To: Interested Persons  
From: Mike Anderson, The Wilderness Society  
Re: Wilderness Inventory and Evaluation – Chapter 70 Final Directives  
Date: February 16, 2015

Following is a summary with brief background and discussion of the wilderness inventory and evaluation process (Chapter 70) in the final forest planning directives, which the Forest Service issued on January 30, 2015.

A. Brief Background

The Forest Service’s planning rule, adopted in May 2012, requires the agency to “identify and evaluate lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any such lands for wilderness designation” whenever it revises a forest plan.¹ In February 2013, the Forest Service released draft directives to implement the 2012 Planning Rule, including detailed instructions in Chapter 70 regarding how to identify and evaluate lands that may be suitable for wilderness.

The Secretary of Agriculture appointed a federal advisory committee to advise the Forest Service on implementation of the 2012 Planning Rule. The 21-member advisory committee represented a diverse array of stakeholders, including environmental organizations (e.g. The Wilderness Society), extractive industries, motorized and non-motorized recreation interests, state and local governments, and tribes, among others. In November 2013, the committee submitted to the Forest Service recommended changes to the directives, including Chapter 70. The final 2015 directives closely follow the committee’s recommendations on Chapter 70, and make several other notable changes based on public comments.

B. Summary of the Chapter 70 Process

Chapter 70 outlines a four-step planning process in the following sequence: (1) an inventory of areas that may be suitable for wilderness, (2) an evaluation of each area’s wilderness values, (3) an analysis of alternative wilderness recommendations as part of the forest plan EIS, and (4) a decision by the Forest Supervisor about which areas, if any, to recommend for wilderness designation.² The Forest Service must provide opportunities for public participation at each step of the process.³

Step 1: Inventory

The Chapter 70 process begins with an inventory of all lands that may have wilderness characteristics, based on a common set of inventory criteria and additional information generated during the Assessment phase of the plan revision. The inventory starts by considering relevant, existing information about roadless areas, road conditions, etc.⁴ Each inventoried area is

¹ 36 C.F.R. § 219.7(c)(2)(v).  
² Forest Service Handbook (FSH) 1909.12 § 70.62.  
³ § 70.61.  
⁴ § 71.1.
documented and mapped to facilitate public review and input.\(^5\) The principal inventory criteria are the area’s size and the absence of roads or other substantially noticeable improvements. The Forest Service can also add areas to the inventory based on information received during public participation, such as areas proposed through previous planning, collaborative effort, or pending legislation.\(^6\)

**a. Size**

In order to qualify for the wilderness inventory, an area must either be at least 5,000 acres in size, or smaller than 5,000 acres but of “sufficient size as to make practicable its preservation and use in an unimpaired condition.”\(^7\) Smaller undeveloped areas should also be included in the inventory if they are contiguous to existing wilderness, primitive areas, administratively recommended wilderness, or wilderness inventories of other Federal ownership, regardless of their size.\(^8\)

**b. Road Improvements**

Unlike past versions of Chapter 70, the 2015 directives rely on the Forest Service’s Road Maintenance Level classification system to help determine what types of roads will or will not disqualify an area from the wilderness inventory. All forest roads are assigned a Maintenance Level (ML) number between 1 and 5.\(^9\)

- ML 1 roads are closed and have been placed in storage for potential future use, with only basic custodial maintenance performed to prevent resource damage.
- ML 2 roads are open for use by high clearance vehicles, and passenger cars are either prohibited or discouraged.
- ML 3-5 roads are open and designed for passenger cars, with varying road widths and surfaces.

The inventory criteria for road improvements in the 2015 directives do not disqualify an area from the inventory if it only includes ML 1 roads (closed).\(^10\) On the other hand, areas with ML 3-5 roads (open for passenger vehicles) are automatically excluded from the inventory.\(^11\) Areas with ML 2 roads (open for high-clearance vehicles) are generally excluded from the inventory, but with several key exceptions, such as:

- Roads that are identified for decommissioning in a previous decision document, or identified as “likely unneeded” in a travel management plan or travel analysis.\(^12\)

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\(^5\) § 71.3.
\(^6\) § 71.2.
\(^7\) § 71.21.
\(^8\) Ibid.
\(^9\) § 70.2.
\(^10\) § 71.22a(1)(a).
\(^11\) § 71.22a(2)(b).
\(^12\) § 71.22a(1)(b). Subpart A of the Travel Planning Rule requires the Forest Service to identify the “minimum road system needed for safe and efficient travel and for administration, utilization, and protection of National Forest System lands,” using a “science-based roads analysis.” 36 C.F.R. 212.5(b). Each national forest is expected to complete by the end of September 2015 a Travel Analysis Report that will include a list of roads “likely not needed for future use.”
• Roads that will be reclassified as ML 1 through a previous decision document or as identified in a travel management plan or travel analysis.\textsuperscript{13}
• ML 2 roads in the eastern national forests that are identified as closed to motor vehicles yearlong in a previous decision document, travel management plan, or travel analysis.\textsuperscript{14}
• Roads in areas that have previously been recommended for wilderness by the Forest Service, or areas that the Forest Supervisor “merits for inclusion in the inventory that were proposed for consideration through public involvement” during the planning process.\textsuperscript{15}
• Historical wagon or mining routes.\textsuperscript{16}

ML. 2 roads will disqualify an area from the wilderness inventory if they do not fit into any of the above categories and if the roads meet at least one of the following criteria:\textsuperscript{17}
• The roads have been improved and are maintained by mechanical means to ensure regularly regular and continuous use.
• The roads have cumulatively degraded wilderness character.
• The roads have been identified for continued public access and use in a project level or travel planning decision supported by NEPA analysis.
• The roads otherwise preclude evaluation and consideration of areas for wilderness, based on Assessment information or on-the-ground knowledge.

c. Other Improvements

The 2015 directives list a dozen types of improvements that may or may not disqualify an area from the wilderness inventory. Consistent with the Wilderness Act’s definition of wilderness, the directives allow some human impacts – such as logging, mining, and range improvements – so long as they are “not substantially noticeable.”\textsuperscript{18} The directives make clear that sights and sounds coming from outside an area should not disqualify the area from the inventory.\textsuperscript{19} In addition, the directives allow otherwise non-conforming improvements in areas that have previously been recommended for wilderness by the Forest Service, or in areas that the Forest Supervisor “merits for inclusion in the inventory that were proposed for consideration through public involvement” during the planning process.\textsuperscript{20}

Step 2: Evaluation

The primary function of the evaluation step is to comprehensively examine the wilderness characteristics of each area identified during the inventory process. The 2015 directives require

\textsuperscript{13} § 71.22a(1)(c).
\textsuperscript{14} § 71.22a(1)(d).
\textsuperscript{15} § 71.22a(1)(e).
\textsuperscript{16} § 71.22a(1)(f).
\textsuperscript{17} § 71.22a(2)(c).
\textsuperscript{18} § 71.22b(10): “The fact that nonwilderness activities or uses can be seen or heard from within any portion of the area, must not, of itself, preclude inclusion in the inventory.” However, as discussed below, “pervasive sights and sounds” can be considered during the evaluation step of the Chapter 70 process.
\textsuperscript{20} § 71.22b(12).
planners to evaluate the degree to which each area meets the following four suitability criteria, which are based on the Wilderness Act’s definition of wilderness:

- Does the area generally appear to be affected primarily by the forces of nature, with the imprints of man’s work substantially unnoticeable? The evaluation should consider such factors as the extent to which ecological conditions and man-made improvements are a departure from “apparent naturalness.”\(^\text{21}\)

- Does the area have outstanding opportunities for solitude or a primitive and unconfined type of recreation? Solitude factors that can be considered include topography, distance from impacts, and “pervasive sights and sounds” from outside the area. Recreation factors may include opportunities for activities such as wildlife observation, hiking, hunting, camping, and enjoying nature.\(^\text{22}\)

- Does the area also contain ecological, geological, or other features of scientific, educational, scenic, or historical value? While not required for wilderness recommendation, these values may include rare plant or animal communities, outstanding landscape features, and high quality water resources.\(^\text{23}\)

- Can the area be managed to preserve its wilderness characteristics? Factors to consider include the area’s shape, legally established rights, and presence of non-federal land.\(^\text{24}\)

The evaluation must be documented so it is transparent and accessible to the public for input and feedback.\(^\text{25}\) Not all areas evaluated are required to be carried forward to the next step in the process (NEPA analysis); however, the Forest Service must explain the reason for excluding any inventoried areas (or portions of inventoried areas) from further analysis.\(^\text{26}\)

**Steps 3 and 4: NEPA Analysis and Plan Recommendations**

Areas in the wilderness inventory (or portions of inventoried areas) that the Forest Service decides to carry forward into the National Environmental Policy Act (NEPA) analysis stage will be included in one or more alternatives in the EIS for the plan revision.\(^\text{27}\) The EIS will include at least the following information about each area:

- Name and acreage
- Recommended wilderness boundary
- General geography, topography, and vegetation
- Current uses and management
- Wilderness characteristics and manageability
- Summary of the factors and process used to evaluate the area

Finally, the Forest Supervisor will decide which areas, if any, to recommend for wilderness designation based on the analysis in the EIS and on public input.\(^\text{28}\) The Record of Decision will

\(^{21}\) § 72.1(1).
\(^{22}\) § 72.1(2).
\(^{23}\) § 72.1(4).
\(^{24}\) § 72.1(5).
\(^{25}\) § 72.2.
\(^{26}\) § 73.
\(^{27}\) § 73.
\(^{28}\) § 74.
summarize the information from the analysis about the recommended wilderness area(s). The ROD will also briefly describe the management direction provided for inventoried and evaluated areas that are not recommended for wilderness.

C. Discussion

The 2015 directives make several notable changes in the draft Chapter 70 directives in response to the federal advisory committee’s recommendations and public comments, including the following:

- Opportunities for public participation are required at each step of the Chapter 70 process. This change was in response to the advisory committee’s desire for greater transparency and opportunity for input throughout the inventory and evaluation process.

- Roads that are identified as “unneeded” in the Forest Service’s travel analysis process do not disqualify an area from the wilderness inventory. The advisory committee recommended utilizing the results of travel planning and analysis processes as a way to make the inventory process more efficient.

- ML 2 roads in the eastern national forests that are closed to motor vehicles yearlong do not disqualify an area from the wilderness inventory. This recommendation of the advisory committee addressed the concern that some eastern national forests routinely classify closed roads as ML 2 instead of ML 1.

- Areas with open roads and other human impacts that would otherwise disqualify an area – but that are proposed for wilderness consideration by the public – can be included in the inventory at the forest supervisor’s discretion. This change addressed the advisory committee’s desire to encourage public involvement in the wilderness inventory process.

- Areas that currently have “substantially noticeable” human impacts, such as past clearcuts, do not qualify for the inventory, even if those impacts could be erased by future restoration. This change responded to the advisory committee’s concern that virtually any degraded forest land could be restored and thereby qualify for the wilderness inventory. However, the final directives also clarify that the wilderness inventory can include areas with impacts that are not “substantially unnoticeable in the area as a whole” and that greater allowance should be made for impacts in the eastern national forests. ²⁹

- Evaluation of an area’s wilderness character is based on the area’s “apparent naturalness.” This change responded to public comment that the directives should clarify that naturalness is apparent naturalness and not ecological naturalness. ³⁰ The Wilderness Society has argued that the appropriate inquiry is how a reasonable forest visitor unfamiliar with ecological or

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²⁹ § 72.
³⁰ See Response to Comments on the Land Management Planning Directives, p. 82, [http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdr3828565.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdr3828565.pdf). The focus on apparent naturalness to the average visitor is consistent with the approach taken by the U.S. Fish and Wildlife Service and the Bureau of Land Management in their wilderness inventory guidelines.
historical conditions would perceive the area. For example, an area from which natural fire has been excluded might be considered ecologically unnatural by a scientist but still appear natural to an ordinary visitor.

- Evaluation of an area’s opportunities for solitude can include the effects of “pervasive sights and sounds.” This change responded to public comment opposing the use of sights and sounds in the wilderness evaluation and requesting clarification that an area can possess outstanding opportunities for solitude even if there are spatial and temporal variations in solitude.\(^\text{31}\) The final directives state that an area does not “need to have outstanding opportunities on every acre.”\(^\text{32}\)

D. Conclusion

Overall, the final directives provide a balanced wilderness inventory and evaluation process that utilizes relevant, existing information and provides ample opportunities for public involvement.

\(^{31}\) Ibid.
\(^{32}\) §72.1(2).