 565 F.3d at 701 n.34.

That distinction matters. UPLA does not urge BLM to adopt a legally vulnerable position that Section 202 can never be used to protect wilderness-related values. UPLA instead recommends that the Bureau, as a matter of sound policy and respect for the distinction Congress created between inventory, ordinary planning, WSAs, and Wilderness, discontinue administrative creation of new formal WSAs from ordinary LWC. Ordinary Section 202 planning tools remain available without importing WSA terminology and its associated non-impairment framework.

HYBRID "MINIMIZATION" CATEGORY CREATES DE FACTO WILDERNESS MANAGEMENT

UPLA recommends that BLM remove the current hybrid management category under Manual 6320 that contemplates "minimizing impacts to wilderness characteristics while emphasizing other multiple uses." <u>Although this management option appears to represent a balanced approach, it instead creates an ambiguous middle ground that allows ordinary multiple-use lands</u>

to be managed in a manner that is functionally indistinguishable from wilderness protection without openly selecting wilderness protection as the governing land-use objective.

The principal deficiency is not that BLM considers wilderness characteristics during land use planning. FLPMA expressly authorizes the Bureau to inventory public-land resources and to consider those resources during preparation and revision of Resource Management Plans. Rather, the problem arises when BLM declines to identify wilderness protection as the selected land-use allocation, yet simultaneously imposes restrictions whose primary purpose and practical effect are to preserve wilderness characteristics. Under this hybrid approach, routes may be closed, motorized use restricted, rights-of-way discouraged, development limited, infrastructure excluded, and other multiple uses incrementally constrained, all while the agency maintains that the land remains managed primarily for multiple use. This blurs the legal distinction between ordinary public lands managed under FLPMA's multiple-use mandate and lands that Congress has chosen to manage under a wilderness preservation framework.

FLPMA establishes a deliberate separation between inventory and management. Section 201 requires BLM to maintain a continuing inventory of public lands and their resource and other values while expressly providing that the inventory "shall not, of itself, change or prevent change of the management or use of the public lands" (Federal Land Policy and Management Act [FLPMA], 1976, 43 U.S.C. § 1711(a)). Inventory is therefore informational. It identifies resource conditions but does not determine how those resources will ultimately be managed. Management decisions occur separately under FLPMA Section 202 through the land use planning process, where BLM must balance competing resources and uses consistent with the statutory principles of multiple use and sustained yield (43 U.S.C. §§ 1702(c), 1712, 1732).

Manual 6320 itself recognizes this distinction. It correctly states that an inventory finding does not require BLM to protect wilderness characteristics, that inventory and management are separate functions under FLPMA Sections 201 and 202, and that BLM retains discretion to prioritize other resource values and multiple uses over wilderness characteristics where appropriate. However, the hybrid minimization category undermines those principles by allowing wilderness preservation objectives to influence management decisions without expressly identifying wilderness preservation as the selected planning outcome.

This approach also conflicts with the structure of FLPMA's multiple-use mandate. Congress directed that public lands generally be managed for multiple use and sustained yield, requiring BLM to balance competing demands for recreation, livestock grazing, mineral development, energy production, rights-of-way, watershed protection, wildlife habitat, cultural resources, scenic values, timber, and other public benefits rather than elevating one resource value above all

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others (43 U.S.C. §§ 1702(c), 1732(a)). The Supreme Court has likewise recognized that FLPMA requires balancing among competing resource values rather than maximizing any single use across the public lands (*Norton v. Southern Utah Wilderness Alliance*, 542 U.S. 55, 58-60, 2004). A hybrid minimization standard distorts that balancing process by creating a procedural expectation that wilderness characteristics should be preserved even where BLM has not selected wilderness protection as the governing management objective.

The hybrid category also creates significant transparency concerns. Resource Management Plans are intended to disclose the management objectives selected by the agency and the consequences of those choices. When BLM openly selects protection of wilderness characteristics as a land-use allocation under Section 202, the public can meaningfully evaluate the proposal, understand the resulting tradeoffs, and comment on whether those restrictions appropriately balance competing public-land values. By contrast, the hybrid approach allows restrictions designed primarily to preserve wilderness characteristics to be presented as ordinary multiple-use management, making it considerably more difficult for the public to understand the actual management direction being proposed.

As a practical matter, the hybrid category also risks creating management conditions that become functionally equivalent to Wilderness or Wilderness Study Area management. Manual 6320 separately authorizes a broad range of protective management prescriptions that may accompany LWC management, including recommendations for mineral withdrawal, no-surface-occupancy leasing stipulations, right-of-way exclusions, restrictions on new roads, motorized travel limitations, mineral material closures, commercial-use restrictions, restrictive Visual Resource Management classifications, limitations on facilities, and retention of lands in Federal ownership. While each of those management tools may be authorized under independent statutory authorities in appropriate circumstances, collectively applying those measures under a hybrid "multiple use with minimized impacts" framework can produce land management that is operationally indistinguishable from wilderness management while avoiding the legal and policy distinctions established by Congress.

The concern is particularly significant in light of recent Federal policy changes concerning off-highway vehicle management. Executive Order 14408 rescinded Executive Orders 11644 and 11989 and directed Federal land management agencies to revise the regulations implementing those Executive Orders because existing Federal statutes, including FLPMA, NEPA, the Endangered Species Act, and the National Historic Preservation Act, already provide an adequate statutory framework for managing public lands. The Executive Order specifically concluded that the former Executive Orders relied upon vague and subjective minimization standards that unnecessarily restricted access to Federal lands and directed agencies to replace those standards with a framework providing greater public access and multiple-use benefits.

Although BLM's existing travel management regulations remain temporarily in effect pending rulemaking, the Bureau has acknowledged through Interim Guidance IM-2026-023 that Executive Order 14408 directs revision of the minimization criteria contained in 43 C.F.R. Part 8340 while emphasizing that future policy revisions should be grounded in applicable statutory authorities rather than the rescinded Executive Orders. Continuing to employ a hybrid minimization framework within Manual 6320 while the Department simultaneously revises the underlying minimization regulations would be inconsistent with both the policy direction established by Executive Order 14408 and the Department's ongoing regulatory review.

Accordingly, we recommend that Manual 6320 eliminate the hybrid minimization category entirely. The Manual should instead require BLM to make a clear and transparent planning determination. If BLM concludes, after considering the full administrative record and balancing all competing resource values, that protection of wilderness characteristics should become a land-use objective under FLPMA Section 202, that determination should be expressly identified in the applicable Resource Management Plan together with the management prescriptions necessary to implement that objective. Conversely, if BLM does not select protection of wilderness characteristics as a land-use objective, the affected lands should continue to be managed under FLPMA's ordinary multiple-use framework, with any restrictions imposed only where independently authorized by statute, regulation, or site-specific planning decisions supported by substantial evidence.

Removing the hybrid minimization category would not reduce BLM's ability to protect public-land resources. Demonstrated impacts to wildlife, soils, vegetation, watersheds, cultural resources, historic properties, or other protected resources remain fully addressable under FLPMA, NEPA, the Endangered Species Act, the National Historic Preservation Act, travel management regulations, and numerous other statutory authorities. Those protections should continue to be implemented where supported by site-specific evidence and the governing legal authority. What should not continue is the use of an LWC inventory, coupled with an undefined minimization standard, as an independent basis for gradually transforming ordinary multiple-use lands into lands managed as the functional equivalent of Wilderness without congressional designation or an explicit planning decision selecting that management objective.

MANUAL 6320 MUST BE REVISED TO REFLECT THE REPEAL OF EXECUTIVE ORDERS 11644 AND 11989 AND THE PENDING REVISION OF 43 C.F.R. § 8342.1

The Bureau's review of Manual 6320 presents an important opportunity to ensure that the Manual reflects the current legal and policy framework governing management of public lands. Since Manual 6320 was issued in October 2024, the legal landscape surrounding off-highway vehicle management and the long-standing "minimization criteria" has changed significantly. Executive Order 14408, *Removing Unnecessary and Counterproductive Restrictions on Access to Federal Lands*, rescinded Executive Orders 11644 and 11989 and directed the Department of the Interior to revise or rescind regulations implementing those Executive Orders, including the designation criteria contained in 43 C.F.R. § 8342.1 (Exec. Order No. 14408, 2026).

Although Manual 6320 does not directly implement 43 C.F.R. Part 8340, its policy framework repeatedly incorporates the same underlying management philosophy embodied in the existing minimization criteria. Both policies encourage land managers to reduce or avoid impacts to wilderness characteristics through restrictions on access and other multiple uses, even where Congress has not designated the affected lands as Wilderness and where FLPMA imposes no statutory duty to preserve wilderness characteristics. As a result, revision of Manual 6320 should occur in concert with the Department's broader effort to replace the outdated minimization framework with one that more faithfully reflects FLPMA's multiple-use mandate.

Executive Order 14408 explains why this policy change is warranted. The Order recognizes that Executive Orders 11644 and 11989 were issued more than fifty years ago, before Congress enacted or substantially amended many of the modern statutes that now govern public land management, including FLPMA, the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), and numerous agency-specific resource management authorities. The Order concludes that these statutes now provide a comprehensive legal framework for managing recreation, conservation, cultural resources, wildlife, historic properties, and other public-land values without retaining the additional, ill-defined minimization requirements established by the rescinded Executive Orders. It further explains that replacing those standards will provide greater public access, recreational opportunity, and multiple-use benefits while maintaining appropriate environmental protections (Exec. Order No. 14408, 2026).

That reasoning applies with equal force to Manual 6320. The Manual should not perpetuate policy concepts that are being reconsidered elsewhere within the Department because they originated from the same executive directives now determined to be unnecessary and counterproductive. Rather, Manual 6320 should be revised to reflect the principle articulated in Executive Order 14408 that existing Federal statutes already provide adequate authority to protect public-land resources while supporting broader public access and balanced multiple-use management.

The current language of 43 C.F.R. § 8342.1 requires route designations to be based upon protection of public-land resources, promotion of user safety, and "minimization of conflicts among various uses of the public lands" through a series of broad designation criteria. Those criteria have historically been interpreted in many travel management planning efforts as requiring agencies to reduce route density, eliminate route redundancy, avoid generalized user conflicts, minimize visual and auditory impacts, and otherwise restrict motorized access whenever a less restrictive alternative could not be affirmatively justified.

Executive Order 14408 specifically identifies those minimization criteria as "vague and subjective" and directs the Department to replace them with a regulatory framework providing greater access, recreational opportunity, and multiple-use benefits. Because Manual 6320 repeatedly relies upon similarly subjective concepts, the Manual must likewise be revised to eliminate standards that lack clear statutory grounding and that have historically encouraged increasingly restrictive management of ordinary multiple-use lands.

Specifically, UPLA recommends that Manual 6320 expressly reject reliance upon generalized or subjective concepts as independent justification for restricting public access or imposing protective management on lands possessing wilderness characteristics. LWC management decisions should not rely upon generalized findings concerning:

- "minimization" of impacts absent a specific statutory requirement;
- preservation of future wilderness suitability;
- generalized user conflicts unsupported by measurable evidence;
- subjective visual or scenic preferences;
- generalized concerns regarding noise associated with lawful recreation;
- selection of the least-access or least-development alternative simply because it better preserves wilderness characteristics;
- overlap with inventoried LWC as an independent basis for restricting otherwise lawful uses.

<u>Each of these concepts lacks an independent statutory mandate.</u> They may be relevant considerations when implementing another applicable law or approved land-use allocation, but they should not function as stand-alone decision criteria that effectively elevate wilderness characteristics above FLPMA's broader multiple-use mandate.

Instead, Manual 6320 should require that restrictions associated with LWC be tied directly to an independent legal authority and supported by objective, site-specific evidence. Where BLM determines that restrictions are necessary, the decision record should identify:

- the specific statutory or regulatory authority authorizing the restriction;
- the particular resource requiring protection;
- the measurable condition or impact supporting the restriction;
- the causal relationship between the activity and the identified impact;
- why less restrictive management measures would not adequately address the documented concern; and
- how the restriction remains consistent with FLPMA's requirement to manage public lands under principles of multiple use and sustained yield.

This approach is fully consistent with FLPMA. Congress directed BLM to manage public lands through balanced consideration of recreation, grazing, timber, minerals, watershed, wildlife, scenic values, scientific resources, and historical resources rather than through preservation of any single value across all public lands (43 U.S.C. §§ 1701(a)(7), 1702(c), 1732(a)). Likewise, the Supreme Court has recognized that FLPMA requires balancing among competing public-land values rather than maximizing one resource at the expense of all others (*Norton v. Southern Utah Wilderness Alliance*, 542 U.S. 55, 58-60, 2004).

Importantly, none of these recommended revisions would reduce BLM's ability to protect sensitive public-land resources. Existing Federal law already provides comprehensive authority to protect threatened and endangered species, cultural resources, archaeological sites, water quality, wetlands, historic properties, wildlife habitat, wilderness areas designated by Congress, Areas of Critical Environmental Concern, National Conservation Areas, Wild and Scenic Rivers, and numerous other protected resources. Those authorities remain fully available to BLM independent of the minimization framework formerly associated with Executive Orders 11644 and 11989. Executive Order 14408 itself expressly recognizes that modern statutory authorities provide the appropriate framework for protecting Federal lands while allowing greater public access and multiple-use management.

The Bureau has already acknowledged this policy transition in Interim Guidance IM-2026-023. That guidance explains that Executive Order 14408 directs the Department to revise the minimization criteria contained in 43 C.F.R. § 8342.1 and advises field offices that, unless otherwise required by court order or settlement agreement, application of the existing minimization criteria should be addressed within the decision document itself rather than driving the NEPA analysis supporting travel management planning. The Interim Guidance further recognizes that future regulations should provide more access, recreational opportunities, and greater multiple-use benefits to the public.

Manual 6320 should reflect this same policy direction. Rather than preserving an internal wilderness-oriented minimization framework while the Department simultaneously moves away from minimization in its travel-management regulations, the revised Manual must consistently recognize that inventory of wilderness characteristics is informational, not regulatory; that protection of wilderness characteristics is discretionary rather than presumptive; and that management decisions affecting LWC must be grounded in applicable statutory authority, objective evidence, and FLPMA's overarching mandate for balanced multiple-use and sustained-yield management.

DETAILED ROUTE-SPECIFIC EVIDENCE REQUIREMENTS

UPLA recommends that Manual 6320 establish substantially more rigorous evidentiary requirements whenever BLM proposes to restrict, reroute, or close motorized routes, roads, rights-of-way, or other forms of public access for the purpose of protecting lands with wilderness characteristics. The current Manual appropriately recognizes that inventory and management are separate functions under FLPMA, but it does not establish an adequate evidentiary threshold demonstrating when protection of wilderness characteristics justifies restricting established multiple uses.

This omission has practical consequences. In many planning efforts, route restrictions have been justified through generalized statements that motorized use may affect naturalness, opportunities for solitude, or primitive recreation, without demonstrating that a specific route is actually responsible for a measurable impairment, that the impairment cannot be addressed through less restrictive measures, or that closure represents the least disruptive means of achieving a legitimate planning objective. Such an approach effectively allows an LWC inventory finding to become an independent basis for restricting access, contrary to FLPMA Section 201's express direction that inventory itself "shall not, of itself, change or prevent change of the management or use of the public lands" (Federal Land Policy and Management Act [FLPMA], 1976, 43 U.S.C. § 1711(a)).

Inventory must remain inventory. It is descriptive, not regulatory. It informs planning but does not itself authorize restrictions. Manual 6320 should therefore expressly prohibit reliance upon the existence of an LWC inventory as sufficient evidence supporting route closure or diminished public access. Every restriction must instead be supported by independent statutory authority, substantial evidence contained within the administrative record, and a reasoned explanation demonstrating why the restriction is necessary under the selected land-use allocation.

To accomplish this objective, Manual 6320 should require that every proposed route restriction associated with protection of wilderness characteristics include, at a minimum, a route-specific evidentiary analysis documenting:

- the precise route identification, GIS alignment, and affected mileage;
- the statutory authority authorizing the proposed restriction;
- the specific wilderness characteristic allegedly affected;
- the exact location where measurable impacts occur;
- objective documentation demonstrating the existence, magnitude, frequency, and extent of the identified impact;
- a demonstrated causal relationship between use of the route and the documented impact, rather than generalized assumptions regarding motorized recreation;
- evaluation of whether the identified condition results from the route itself, adjacent land uses, natural processes, unauthorized activity, wildfire, invasive species, grazing, utility infrastructure, or other unrelated factors;
- consideration of all reasonably available mitigation measures prior to closure;
- explanation why each less restrictive measure would be insufficient;
- evaluation of effects upon public access, recreation, local economies, emergency response, administrative access, grazing, mineral development, rights-of-way, and other multiple uses; and
- measurable monitoring criteria that would permit future reconsideration, modification, or reopening of the route if conditions improve.

These evidentiary requirements are consistent with the Administrative Procedure Act's prohibition against arbitrary and capricious decision making, which requires agencies to articulate a rational connection between the facts found and the decisions made (*Motor Vehicle Manufacturers Association v. State Farm Mutual Automobile Insurance Co.*, 463 U.S. 29, 43, 1983). They also reinforce NEPA's requirement that agencies base environmental analysis upon high-quality information and reasoned evaluation rather than unsupported assumptions (42 U.S.C. §§ 4332-4336).

Equally important, these standards reinforce FLPMA's distinction between inventory and management. A documented wilderness characteristic does not automatically establish that restricting public access represents the appropriate management response. Management decisions require independent analysis under FLPMA Section 202 and must remain consistent with the Bureau's multiple-use and sustained-yield responsibilities under Section 302.

Accordingly, Manual 6320 should expressly state that an LWC inventory finding shall never constitute independent authority to restrict motorized access, close routes, deny rights-of-way, or otherwise alter public use. Any such action must derive from applicable statute, regulation, approved land-use planning decisions, or other independent legal authority. The Manual itself should not function as a substantive regulatory authority creating restrictions beyond those authorized elsewhere in Federal law.

MORE ROBUST COUNTY ROAD AND R.S. 2477 PROCEDURES

Manual 6320 should also establish substantially more rigorous procedures governing county roads, asserted or adjudicated Revised Statute 2477 rights-of-way, and other historic transportation corridors during both LWC inventory and subsequent land-use planning. The presence, location, status, and historic use of transportation corridors frequently bear directly upon wilderness-character inventory. Roads may influence determinations regarding naturalness, opportunities for solitude, unit configuration, and manageability. At the same time, transportation corridors often represent significant public investments, support longstanding recreational and administrative access, facilitate emergency response, provide access to State and private lands, and may constitute valid existing rights preserved under FLPMA.

Congress expressly preserved valid existing rights when enacting FLPMA. Although R.S. 2477 was repealed prospectively in 1976, Congress simultaneously provided that "[n]othing in this Act... shall be construed as terminating any valid... right-of-way... existing on the date of approval of this Act." FLPMA § 701(a), 43 U.S.C. § 1769 note. Accordingly, LWC inventory cannot itself extinguish, diminish, redefine, or prejudge valid transportation rights established before repeal.

The Tenth Circuit has repeatedly recognized that R.S. 2477 rights present distinct legal questions governed by applicable law and that BLM generally lacks authority to make binding adjudications concerning the existence or scope of disputed R.S. 2477 rights (*Southern Utah Wilderness Alliance v. Bureau of Land Management*, 425 F.3d 735, 757-59 (10th Cir. 2005)). Likewise, the Department of the Interior's implementation guidance following *SUWA v. BLM* directs Federal agencies to gather relevant information from claimants, governmental entities, agency records, and the public before making non-binding determinations, to consult the Office of the Solicitor, and to provide notice and opportunity for public comment. It further instructs agencies that, where valid rights may exist, Federal regulation should minimize unnecessary interference with lawful exercise of those rights.

Manual 6320 should incorporate these principles directly into its LWC procedures.

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Specifically, before relying upon roads or transportation features as support for, or contrary to, an LWC inventory determination, BLM should compile and evaluate all reasonably available evidence concerning the transportation corridor, including:

- county transportation inventories;
- county road maintenance records;
- historical General Land Office surveys;
- historical USGS topographic mapping;
- historical aerial photography;
- agency maintenance records;
- route designation history;
- Resource Management Plans;
- travel management decisions;
- transportation plans;
- emergency-response planning documents;
- State transportation records;
- local government information; and
- credible historical evidence submitted by the public.

Equally important, Manual 6320 should require early government-to-government coordination with affected counties and States before finalizing LWC inventory boundaries or proposing management prescriptions that could affect transportation corridors. County governments frequently possess historical records unavailable to Federal agencies and possess unique institutional knowledge concerning longstanding public travel routes.

Where asserted R.S. 2477 rights exist, Manual 6320 should expressly state that LWC inventory neither confirms nor disproves those claims and shall not be cited as evidence regarding their legal validity. Inventory remains informational only. Questions concerning property interests must continue to be resolved under applicable law rather than through administrative inventory procedures.

Similarly, where roads or routes remain subject to legitimate dispute, Manual 6320 should prohibit use of LWC inventory as justification for restricting maintenance, public travel, or routine management activities unless independently authorized by applicable law.
These procedures preserve the critical distinction between inventory and adjudication while ensuring that BLM develops complete factual records before relying upon transportation features in wilderness-character planning.

STRONGER BOUNDARY-SETTING STANDARDS

UPLA further recommends comprehensive revision of Manual 6320's procedures governing delineation of LWC boundaries. Boundary determination is among the most consequential components of wilderness-character inventory because it establishes the geographic area subject to subsequent planning analysis. If boundaries are drawn inconsistently, artificially enlarged, or disconnected from existing landscape conditions, later planning decisions inevitably rest upon an inaccurate factual foundation. FLPMA Section 201 requires inventories to remain current and reflect existing resource conditions. Consequently, LWC boundaries should describe the landscape as it presently exists rather than the landscape the agency hopes to create through future management restrictions. Inventory must remain inventory.

Manual 6320 should therefore require that boundaries be established using objective, observable conditions existing on the ground at the time of inventory. Boundaries should not be manipulated to maximize acreage, avoid transportation features, exclude developed corridors while retaining their surrounding influence, or otherwise improve apparent wilderness character.

Transportation corridors deserve particular attention.

Existing roads, county roads, designated motorized routes, maintained primitive roads, utility corridors, frequently traveled access routes, and similar transportation features often influence the surrounding landscape well beyond the physical road prism itself. Traffic, dust, visual disturbance, administrative activity, maintenance, recreation, utilities, and repeated human presence may affect naturalness, opportunities for solitude, or primitive recreation across adjacent lands. Accordingly, Manual 6320 should require inventory teams to evaluate the actual zone of influence associated with existing transportation corridors rather than simply drawing LWC boundaries immediately adjacent to the traveled surface. Where transportation corridors substantially divide or fragment the landscape, they should ordinarily function as logical inventory boundaries rather than artificially connecting separate inventory units into larger management areas.

Similarly, boundaries should not be manipulated through narrow connecting corridors designed primarily to aggregate otherwise separate landscape units into larger qualifying inventory areas. Landscape units should reflect actual on-the-ground continuity rather than administrative convenience.

The Manual should also require documentation explaining every significant boundary decision, including why particular roads, developed corridors, utility rights-of-way, recreation facilities, administrative sites, or transportation features were included, excluded, or treated as boundary elements.

Boundary analyses should specifically evaluate:

- existing transportation corridors;
- county road systems;
- administrative roads;
- designated recreation routes;
- utility corridors;
- pipelines;
- communication facilities;
- developed recreation sites;
- grazing improvements;
- water developments;
- inholdings;
- adjacent development;
- wildfire fuel treatments;
- vegetation management projects; and
- other permanent or recurring landscape influences.

This documentation should become part of the public inventory record and remain available for future inventory updates.

Most importantly, Manual 6320 should prohibit boundary decisions undertaken principally to enhance future wilderness eligibility or facilitate later protective management. Boundaries should describe existing conditions rather than creating opportunities for future restrictions. The Bureau should also establish a formal process for revisiting previously delineated LWC boundaries whenever transportation infrastructure changes, wildfire alters landscape character, new development occurs, additional information becomes available, or previous inventory assumptions prove inaccurate.

These revisions reinforce the central legal principle underlying FLPMA Section 201. LWC inventory exists to provide accurate information concerning existing public lands. It is not itself a land designation, it is not a substitute for congressional Wilderness, it does not independently authorize restrictive management, and it must never be used to create de facto Wilderness through progressively expansive inventory boundaries followed by corresponding management restrictions.

EXPANDED ACCESSIBILITY ANALYSIS

UPLA strongly recommends that Manual 6320 incorporate a comprehensive accessibility analysis whenever management alternatives propose to protect lands with wilderness characteristics through restrictions affecting roads, motorized routes, mechanized access, infrastructure, or other forms of public access. Although the current Manual appropriately recognizes recreation as one of the multiple uses that must be considered during land-use planning, it does not adequately recognize that access itself constitutes a fundamental public-land value and that motorized transportation is often the only practical means by which millions of Americans are able to experience and enjoy public lands.

FLPMA establishes that the public lands are to be managed under principles of multiple use and sustained yield for the benefit of both present and future generations (Federal Land Policy and Management Act [FLPMA], 1976, 43 U.S.C. §§ 1701(a)(7), 1702(c), 1732(a)). Congress intentionally included outdoor recreation among the principal public uses of Federal lands and directed BLM to balance recreation with grazing, watershed protection, wildlife habitat, mineral development, scenic resources, historical values, and other public interests. Nothing within FLPMA suggests that recreational opportunity should be evaluated only from the perspective of visitors physically capable of traveling long distances on foot or by nonmotorized means. Accordingly, **Manual 6320 must recognize that meaningful public access is itself an important component of multiple-use management**. Protecting wilderness characteristics should not inadvertently exclude substantial segments of the American public from lands they collectively own.

This issue is particularly significant because many areas possessing wilderness characteristics occur in remote landscapes where public roads are limited, terrain is rugged, distances are substantial, and environmental conditions are often challenging. For many individuals, including older Americans, veterans, families with young children, individuals with temporary injuries, persons with permanent mobility impairments, and others whose physical abilities do not permit extended backcountry travel, motorized transportation provides the only practical means of accessing these landscapes. Eliminating roads or designated motorized routes may therefore have the practical effect of excluding those citizens from public lands that remain theoretically "open" but functionally inaccessible.

Congress has repeatedly recognized the importance of improving access to Federal public lands for individuals with disabilities and mobility limitations. The Architectural Barriers Act of 1968, the Rehabilitation Act of 1973, and the Americans with Disabilities Act collectively establish a longstanding Federal policy favoring reasonable accessibility within Federal programs and

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facilities. Although these statutes do not require every acre of public land to be physically accessible, they reflect an important public policy that Federal land management should expand, rather than unnecessarily diminish, opportunities for individuals with disabilities to enjoy public resources whenever consistent with applicable law.

More recently, Congress reaffirmed that objective through the Expanding Public Lands Outdoor Recreation Experiences Act (EXPLORE Act), which directs Federal land management agencies to improve outdoor recreation opportunities, remove unnecessary barriers to access, improve accessibility for veterans and individuals with disabilities, and enhance public enjoyment of federally managed public lands through balanced recreation management (EXPLORE Act, Pub. L. No. 118-234, 2025). The policy direction established by the EXPLORE Act strongly supports incorporating accessibility considerations directly into Manual 6320.

Manual 6320 should therefore require every planning effort involving LWC management to evaluate accessibility as an independent planning factor rather than merely treating motorized access as one recreational use among many. Specifically, accessibility analysis should evaluate:

- the extent to which proposed restrictions would reduce practical access for older adults, persons with disabilities, veterans, and mobility-limited visitors;
- whether alternative access opportunities of comparable quality remain reasonably available within the planning area;
- the extent to which motorized routes provide the only practical means of accessing scenic, cultural, historic, hunting, camping, fishing, educational, or recreational opportunities;
- effects upon family-oriented recreation, including access for young children and multi-generational users;
- effects upon emergency evacuation, search and rescue, wildfire response, and administrative access;
- whether proposed closures would disproportionately concentrate accessible recreation into a diminishing number of locations; and
- whether less restrictive management approaches could adequately protect wilderness characteristics while maintaining reasonable public accessibility.

These analyses should be quantitative wherever reasonably practicable. BLM should identify route mileage affected, acreage rendered practically inaccessible by motor vehicle, distances required for nonmotorized access following closure, changes in travel time, and other measurable indicators demonstrating the actual public consequences of proposed management.

Importantly, accessibility should not be evaluated solely from the perspective of statutory disability law. FLPMA's multiple-use mandate requires consideration of broad public benefit. Many citizens who are not legally disabled nevertheless cannot reasonably access remote public lands without motorized transportation because of age, health, family responsibilities, temporary physical limitations, or the considerable distances separating roads from recreational destinations. Those considerations are legitimate components of multiple-use planning.

Manual 6320 should therefore expressly recognize that preserving reasonable motorized access often advances multiple-use management rather than conflicting with it.

This recommendation also reinforces one of the central legal principles governing LWC management. Inventory must remain inventory. Identification of wilderness characteristics cannot itself diminish public accessibility or create a presumption favoring progressively less accessible management. Any reduction in access must instead arise from an independently authorized planning decision supported by substantial evidence demonstrating that less restrictive alternatives cannot adequately address the identified resource concern.

Likewise, Manual 6320 should expressly state that it does not independently authorize reductions in public access. Any limitations upon recreation, transportation, or accessibility must derive from applicable statutes, regulations, approved Resource Management Plans, or other lawful authorities. The Manual should guide planning under existing law rather than functioning as an independent regulatory mechanism.

By incorporating accessibility directly into the multiple-use balancing process, Manual 6320 would more faithfully implement FLPMA's statutory objectives while ensuring that protection of wilderness characteristics does not unintentionally reduce meaningful public access to the very public lands Federal agencies are entrusted to manage for the benefit of all Americans.

MITIGATION BEFORE CLOSURE AS A MANUAL-WIDE DECISION STANDARD

We recommend that Manual 6320 adopt a uniform, Manual-wide decision standard requiring BLM to evaluate and document reasonable mitigation measures before restricting roads, motorized routes, rights-of-way, infrastructure, recreation opportunities, or other lawful multiple uses for the purpose of protecting lands with wilderness characteristics. This recommendation should become one of the governing principles of the revised Manual.

Current Manual 6320 identifies numerous management prescriptions that may be used to protect wilderness characteristics, including restrictions on roads, motorized travel, mineral development, rights-of-way, commercial activities, facilities, and other uses. While each of these management tools may be appropriate under particular circumstances, the Manual does not establish a consistent analytical hierarchy requiring BLM to demonstrate why less restrictive management approaches would be inadequate before selecting closure or prohibition. That omission is inconsistent with FLPMA's multiple-use framework.

Congress did not direct BLM to maximize wilderness preservation wherever wilderness characteristics are identified. Instead, FLPMA requires BLM to balance competing resource values while managing public lands for multiple use and sustained yield (43 U.S.C. §§ 1702(c), 1732(a)). Restricting otherwise lawful public uses should therefore represent the product of reasoned planning rather than the default response whenever resource conflicts are identified. Executive Order 14408 reinforces this policy direction by recognizing that prior minimization-based approaches frequently resulted in unnecessary restrictions on public access and directing Federal agencies to revise those policies in favor of greater recreational opportunity, broader public access, and balanced multiple-use management while continuing to protect natural and cultural resources under existing statutory authorities (Exec. Order No. 14408, 2026). The Department's ongoing revision of travel-management regulations similarly reflects a broader shift away from generalized minimization toward resource-specific management supported by existing law.

Manual 6320 should incorporate that same policy direction by establishing mitigation before closure as its governing decision framework. Accordingly, where BLM identifies a legitimate resource concern associated with an inventoried LWC, the agency should first evaluate whether the concern can reasonably be addressed through targeted management measures rather than closure or prohibition.

Potential mitigation measures may include, as appropriate:

- route maintenance and improved drainage;
- erosion-control structures;
- hardened stream crossings;
- improved route delineation and signing;
- fencing or barriers protecting specific sensitive resources while retaining travel corridors;
- seasonal restrictions during periods of demonstrated resource sensitivity;
- temporary closures tied to measurable environmental conditions;
- vehicle-type or vehicle-width limitations;
- speed management;
- rerouting of short route segments around localized resource conflicts;
- designated camping improvements;

- visitor education;
- increased enforcement against unauthorized travel;
- restoration of unauthorized routes while retaining designated access;
- monitoring and adaptive management; and
- targeted engineering solutions addressing specific documented impacts.

The appropriate mitigation will necessarily depend upon the nature of the identified resource concern. The critical principle is that the Bureau should demonstrate why those measures cannot reasonably resolve the documented impact before selecting permanent closure or elimination of an existing public use.

Manual 6320 should therefore require every proposed restriction affecting multiple use to include a written mitigation analysis documenting:

- the specific resource concern identified;
- all reasonably available mitigation measures evaluated;
- why each alternative would or would not adequately address the documented impact;
- expected environmental effectiveness of each mitigation measure;
- anticipated effects upon public access and other multiple uses; and
- the rationale supporting any conclusion that closure represents the least restrictive practicable management response.

This recommendation is fully consistent with longstanding principles of reasoned administrative decision making. Under the Administrative Procedure Act, agencies must examine the relevant data, consider important aspects of the problem before them, and articulate a rational explanation connecting the evidence to the final decision (*Motor Vehicle Manufacturers Association v. State Farm Mutual Automobile Insurance Co.*, 463 U.S. 29, 43, 1983). Failure to consider obvious alternatives or explain why less restrictive options were rejected may render agency action arbitrary and capricious. Likewise, NEPA requires agencies to rigorously evaluate reasonable alternatives and disclose the environmental consequences of competing management approaches (42 U.S.C. §§ 4332-4336).

A mitigation-first framework also better reflects the distinction between inventory and management established by FLPMA. Inventory identifies resource values. It does not dictate management outcomes. When BLM discovers that a route passes through land possessing wilderness characteristics, the existence of that inventory finding should initiate careful planning analysis, not predetermine closure. Inventory must remain inventory.

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Equally important, adoption of a mitigation-before-closure standard preserves the distinction between LWC and congressionally designated Wilderness. Wilderness management frequently relies upon categorical statutory prohibitions established by Congress through the Wilderness Act. Ordinary LWC carries no comparable statutory non-impairment mandate. Consequently, management should focus upon resolving demonstrable resource conflicts while preserving compatible multiple uses whenever reasonably practicable.

Manual 6320 should also recognize that mitigation is not static. Management should be adaptive. If monitoring demonstrates that mitigation successfully addresses documented impacts, additional restrictions become unnecessary. Conversely, if mitigation proves ineffective despite reasonable implementation, more restrictive management may become appropriate. This adaptive framework is more consistent with both FLPMA's continuing management responsibilities and modern principles of evidence-based public-land stewardship than assuming that permanent closure represents the preferred long-term solution.

Finally, Manual 6320 should expressly clarify that neither the Manual itself nor the existence of an LWC inventory constitutes independent legal authority for closure. Restrictions affecting public access must derive from applicable statutes, implementing regulations, approved land-use plans, or other lawful authorities supported by substantial evidence. The Manual should provide analytical guidance, not create substantive restrictions. By making mitigation before closure the governing decision standard, BLM would more faithfully implement FLPMA's multiple-use mandate while ensuring that protection of wilderness characteristics remains balanced, transparent, evidence-based, and fully distinguishable from management applicable only to lands Congress has formally designated as Wilderness.

CONTINUED MOTORIZED ACCESS AS A REASONABLE ALTERNATIVE

Manual 6320 should require BLM to consider continued motorized access as a reasonable management option wherever existing roads, trails, and routes are present.

Motorized use is not necessarily incompatible with wilderness characteristics. A route may occupy only a small portion of a larger inventory unit, follow a longstanding transportation corridor, provide access to destinations outside the unit, or exist in an area where the sights and sounds of human activity are already present. BLM should evaluate actual conditions rather than assume that any motorized use defeats or damages wilderness characteristics.

The Manual should require BLM to analyze whether:

- Existing motorized use can continue without eliminating the characteristics that qualified the area for inventory;
- Route maintenance or targeted mitigation could address documented impacts;

- The route provides important access, connectivity, or recreational value;
- Closure would concentrate use and impacts elsewhere;
- Alternative access is reasonably available;
- The route serves emergency response, search and rescue, firefighting, grazing, wildlife management, utility access, or other public purposes; and
- The route is important to people who cannot reasonably reach the area without motorized transportation.

BLM should not treat motorized closure as the default method of protecting wilderness characteristics.

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BLM should not treat motorized closure as the default method of protecting wilderness characteristics.

EXPANDED SOCIOECONOMIC AND RURAL COMMUNITY ANALYSIS

UPLA recommends that Manual 6320 expressly require consideration of the socioeconomic consequences of management decisions intended to protect lands with wilderness characteristics. Public-land access is closely connected to the economic vitality of many rural and gateway communities, particularly in the West. Motorized and other recreation on BLM-administered lands supports outfitters and guides, lodging establishments, restaurants, fuel stations, repair businesses, equipment dealers and rental businesses, permitted events, and other enterprises that depend directly or indirectly upon continued public access.

The economic significance of an individual road or trail cannot always be determined by examining that route in isolation. Established transportation networks provide access to recreation destinations and connect communities, trail systems, campgrounds, hunting areas, scenic locations, cultural and historic sites, and other public-land destinations. Closure of a relatively short route or connector may therefore affect recreational opportunities and economic activity far beyond the immediate route corridor.

Manual 6320 should require BLM to evaluate reasonably foreseeable socioeconomic consequences whenever management alternatives for LWC would close or materially restrict existing public access. Where reasonably practicable, that analysis should consider local and regional economic data, county and State plans, visitor-use patterns, established recreation destinations, permitted events and commercial activities, and the role that motorized and other public-land access plays in supporting surrounding communities.

The analysis should also consider cumulative effects. Individual access restrictions may appear relatively insignificant when evaluated separately while collectively producing substantial reductions in recreational opportunity, visitor access, and economic activity. BLM should therefore evaluate the cumulative consequences of existing and proposed LWC-related access restrictions within the planning area and, where reasonably foreseeable effects extend beyond the planning boundary, in adjoining planning areas and affected communities.

BLM should also evaluate displacement effects. Closing or restricting access in one location may shift recreation to other routes, trail systems, communities, or public lands, potentially increasing congestion, resource impacts, management costs, and demands upon local infrastructure elsewhere. Such consequences should be considered rather than assuming that use eliminated from one location simply disappears.

Socioeconomic considerations should not be treated as secondary to wilderness characteristics. FLPMA's multiple-use framework requires BLM to consider competing resource values and public uses when making land-use decisions. Accordingly, where BLM proposes LWC-related restrictions that would adversely affect recreation access, tourism, commercial activity, or rural communities, the decision record should identify those effects, explain how they were weighed against the asserted benefits of the restriction, and evaluate whether less restrictive management measures could accomplish the identified resource objective while preserving meaningful public access.

MORE DETAILED PUBLIC PARTICIPATION REQUIREMENTS

UPLA recommends that Manual 6320 substantially strengthen public participation requirements throughout the LWC inventory and planning process to improve transparency, ensure procedural fairness, and produce more accurate administrative records. Although FLPMA and NEPA already require opportunities for public involvement during land use planning, the current Manual provides relatively little direction regarding the type of information that should be disclosed to the public, the timing of that disclosure, or the agency's obligation to meaningfully consider contrary evidence submitted by cooperating agencies, State and local governments, permittees, and members of the public. Because inventory information frequently becomes the factual foundation for subsequent planning decisions, deficiencies in early public participation can propagate throughout the remainder of the planning process.

FLPMA requires the Secretary to provide meaningful opportunities for public involvement in the development, revision, and amendment of land use plans (43 U.S.C. § 1712(f)). Likewise, NEPA requires Federal agencies to make diligent efforts to involve the public in preparing and implementing environmental reviews and to disclose the information necessary for informed public participation (42 U.S.C. §§ 4336a, 4336b). The Council on Environmental Quality has consistently recognized that informed public participation is fundamental to reasoned Federal decision making because it improves the quality of agency analysis and strengthens the administrative record.

These statutory requirements are particularly important when BLM inventories lands with wilderness characteristics because the factual determinations supporting inventory boundaries, naturalness, opportunities for solitude, and primitive recreation often depend upon extensive site-specific information possessed by local governments, counties, permittees, recreation organizations, adjacent landowners, and long-term public land users. In many instances, those parties possess historical transportation records, maintenance documentation, aerial photography, resource inventories, recreational use data, and local knowledge unavailable to Federal personnel conducting the initial inventory.

Accordingly, Manual 6320 should require public participation at every significant stage of the inventory and planning process rather than limiting participation to formal Resource Management Plan comment periods. Inventory must remain inventory. Because inventory itself cannot change management under FLPMA Section 201, the inventory process should focus on developing the most accurate factual record possible before planning alternatives are formulated. Early and meaningful public involvement advances that objective while reducing later disputes concerning the adequacy of the administrative record.

Specifically, Manual 6320 should require public disclosure of the following information whenever new LWC inventories are prepared or existing inventories are revised:

- GIS boundary files for proposed LWC units;
- inventory worksheets and evaluation forms;
- maps depicting roads, primitive roads, designated routes, transportation corridors, utility infrastructure, developed sites, and other features considered during inventory;
- photographs, field notes, and supporting documentation relied upon during inventory;
- explanations of boundary determinations;
- identification of information sources used by inventory personnel;
- dates of field investigations;
- inventory methodologies;
- documentation supporting changes from previous inventories; and

- identification of any assumptions, data limitations, or unresolved factual questions.

Providing this information early in the planning process enables State agencies, counties, Tribes, recreation organizations, grazing permittees, conservation organizations, adjacent landowners, and individual members of the public to verify inventory conclusions before those conclusions become embedded within Resource Management Plan alternatives.

The Manual should also establish minimum procedural requirements governing public review of inventory information. At a minimum, BLM should:

- provide public notice whenever new LWC inventories are initiated or existing inventories are substantially revised;
- provide a reasonable opportunity for review of draft inventory materials before planning alternatives are developed;
- solicit information from counties, State agencies, Tribal governments, Federal land management partners, permittees, and the public regarding roads, access, resource conditions, historical uses, and other relevant information;
- make inventory documentation available in digital formats that facilitate independent review; and
- maintain a publicly accessible administrative record documenting inventory revisions over time.

These recommendations are fully consistent with FLPMA's requirement that land use planning be coordinated with State and local governments (43 U.S.C. § 1712(c)(9)). They also support Executive Order 13132 on Federalism by promoting early coordination with State and local governmental entities whose transportation systems, emergency services, land use plans, and economic interests may be directly affected by LWC management decisions.

Equally important, Manual 6320 should require BLM to meaningfully respond to substantive factual information submitted during inventory and planning. Agency responses should address not only policy disagreements but also competing factual evidence concerning roads, historical transportation corridors, naturalness, boundary delineation, existing uses, recreational demand, accessibility, wildlife conditions, grazing infrastructure, utility corridors, and other relevant matters.

Where BLM declines to adopt factual information submitted by cooperating agencies or members of the public, the administrative record should explain why that information was not adopted and identify the evidence supporting the agency's contrary conclusion. This recommendation is consistent with the Administrative Procedure Act, which requires agencies to engage in reasoned decision making and consider all important aspects of the issues before them (*Motor Vehicle Manufacturers Association v. State Farm Mutual Automobile Insurance Co.*, 463 U.S. 29, 43, 1983). Failure to meaningfully address credible contrary evidence risks rendering agency action arbitrary and capricious.

Manual 6320 should also strengthen the role of cooperating agencies during inventory and planning. Counties, States, Tribal governments, and other cooperating agencies should be invited to participate not only during development of planning alternatives but also during inventory review, boundary verification, transportation analyses, and evaluation of management prescriptions. Early coordination frequently resolves factual disputes before they become planning controversies.

The Manual should further require that significant changes to LWC boundaries, inventory conclusions, or management recommendations occurring after publication of draft planning documents be made available for additional public review whenever those changes materially alter the factual basis underlying the proposed management direction.

Finally, Manual 6320 should expressly state that public participation serves to improve inventory accuracy rather than to create or expand management restrictions. Inventory must remain inventory. Public comments supporting additional protection should receive the same objective evaluation as comments supporting modification or removal of existing inventory units. The existence of an LWC inventory cannot itself create a presumption favoring protection, closure, or diminished public access. Likewise, Manual 6320 itself should not function as an independent source of regulatory authority. The Manual should instead establish transparent procedures ensuring that planning decisions are grounded in accurate information, substantial evidence, and the balanced multiple-use framework Congress established through FLPMA.

STRONGER PERIODIC REVIEW AND RELEASE PROCEDURES

UPLA recommends that Manual 6320 establish a comprehensive program requiring periodic review of existing LWC inventories, reassessment of management decisions adopted to protect wilderness characteristics, and formal procedures for modifying, reducing, or removing LWC units where current conditions no longer support their continued inclusion. The current Manual appropriately recognizes that inventories should be maintained and updated, but it does not establish sufficiently clear procedures ensuring that LWC inventories remain accurate over time or that management restrictions adopted decades earlier continue to satisfy FLPMA's multiple-use requirements.

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FLPMA expressly requires the Secretary to maintain "on a continuing basis" an inventory of public lands and their resource and other values "so as to reflect changes in conditions." Congress then imposed an equally important limitation by directing that preparation and maintenance of the inventory "shall not, of itself, change or prevent change of the management or use of the public lands" (43 U.S.C. § 1711(a)). These two requirements operate together. Inventory is not a one-time determination frozen indefinitely. Nor is it a permanent land designation. Rather, Congress required BLM to continually evaluate changing conditions while ensuring that inventory itself remains informational rather than regulatory.

Accordingly, inventory must remain inventory.

This continuing obligation necessarily requires BLM to reassess not only whether additional lands possess wilderness characteristics but also whether previously inventoried lands continue to satisfy the applicable criteria. A lawful continuing inventory cannot operate as a one-directional process under which acreage may continually be added while existing inventory units are seldom reexamined despite substantial changes in landscape conditions, infrastructure, transportation networks, vegetation, wildfire history, recreation patterns, or surrounding land uses.

Manual 6320 should therefore establish mandatory periodic inventory reviews. At a minimum, comprehensive review should occur:

- during every Resource Management Plan revision;
- during major Resource Management Plan amendments affecting inventoried LWC;
- following significant wildfire events;
- following major transportation or infrastructure development;
- following substantial changes in adjacent land use;
- when credible new information demonstrates that existing inventory conditions have materially changed; and
- upon receipt of well-supported requests from cooperating agencies, State governments, counties, Tribal governments, or members of the public presenting substantial new evidence concerning existing inventory conditions.

The review process should be evidence-based and symmetrical. The same objective standards used to identify additional LWC should also govern reduction or removal of existing inventory units. Inventory updates should evaluate changes affecting naturalness, opportunities for solitude, opportunities for primitive and unconfined recreation, transportation features, utility infrastructure, vegetation treatments, grazing improvements, recreation facilities, developed sites, wildfire effects, invasive species management, water developments, and other conditions relevant to the inventory criteria.

Equally important, Manual 6320 should distinguish between periodic inventory review and periodic management review. Because inventory and management are separate functions under FLPMA Sections 201 and 202, BLM should periodically reassess not only whether lands continue to possess wilderness characteristics but also whether management prescriptions adopted to protect those characteristics remain necessary, effective, and consistent with the Bureau's broader multiple-use responsibilities. Accordingly, the Manual should require periodic evaluation of management restrictions adopted for LWC protection, including route closures, seasonal restrictions, rights-of-way limitations, facility restrictions, commercial-use limitations, mineral management prescriptions, and other protective measures. That evaluation should examine:

- whether the original resource concern continues to exist;
- whether monitoring demonstrates that management objectives have been achieved;
- whether mitigation measures have proven effective;
- whether changed environmental conditions alter the need for continued restrictions;
- whether improved engineering or management practices now provide less restrictive alternatives;
- whether continued restrictions remain proportional to documented resource conditions;
- whether public access, recreation, local economies, emergency response, or other multiple uses have been affected more substantially than originally anticipated; and
- whether reopening, modification, or removal of restrictions would remain consistent with applicable law.

This recommendation directly reinforces the Manual-wide principle that mitigation should precede closure. Where monitoring demonstrates that mitigation successfully addresses documented impacts, continued restrictions may no longer be warranted. Adaptive management requires agencies to respond both when resource conditions deteriorate and when they improve. Permanent restrictions should not persist solely because they were once adopted.

The Administrative Procedure Act likewise supports periodic reassessment. Agencies must engage in reasoned decision making based upon the current administrative record rather than relying indefinitely upon outdated factual assumptions. Continued reliance upon obsolete inventory information or outdated planning analyses may become arbitrary and capricious where significant new information demonstrates materially changed circumstances (*FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515-16, 2009; *Motor Vehicle Manufacturers Association v. State Farm Mutual Automobile Insurance Co.*, 463 U.S. 29, 43, 1983).

Manual 6320 should therefore establish a formal administrative process through which LWC units or management prescriptions may be modified, reduced, or removed. That process should include:

- public notice of proposed inventory revisions;
- disclosure of supporting documentation;
- opportunities for review and comment;
- coordination with cooperating agencies;
- written responses to significant factual information;
- publication of revised inventory maps and GIS data; and
- documentation explaining the basis for retaining, modifying, reducing, or removing existing inventory units.

Importantly, the Manual should expressly recognize that release of an LWC inventory unit, or removal of management restrictions adopted to protect wilderness characteristics, does not represent a failure of conservation. Rather, it reflects faithful implementation of FLPMA's continuing inventory requirement and recognition that public-land management must evolve as conditions change.

Similarly, where Congress has previously released former Wilderness Study Areas from the Section 603 nonimpairment standard or otherwise declined to designate lands as Wilderness, Manual 6320 should direct BLM to carefully evaluate whether continued LWC management remains consistent with congressional intent and FLPMA's multiple-use mandate. Administrative LWC management should not function as a perpetual substitute for congressional wilderness designation.

Finally, Manual 6320 should clearly state that neither continued inventory status nor the Manual itself constitutes independent legal authority for maintaining restrictions. Management decisions must remain grounded in current statutory authority, approved land use plans, substantial evidence, and contemporary resource conditions. Inventory cannot become a de facto land designation. It cannot substitute for congressional Wilderness. It cannot independently justify continued restrictions absent reasoned planning supported by current evidence.

By establishing robust periodic review and release procedures, BLM would better fulfill FLPMA's continuing inventory obligations, improve the accuracy of future planning efforts, strengthen public confidence in the integrity of the inventory process, and ensure that management of lands with wilderness characteristics remains adaptive, evidence-based, and fully consistent with Congress's direction that the public lands be managed under principles of multiple use and sustained yield.

SECTION-BY-SECTION RECOMMENDED REVISIONS TO MANUAL 6320

A. Section 1.1, Purpose

Section 1.1 states that Manual 6320 establishes procedures for considering LWC in BLM land-use planning under FLPMA Section 202 and other applicable laws. It also correctly explains that non-Wilderness, non-WSA LWC is not subject to the statutory protective requirements applicable to Wilderness or existing WSAs (BLM, 2024, p. 1-1).

The problem is what Section 1.1 does not say. It does not expressly incorporate FLPMA Section 201's statutory command that inventory itself shall not change or prevent change in management. That omission should be corrected because the distinction between inventory and allocation is fundamental to every subsequent provision of the Manual.

UPLA recommends revising Section 1.1 to state substantially as follows:

> *This Manual governs consideration of inventoried wilderness characteristics in BLM land-use planning. Consistent with FLPMA Section 201, a determination that lands possess wilderness characteristics is an inventory finding only. Such a finding does not itself establish a land-use allocation, management designation, closure, withdrawal, non-impairment requirement, or presumption of protection and shall not, by itself, change or prevent change in the management or use of public lands.*

Section 1.1 should further clarify that non-WSA LWC is not to be administered as Wilderness, an interim WSA, or an equivalent non-impairment category unless and until an independently authorized planning decision establishes specific management requirements. Even then, the resulting management remains an RMP allocation rather than congressional Wilderness.

The existing reference to "project-level management decisions" should also be narrowed. Project-level decisions may legitimately mitigate site-specific impacts when required by an RMP or independent law, but project review should not become a mechanism to impose interim LWC protection where the governing RMP did not make that allocation. Otherwise, Section 201 inventory information can effectively change land management before the required planning decision occurs.

B. Section 1.2, Objectives

Section 1.2 states only that Manual 6320 establishes BLM policy for considering LWC in land-use plans, amendments, and revisions (BLM, 2024, p. 1-1).

UPLA recommends expanding the objective to identify the proper legal context for that consideration. Wilderness characteristics should be evaluated alongside outdoor recreation, travel and transportation, livestock grazing, mineral and energy resources, timber and vegetation management, rights-of-way, wildfire management, watershed values, wildlife, cultural resources, scenic resources, public safety, socioeconomic conditions, and other relevant uses and resources. The revised objective should explicitly state that there is no categorical presumption favoring wilderness-character protection over another lawful use. This would align Manual 6320 with FLPMA's definition of multiple use and with the Supreme Court's description of BLM's task as balancing competing land uses. 43 U.S.C. § 1702(c); *Norton*, 542 U.S. at 58.

C. Section 1.3, Authority

Section 1.3 appropriately lists FLPMA, the Wilderness Act, NEPA, and several other authorities, but it should identify with greater precision the FLPMA provisions that govern and constrain LWC policy.

UPLA recommends specifically citing FLPMA Sections 102, 201, 202, 302, applicable Title V right-of-way provisions, withdrawal provisions where relevant, and valid-existing-rights protections. Most importantly, Section 1.3 should explain rather than merely cite Sections 201 and 202. Section 201 governs inventory and expressly prevents inventory alone from changing management; Section 202 governs land-use planning; Section 302 establishes the general multiple-use and sustained-yield management obligation. FLPMA, 43 U.S.C. §§ 1711, 1712, 1732.

The Wilderness Act citation should also contain a limiting clarification. Wilderness Act criteria may inform the identification of wilderness characteristics, but use of those criteria does not extend Wilderness Act management restrictions to land Congress has not designated as Wilderness. The distinction is particularly important for motorized recreation because 16 U.S.C. § 1133(c)'s restrictions apply within statutory Wilderness, whereas ordinary LWC remains subject to FLPMA planning and other applicable law.

Finally, the Manual's NEPA references require technical revision. Section 1.3 cites the former Council on Environmental Quality regulations at 40 C.F.R. Parts 1500-1508. The current Manual was issued in October 2024, before later changes to the Federal NEPA framework. BLM should update Manual 6320 to cite the NEPA authorities and DOI/BLM implementing procedures actually in effect when the revised Manual is issued rather than retaining obsolete cross-references. The current Federal Register notice itself invites exactly this type of clarification and update (BLM, 2026a).

D. Section 1.4, Responsibilities

1. Sections 1.4.A, 1.4.B, and 1.4.E Should Remove Institutional Presumptions Favoring Protection

Sections 1.4.A and 1.4.B direct national and State leadership to coordinate consideration and, "as warranted," protection of LWC. Section 1.4.E similarly directs BLM to ensure that wilderness-character inventories are considered and, where warranted, LWC is protected in planning (BLM, 2024, p. 1-2). Although the phrase "as warranted" recognizes discretion, these provisions frame protection as an affirmative program objective without equally directing managers to identify where continued or expanded multiple use is warranted. This creates an avoidable institutional asymmetry.

UPLA recommends replacing this language with a requirement for neutral, evidence-based evaluation of wilderness characteristics alongside other public-land resources and uses. The revised responsibilities should direct the Bureau to ensure that no national, State, district, or field-office policy presumes that LWC protection is the preferred outcome. Where wilderness characteristics conflict with established public access, recreation, grazing, mineral development, wildfire treatment, rights-of-way, infrastructure, or other uses, the Manual should require comparative evaluation rather than treating those uses as impacts upon a presumed preservation objective.

2. Section 1.4.C Should Require Bilateral Analysis of Resource Conflicts

Section 1.4.C refers to ensuring that LWC and potential resource conflicts are adequately analyzed (BLM, 2024, p. 1-2). This language should be strengthened so "resource conflict" expressly operates in both directions. BLM must analyze not only how motorized use, roads, grazing, infrastructure, mineral development, or other activities may affect wilderness characteristics, but also how LWC protection would affect those uses and associated public benefits.

That analysis should address route access, recreational connectivity, disabled and mobility-limited access, emergency response, wildfire operations, grazing administration, mineral availability, utility corridors, economic effects, visitor displacement, and access to State and private inholdings. FLPMA multiple-use planning requires consideration of the relative values and competing demands on public land, not a one-directional analysis of impacts upon conservation values. 43 U.S.C. §§ 1702(c), 1712, 1732.

3. Section 1.4.D Should Require Removal and Reduction as Well as Addition

Section 1.4.D requires District and Field Managers to update and maintain wilderness-character inventories (BLM, 2024, p. 1-2). This is consistent with FLPMA Section 201, but the Manual does not clearly establish an equivalent affirmative obligation to remove acreage or modify boundaries when current conditions no longer support an LWC determination. FLPMA Section 201 requires the inventory to remain current "so as to reflect changes in conditions." 43 U.S.C. § 1711(a). A legally faithful inventory cannot operate as a one-way ratchet in which qualifying acreage is added while obsolete findings persist indefinitely.

UPLA recommends that Section 1.4.D expressly require managers to add, remove, enlarge, reduce, or otherwise revise LWC units as warranted by current conditions. Relevant changed conditions should include roads and transportation features, wildfire, utility and energy infrastructure, authorized development, vegetation treatments, recreation patterns, range improvements, adjacent development, fragmentation, and other changes affecting size, naturalness, solitude, or opportunities for primitive and unconfined recreation.

Reassessment should occur at minimum during RMP revisions and when an amendment would materially rely upon LWC status. BLM should also establish a process for considering credible new information submitted by State and local governments, permittees, recreation organizations, right holders, and the public showing that an existing unit no longer qualifies.

4. Section 1.6, Policy

Section 1.6 contains the Manual's most consequential provisions and requires the most substantial revision.

a. Section 1.6 Should Define Wilderness Characteristics as Resource Attributes, Not a Standalone Protective Designation

The Manual begins Section 1.6 by stating that "[m]anaging the wilderness resource is part of the BLM's multiple-use mission" and that BLM will consider wilderness characteristics when undertaking land-use planning (BLM, 2024, p. 1-2).

The phrase "wilderness resource" can unintentionally suggest that an LWC polygon constitutes a special designation comparable to Wilderness, WSA, ACEC, or another formally allocated management area. UPLA recommends instead describing wilderness characteristics as inventoried resource attributes that may be considered during integrated land-use planning. The revised policy should state plainly that identification of those attributes does not establish a special land designation, non-impairment requirement, withdrawal, closure, or priority for preservation.

b. Retain and Elevate the Existing Statement That LWC Need Not Be Protected

Section 1.6 contains one of the strongest provisions in Manual 6320:

- When BLM determines through inventory that an area possesses wilderness characteristics, the Bureau is not required to protect those characteristics as a priority over other resource values and multiple uses; inventory and management are separate activities under FLPMA Sections 201 and 202; and BLM may decide not to protect those characteristics (BLM, 2024, p. 1-3).

<u>We strongly recommend retaining this principle and elevating it into a Manual-wide directive.</u> No field office, planning criterion, interim management instruction, or project-level decision should create a presumption inconsistent with it.

The phrase "full discretion" should, however, be refined to "planning discretion consistent with FLPMA and other applicable law." That formulation accurately acknowledges BLM's discretion while recognizing that decisions remain bounded by governing statutes, existing plans, valid existing rights, procedural requirements, and the administrative record.

c. Require a Genuine Multiple-Use Alternative in Broad Planning Decisions

Section 1.6 directs BLM to consider a full range of alternatives and the effects of those alternatives on LWC and other resources (BLM, 2024, pp. 1-2 to 1-3).

UPLA recommends clarifying that where LWC is a material issue in a comprehensive RMP or RMP revision, the reasonable range should ordinarily include an alternative that does not prioritize wilderness-character protection and instead evaluates continued or expanded lawful multiple use. Such an alternative should consider motorized recreation, route connectivity, grazing, mineral and energy use, rights-of-way, vegetation treatment, wildfire management, dispersed recreation, public safety, and other locally relevant uses.

This does not require BLM to maximize every consumptive use. Rather, it ensures that the "full range" is not limited to different degrees of LWC protection. The Tenth Circuit has emphasized that reasonable-alternative analysis should meaningfully examine management options across the relevant spectrum rather than rely on artificial extremes. *Richardson*, 565 F.3d at 708-10.

d. Section 1.6.A Should Discontinue Administrative Creation of New Formal WSAs

Current Section 1.6.A expressly identifies "creation of a wilderness study area under Section 202 of FLPMA" as one possible management outcome for LWC (BLM, 2024, p. 1-3).

UPLA recommends deleting this option.

FLPMA Section 603 established a specific congressional wilderness-review framework under which BLM inventoried qualifying lands, made recommendations, and subjected WSAs to the statutory non-impairment standard pending congressional action. The Supreme Court has described that process and recognized the materially different management consequences of WSA status. *Norton*, 542 U.S. at 59-60.

The Tenth Circuit later recognized that BLM's authority to make additional congressional wilderness recommendations under the original Section 603 review had expired, while distinguishing that expired process from BLM's continuing general planning authority. *Richardson*, 565 F.3d at 700-01. We acknowledge that existing precedent does not establish a categorical prohibition against every conservation-oriented allocation under Section 202. Nor did *Richardson* definitively hold that all post-Section 603 WSA designations are unlawful. The court instead assumed the availability of such an option for purposes of that case. *Id.*

That legal nuance reinforces the appropriateness of a policy solution. BLM does not need to revive the formal WSA category to protect a resource through an RMP. Section 202 already permits resource-specific land-use allocations. Using the WSA label imports the terminology and practical consequences of the completed Section 603 review process and creates unnecessary confusion between lands Congress placed into an interim wilderness-review framework and ordinary lands inventoried decades later.

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Manual 6320 should instead provide that no new formal WSA will be administratively created from Section 201 LWC. If BLM elects to protect particular wilderness characteristics through an RMP, it should do so through specifically identified Section 202 management prescriptions that remain distinguishable from statutory WSA non-impairment management.

e. Section 1.6.A.1.a, Manageability, Should Not Facilitate Expansion or Manufactured Qualification

The Manual currently directs BLM to determine whether LWC can effectively be managed to protect wilderness characteristics and to consider whether boundary modification would improve manageability (BLM, 2024, pp. 1-3 to 1-4). This formulation assumes protection as the objective and creates the potential for boundaries to be modified to make preservation easier rather than to reflect current inventory conditions.

UPLA recommends replacing this provision with a neutral inquiry into whether the inventory unit accurately reflects existing conditions and whether the management alternatives under consideration are practicable in light of current uses, access, rights, infrastructure, and surrounding lands. Boundary adjustments should reflect actual wilderness-character inventory findings, not be used to aggregate lands, exclude disqualifying features, or create an administratively preferred conservation unit.

Manual 6320 should also prohibit management actions undertaken principally to manufacture future LWC qualification. BLM should not close and reclaim lawful roads, remove established facilities, restrict historically established use, or manipulate boundaries for the purpose of increasing apparent naturalness, solitude, roadlessness, or future wilderness eligibility.

FLPMA Section 201 requires inventory to describe current resource conditions and expressly prevents the inventory itself from changing management. 43 U.S.C. § 1711(a). The proper sequence is inventory first, planning second, not restrictive management first followed by a revised inventory premised upon the conditions those restrictions created.

f. Section 1.6.A.1.a Should Better Protect Existing Rights, Access, and Established Uses

The existing Manual appropriately directs BLM to consider current resources, ongoing uses, valid existing rights, mineral ownership, and access to non-Federal inholdings (BLM, 2024, p. 1-4). These provisions should be materially strengthened. Before evaluating LWC protection, BLM should identify and map:

- existing roads, primitive roads, trails, designated motorized routes, and county transportation facilities;
- rights-of-way, easements, access interests, water rights, and other valid existing rights;
- State and private inholdings and associated access needs;
- grazing allotments, range improvements, water developments, and administrative access;
- utility, communication, mineral, energy, and public-safety infrastructure; and
- established recreation areas, dispersed camps, event routes, hunting access, emergency-response routes, and wildfire-management access.

LWC status should not extinguish, narrow, adjudicate, or create an evidentiary presumption against valid existing rights. This is especially important for asserted or adjudicated R.S. 2477 rights-of-way. FLPMA repealed the former R.S. 2477 grant prospectively but preserved valid existing rights. Manual 6320 should expressly state that an LWC inventory or planning decision is not an adjudication of the existence, validity, scope, or ownership of an R.S. 2477 right.

The treatment of access to State and private inholdings should likewise be reframed. The current Manual directs managers to assess the "potential impact" of providing access to non-Federal inholdings (BLM, 2024, p. 1-4). Where lawful access exists, the land-management question should be how LWC management accommodates that access, not whether the exercise of the access right is acceptable to an LWC protection objective.

g. Section 1.6.A.1.b Should Require Full Accounting of Foregone Multiple Uses and Public Access

Section 1.6.A.1.b correctly directs BLM to consider the extent to which other resource values and uses would be foregone or adversely affected if wilderness characteristics are protected and specifically recognizes development potential, resource availability, economic importance, and compatibility (BLM, 2024, pp. 1-4 to 1-5).

UPLA supports retaining this framework but recommends making it substantially more rigorous. Where reasonably practicable, BLM should quantify the real consequences of LWC protection rather than relying solely on qualitative statements. For travel and recreation, BLM should disclose route mileage restricted or closed, route connectivity lost, acreage no longer reasonably accessible by motor vehicle, displacement to other recreation areas, access to hunting and dispersed camping, and consequences for users who cannot reasonably reach remote public lands without motorized transportation. For other multiple uses, BLM should analyze grazing and range access, mineral and energy potential, right-of-way opportunities, access necessary for forest and vegetation treatments, wildfire suppression and fuels-management needs, communication and public-safety infrastructure, tourism, permitted events, local business activity, and governmental revenues where materially affected.

The Manual's "resource availability" factor should also operate symmetrically. BLM currently asks whether competing resources or uses are available elsewhere (BLM, 2024, p. 1-4). **The same analysis should ask how much protected Wilderness, WSA, National Conservation Lands, ACEC, monument acreage, roadless terrain, primitive recreation opportunity, and comparable protected landscape already exists within the relevant region. Multiple use requires consideration of relative scarcity in both directions.**

h. Section 1.6.A.1.c Should Give Greater Effect to Congressional Release of WSAs

Manual 6320 directs BLM to give "serious consideration" to congressional action where Congress considers a WSA and releases it from FLPMA Section 603's non-impairment standard (BLM, 2024, p. 1-5).

We recommend a stronger policy. Where Congress has affirmatively released land from WSA status or otherwise declined wilderness designation, BLM should presume that substantially equivalent LWC restrictions will not be reimposed absent materially changed circumstances. Recreating Wilderness-like restrictions through administrative LWC policy immediately after congressional release risks frustrating rather than respecting the practical effect of Congress's decision.

This need not foreclose all future conservation measures. Changed conditions, new statutory obligations, or independently significant resource conflicts may support later management changes. But the burden should be on BLM to identify those changed circumstances and explain why the new allocation does not simply recreate the WSA management Congress released.

i. Preparation Plans, Data Needs, Scoping, and Analysis of the Management Situation Must Support Both Addition and Release of LWC

Sections 1.6.A.2.a through 1.6.A.2.c establish procedures for preparation plans, issue identification, data collection, scoping, and the Analysis of the Management Situation. The Manual directs offices to identify prior inventories and new information, including information from external sources, and contemplates new wilderness-character inventories where necessary (BLM, 2024, pp. 1-5 to 1-6).

The revised Manual should ensure that these procedures are not institutionally one-sided. BLM should apply equivalent evidentiary standards to information supporting LWC inclusion, enlargement, reduction, and removal. An external wilderness proposal should not receive a presumption of accuracy merely because it advocates additional protection, nor should evidence showing roads, development, altered conditions, or incompatible existing uses be treated as secondary. Preparation plans and scoping documents should identify not only wilderness-character data but also transportation networks, county roads, valid rights, mineral and energy resources, grazing improvements, inholdings, wildfire-management infrastructure, recreation demand, socioeconomic conditions, and existing conservation designations.

The Analysis of the Management Situation should affirmatively identify existing LWC units whose inventory basis has become outdated or whose management prescriptions should be reconsidered. Appropriate management opportunities should expressly include boundary reduction, removal from the LWC inventory, reopening of routes, restoration of lawful uses, and replacement of overly restrictive LWC allocations with ordinary multiple-use management.

j. Section 1.6.A.2.d's Menu of Protective Restrictions Should Be Rewritten

Section 1.6.A.2.d is the provision most directly responsible for allowing LWC to function as de facto Wilderness. The Manual provides ten examples of restrictions that can be imposed to protect wilderness characteristics (BLM, 2024, pp. 1-6 to 1-7):

1. mineral withdrawal recommendations;
2. closure to leasing or no-surface-occupancy stipulations;
3. right-of-way exclusion;
4. closure to new road construction;
5. motorized and mechanized travel restrictions;
6. closure to mineral-material sales;
7. commercial-use restrictions;
8. VRM Class I or II designation;
9. restrictions on structures and facilities; and,
10. retention in Federal ownership.

Each of those tools may exist under an independent statutory, regulatory, or planning authority in an appropriate circumstance. The deficiency is that Manual 6320 packages them as a ready-made LWC protection regime. Their cumulative application can leave inventoried LWC practically indistinguishable from Wilderness for the public-land user.

UPLA recommends deleting the list in its present form and replacing it with a general rule:

> *LWC inventory status alone shall not constitute sufficient justification for a withdrawal, leasing prohibition, no-surface-occupancy requirement, right-of-way exclusion, road prohibition, motorized or mechanized travel closure, mineral-material closure, commercial-use prohibition, VRM classification, restriction on structures or facilities, or land-retention decision. Any such restriction must be supported by the legal authority independently governing that action, the applicable land-use planning record, site-specific or resource-specific evidence where appropriate, and consideration of less restrictive management measures.*

This reform would not exempt LWC from environmental analysis. It would simply prevent the inventory label itself from doing the legal work that must instead be performed by the authority governing the actual management decision.

k. Motorized and Mechanized Access

The motorized-use provision warrants particular revision because closure of motorized routes is one of the clearest ways ordinary LWC can become Wilderness in practice. The Wilderness Act generally prohibits motorized vehicles within statutory Wilderness. 16 U.S.C. § 1133(c). Congress has imposed no equivalent categorical prohibition on ordinary LWC. BLM therefore should not treat the presence of wilderness characteristics as an independent closure criterion.

Manual 6320 should state that existing lawful motorized routes remain subject to ordinary travel-management law and applicable RMP decisions. If a route-specific conflict exists, BLM should consider maintenance, hardening, drainage improvements, signing, rerouting, seasonal restrictions, vehicle-class limitations, education, enforcement, or other targeted mitigation before closure. Where closure is ultimately selected, BLM should identify the independent legal authority and site-specific record supporting that decision.

This distinction is particularly important in Utah, where long linear routes frequently provide access not merely to the immediate route corridor but to large surrounding blocks of public land. Closing a relatively short connector can functionally eliminate practical access to thousands of acres for older, disabled, mobility-limited, and geographically dispersed recreationists.

l. Roads and Rights-of-Way

Similarly, Manual 6320 should not identify a prohibition on new roads or right-of-way exclusion as presumptive LWC tools. Roads may be necessary for wildfire response, grazing administration, utility service, communication systems, mineral development, public safety, recreation connectivity, or access to non-Federal lands.

LWC status may be considered when evaluating location and design, but the Manual should favor avoidance, routing, design modification, and mitigation where practicable rather than categorical exclusion.

2. Minerals, Energy, and Withdrawals

The Manual's mineral-withdrawal and leasing provisions should likewise recognize the separate legal frameworks governing those actions. An inventory finding does not itself create a mineral withdrawal. Where BLM believes withdrawal is necessary, the Bureau should comply with FLPMA's withdrawal provisions and make the findings required under the applicable authority rather than treating LWC status as dispositive.

Likewise, leasing closures or no-surface-occupancy stipulations should require the record necessary under the applicable mineral-leasing and land-use planning authorities. Wilderness characteristics can be one consideration, but the Manual should not convert LWC into a categorical mineral-management status.

3. VRM, Structures, Commercial Uses, and Land Retention

The same principle applies to VRM classifications, commercial uses, structures and facilities, and retention decisions. LWC should not automatically dictate VRM Class I or II. Visual-resource management should follow its independent inventory and planning framework. Restrictions on structures should expressly consider toilets, trailheads, accessible recreation facilities, communication equipment, wildfire infrastructure, range improvements, water systems, public-safety facilities, and other structures that may materially benefit public use or land management.

Land-retention decisions should similarly be evaluated under FLPMA's applicable disposal and exchange authorities. LWC may be a relevant value, but should not create an automatic prohibition on an otherwise lawful exchange or conveyance.

l. Retain and Strengthen the Existing Provision Allowing Multiple-Use Priority

Manual 6320 presently states that where an RMP emphasizes other multiple uses over protection of wilderness characteristics, BLM is not required to adopt special measures solely to avoid or minimize impacts to those characteristics except as otherwise required by applicable environmental or FLPMA obligations (BLM, 2024, p. 1-7).

UPLA recommends retaining and clarifying this provision. It should state that where wilderness characteristics have not been selected for special protection, LWC status alone does not require mitigation. Any mitigation must arise from applicable law, an existing RMP requirement, or independently identified environmental effects rather than from an implied duty to preserve the area's future wilderness suitability.

m. Affected Environment and Environmental Consequences Must Include the Human-Use Baseline

Sections 1.6.A.2.e and 1.6.A.2.f direct BLM to describe LWC boundaries and acreage and analyze effects both on wilderness characteristics and on other affected resources (BLM, 2024, pp. 1-7 to 1-8).

UPLA recommends expressly requiring documentation of the human-use baseline within each materially affected LWC unit. Maps should show roads, primitive roads, trails, designated routes, grazing infrastructure, rights-of-way, mineral and energy interests, structures, inholdings, recreation sites, wildfire infrastructure, county transportation features, and other existing uses. Environmental consequences analysis should identify both access lost and access retained. Where a protective alternative would close or limit motorized travel, the analysis should disclose route mileage affected, connectivity consequences, acreage rendered practically inaccessible, recreation displacement, mobility-access implications, emergency and wildfire access effects, and reasonably foreseeable socioeconomic consequences.

Without that information, acreage-based descriptions of LWC can obscure the actual public-use consequences of a protection decision.

n. Section 1.6.A.2.g Should Remove a One-Way Presumption Favoring Mitigation for LWC

Section 1.6.A.2.g currently provides that where BLM elects not to protect all wilderness characteristics, the final decision should state whether practicable means were adopted to avoid or minimize impacts and, if not, explain why (BLM, 2024, p. 1-8). That formulation creaste an asymmetric presumption. <u>If BLM must specially justify why wilderness-character impacts were not minimized, while no equivalent explanation is required for failing to minimize loss of motorized access, grazing opportunity, mineral availability, or other multiple uses, wilderness</u>

protection effectively acquires priority through procedure even though the Manual elsewhere says no such priority exists.

The provision should instead require a balanced explanation of the final planning decision, identifying the major competing resource values and explaining the selected tradeoffs under FLPMA. No special justification should attach merely because BLM chooses not to protect inventoried wilderness characteristics.

The Manual should also update any regulatory cross-references that are no longer operative under the NEPA framework in effect when the revised policy is issued.

E. Additional Policy Provisions Needed in Manual 6320

1. Add an Express Prohibition on De Facto Wilderness Management

Manual 6320 should contain a new provision stating that non-WSA LWC shall not be managed under the Wilderness Act's prohibitions or the WSA non-impairment standard unless an independent legal status or planning decision expressly and lawfully requires the relevant restriction.

The Manual should further prohibit restrictions adopted principally for the purpose of preserving an area's future eligibility for congressional Wilderness designation. That is the defining function of WSA non-impairment management. Extending the same purpose to ordinary LWC erodes the distinction between the continuing Section 201 inventory and the completed Section 603 wilderness-review framework.

BLM remains free to protect independently identified resource values through ordinary planning. What it should not do is administer millions of acres of ordinary multiple-use land as if they were perpetual candidates awaiting Wilderness designation.

2. Add an Anti-Manufacturing Rule

Manual 6320 should explicitly prohibit BLM from creating or enhancing wilderness characteristics through restrictive management for the purpose of qualifying additional acreage as LWC. This provision should prevent the Bureau from closing and reclaiming existing roads or routes, removing established facilities, suppressing lawful historical uses, or manipulating unit boundaries principally so that a later inventory can find increased naturalness, solitude, roadlessness, or primitive character.

This does not prevent legitimate restoration where authorized for ecological, safety, watershed, cultural, or other independently established management objectives. The distinction is purpose and legal basis. Restoration should not be undertaken merely to manufacture future wilderness eligibility.

3. Establish a Formal Reassessment, Release, and Reclassification Process

Manual 6320 should establish a transparent procedure for removing lands from LWC inventory when they no longer satisfy applicable criteria and for reconsidering existing LWC-protection allocations when conditions or management priorities have changed. The continuing-inventory command in FLPMA Section 201 requires BLM to reflect changed conditions. 43 U.S.C. § 1711(a).

The Manual should operationalize that mandate by requiring periodic review and prompt GIS correction where acreage no longer qualifies. The process should allow:

1. reduction or modification of an LWC boundary;
2. removal of a unit that no longer satisfies inventory requirements;
3. reconsideration of prior RMP allocations adopted principally for LWC protection;
4. reopening of routes or uses previously restricted principally to protect wilderness characteristics where those restrictions are no longer necessary or justified; and
5. timely public updating of LWC maps, acreage data, inventory dates, and supporting documentation.

BLM should apply the same evidentiary rigor to removing acreage that it applies to adding acreage.

4. Establish a Presumption Favoring Continued Existing Access

Manual 6320 should provide that existing lawful public access does not become presumptively incompatible merely because land has been inventoried as LWC. This is especially important for existing motorized routes. BLM should not infer that motorized access must diminish over time simply because greater solitude or naturalness could be achieved through closure. Instead, existing access should be evaluated under the laws and planning criteria that ordinarily govern travel management.

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Where legitimate resource conflicts occur, management should be mitigation-first. Closure should generally follow consideration of targeted measures capable of addressing the actual impact while retaining reasonable public access.

5. **Require Cumulative Conservation-Burden Analysis**

LWC management decisions should not occur in isolation from the larger regional land-management context. Before selecting significant new LWC restrictions, BLM should identify existing Wilderness, WSAs, National Conservation Areas, national monuments, ACECs, Wild and Scenic River corridors, restrictive VRM classes, critical habitat, seasonal closures, conservation easements, and other land-use constraints that already affect access and multiple use within the relevant planning area.

This information is necessary to understand whether additional LWC restrictions contribute meaningful incremental protection or instead compound an already extensive conservation overlay while disproportionately displacing recreation, grazing, development, infrastructure, or other uses onto a shrinking portion of the public-land base.

The same principle follows from FLPMA's requirement that multiple-use management consider the relative values of resources rather than manage every acre for every use. 43 U.S.C. § 1702(c); *Norton*, 542 U.S. at 58.

6. **Strengthen State and Local Government Consistency**

Manual 6320 currently encourages engagement with cooperating agencies, including States and counties (BLM, 2024, p. 1-3). That language should be tied more directly to FLPMA's land-use planning requirements. BLM should identify relevant State and local land-use, transportation, recreation, natural-resource, and economic plans early in the planning process; seek consistency to the extent authorized by Federal law; and expressly explain unresolved inconsistencies in the planning record.

This is particularly significant in Utah, where county transportation systems, historic access, grazing, recreation, mineral development, and State trust lands frequently intersect BLM-administered lands. An LWC boundary on a Federal map does not erase those surrounding governmental interests.

7. **Clarify That Manual 6320 Does Not Independently Create Legal Restrictions**

Finally, BLM should add a savings provision clarifying that Manual 6320 itself does not create a land-use closure, withdrawal, property interest, substantive restriction, enforceable non-impairment requirement, or limitation upon a valid existing right. Manual 6320 should guide agency decision-making under authority supplied elsewhere. It should not be treated by field offices as independent legal authority to close a route, deny a right-of-way, prohibit a land use, or require wilderness preservation.

That clarification would reinforce the central statutory distinction on which the entire LWC program rests: inventory informs management, but inventory is not management.

SUMMARY OF RECOMMENDATIONS

In summation of each point articulated in this comment letter, we urge the BLM to substantially revise Manual 6320 to ensure that it faithfully implements FLPMA's multiple-use mandate while maintaining the clear legal distinction between inventory, land use planning, and congressional Wilderness designation. Specifically, UPLA recommends that BLM:

- **Affirm that LWC inventory is informational only.** Reiterate throughout the Manual that inventory under FLPMA Section 201 is a factual information-gathering process and must never function as a land designation, interim protective status, or substitute for congressional Wilderness.
- **Remove the hybrid "minimization" management category.** Eliminate management language that allows wilderness preservation objectives to be implemented under the guise of ordinary multiple-use management without explicitly selecting wilderness protection as the governing land use allocation.
- **Revise the Manual to reflect Executive Order 14408 and the repeal of Executive Orders 11644 and 11989.** Remove policy concepts derived from obsolete minimization standards and ensure consistency with the Department's ongoing revision of 43 C.F.R. § 8342.1.
- **Clarify that Manual 6320 is procedural guidance, not independent regulatory authority.** Expressly state that the Manual cannot itself authorize closures, restrictions, withdrawals, or protective management absent independent statutory, regulatory, or land use planning authority.
- **Require substantial, route-specific evidence before restricting public access.** Every proposed closure or restriction should be supported by objective, site-specific evidence, a documented causal relationship, and a reasoned explanation demonstrating why less restrictive management would be insufficient.

- **Strengthen protection of county roads, valid existing rights, and R.S. 2477 rights-of-way.** Require early coordination with counties and States, comprehensive transportation analysis, and clear recognition that LWC inventory neither establishes nor diminishes valid property rights.
- **Adopt more objective boundary-setting standards.** Require LWC boundaries to reflect existing landscape conditions, transportation corridors, and observable on-the-ground characteristics rather than aspirational future wilderness conditions.
- **Expand accessibility analysis throughout the planning process.** Evaluate how proposed LWC management affects practical access for families, older Americans, veterans, individuals with disabilities, mobility-limited users, emergency responders, and the recreating public as a whole.
- **Establish "Mitigation Before Closure" as a Manual-wide decision standard.** Require BLM to evaluate, document, and exhaust reasonable mitigation measures before restricting roads, routes, rights-of-way, infrastructure, or other lawful multiple uses.
- **Require meaningful socioeconomic analysis.** Require BLM to evaluate the direct, indirect, displacement, and cumulative effects of LWC-related access restrictions on recreation, rural and gateway communities, local businesses, permitted activities, and regional economies, and to consider less restrictive alternatives where significant socioeconomic effects are reasonably foreseeable.
- **Strengthen public participation requirements.** Improve transparency through earlier disclosure of inventory information, GIS data, field documentation, boundary analyses, and meaningful responses to substantive factual comments.
- **Require periodic review and release of existing LWC.** Establish mandatory reassessment of inventories and management prescriptions to ensure they remain factually accurate, legally justified, and consistent with changing resource conditions and FLPMA's multiple-use mandate.
- **Discontinue administrative practices that create de facto Wilderness.** Ensure that management of ordinary public lands remains legally and operationally distinct from congressionally designated Wilderness and that wilderness preservation occurs only through lawful planning decisions supported by substantial evidence or by congressional designation.

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CLOSING

Utah Public Lands Alliance appreciates BLM's decision to undertake a comprehensive review of Manual 6320 and welcomes the opportunity to recommend revisions that will improve the Manual's legal clarity, transparency, and consistency with current Federal law and policy. As presently written, the Manual correctly recognizes several fundamental legal principles, including that inventory and management are distinct functions under FLPMA, that inventory alone does not alter land management, and that BLM is not required to prioritize protection of wilderness characteristics over other multiple-use values. However, numerous provisions within the Manual remain inconsistent with those foundational principles by encouraging management approaches that can allow an informational inventory to evolve into the functional equivalent of an administrative land designation. These inconsistencies should be corrected.

The revised Manual should reaffirm that Congress established a deliberate distinction between inventory, land use planning, Wilderness Study Areas, and congressionally designated Wilderness. Lands with wilderness characteristics are one of many public-land values that may appropriately be considered during planning, but they are not entitled to presumptive protection, nor should they become the basis for progressively restricting public access, infrastructure, valid existing rights, or other lawful multiple uses absent independent legal authority and substantial evidence. Inventory must remain inventory.

We therefore urge the BLM to revise Manual 6320 to establish a transparent, evidence-based, and legally durable framework that emphasizes multiple use, sustained yield, adaptive management, and meaningful public access while continuing to protect sensitive resources through existing statutory authorities where warranted. Adoption of the recommendations presented in this letter will strengthen the integrity of the Bureau's planning process, improve consistency with FLPMA and current Department policy, enhance public confidence in future planning decisions, and ensure that ordinary public lands continue to be managed for the benefit of all Americans rather than incrementally transitioning toward de facto Wilderness through administrative policy alone.

UPLA appreciates the opportunity to submit these comments and looks forward to continuing to work collaboratively with BLM to develop a revised Manual 6320 that faithfully implements Congressional direction, respects valid existing rights, supports responsible stewardship, and preserves balanced multiple-use management for present and future generations.

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Utah Public Lands Alliance would like to be considered an interested public for the Policy Review: BLM Manual 6320, Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process. Information can be sent to the following address and email address:

Rose Winn
Utah Public Lands Alliance
PO Box 833, St. George, UT 84771
rose@utahpla.com

Sincerely,

Rose Winn
Natural Resources Consultant
Utah Public Lands Alliance
559.862.6382

Loren Campbell
President
Utah Public Lands Association
909.499.3295

cc: Senator Mike Lee, Senator John Curtis, Congresswoman Celeste Malloy, Congressman Mike Lee, Congressman Blake Moore, Congressman Burgess Owens, Governor Spencer Cox, Redge Johnson, Laura Ault, UPLA Trustees and Members

References

43 C.F.R. § 8342.1 (2026).

Administrative Procedure Act, 5 U.S.C. § 706.

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