THOMAS S. BUDLONG
JERRY D. BOGGS
BRIAN WEBB

IBLA 2002-99 Decided April 6, 2005

Appeal from decision of the Field Manager, Ridgecrest, California, Field Office, Bureau of Land Management, approving issuance of special recreation permit. CA-650-SR1-29.

Affirmed.

1. Public Lands: Special Use Permits--Special Use Permits

Special recreation permits for instructor training in rock climbing, backpacking, canyoneering, initiative games, and general wilderness travel skills are not prohibited in wilderness areas established by the California Desert Protection Act, which authorizes commercial services in such areas. The Board may affirm BLM's approval of such a permit where the appellant has not shown that BLM's decision to approve it, accompanied by an EA and FONSI, violates that statute or the Wilderness Act or is arbitrary or an abuse of discretion.

APPEARANCES: W. Douglas Kari, Esq., Los Angeles, California, for appellants; Hector Villalobos, Ridgecrest, California, for the Bureau of Land Management.

OPINION BY ADMINISTRATIVE JUDGE HEMMER

Thomas S. Budlong, Jerry D. Boggs, and Brian Webb appeal from an October 17, 2001, decision of the Field Manager, Ridgecrest, California, Field Office, Bureau of Land Management (BLM), approving issuance of special recreation permit (SRP) CA-650-SR1-29 to Sea & Summit Expeditions (SSE) in a Decision Record (DR) and Finding of No Significant Impact (FONSI), rendered on the basis of Environmental Assessment (EA) CA065-NEPA 2001-130. Appellants filed a petition for a stay of BLM's decision. On April 4, 2002, this Board issued an order denying the

stay and requiring supplementation of the record to submit true copies of documents for which the parties had submitted documents printed from the internet.

SSE's informational literature asserts that it is a non-profit, Christian organization which offers outdoor wilderness adventures to the public. In 1996 BLM issued an SRP which authorized SSE to conduct rock-climbing adventure trips in the Owens Peak Wilderness managed by the Ridgecrest Resource Area Office of BLM in California. In 2000, BLM issued an SRP to SSE authorizing such activities in the Owens Peak Wilderness Area, the Fossil Falls Area of Critical Environmental Concern, and the Inyo Mountains Wilderness, all managed by the same BLM office. In June 2001, SSE submitted an application for another permit for these same three areas.

On July 18, 2001, BLM issued a Notice of Proposed Action to approve the permit application for the period from October 29, 2001, to April 2003. BLM prepared an EA to consider the environmental impacts, if any, associated with the proposed action pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4332(2)(C) (2000).

The approved SRP dated October 17, 2001, and the final EA state that SSE's permit would authorize it to conduct "'Outward Bound' style outdoor adventure trips over the three year period" from October 2001 to October 2004, with two trips totaling 14 use days per year in the Inyo Mountains Wilderness Area in California. (Oct. 17, 2001, Operating Plan for SSE, CA-650-SR1-29, at 1-2.) The activities to be conducted under the SRP "include rock climbing, backpacking, canyoneering, initiative games, and general wilderness travel skills." Id. at 1. The proposed trips involve up to 15 participants who would be "outdoor educators interested in developing wilderness backpacking and climbing skills to lead youth groups in wilderness settings." (EA at 8.) "Since the courses offered in the Inyo Mountains Wilderness are primarily instructor development courses, most if not all students are also certified Wilderness EMT's for Wilderness First Responders." Id. at 16. SSE "practices and teaches Leave No Trace ethics." Id. at 2.

The July 18, 2001, Notice of Proposed Action made the EA available to the public, upon request, and provided a period of 30 days for public review and comment. See July 18, 2001, Notice of Proposed Action at 2. BLM received four letters opposed to the proposed action and two in support.

Each appellant opposed the issuance of the permit. Boggs expressed concerns about whether BLM could ensure that the "outfitter follows all requirements" and about SSE's "leaving garbage, creating fire hazards, etc. I am also concerned over BLM's responsibility in the case of medical emergency." (Aug. 5, 2001, Boggs comments to BLM.) Webb expressed concern about damage to vulnerable and fragile locations and habitat, particularly in a section of Craig Canyon, from "large groups

trampling" through it. He also noted that the management plan for the Inyo Wilderness Area was not final, and that it should prohibit all commercial use there. (Aug. 10, 2001, Webb comments.) Budlong made these same assertions, in more detail. (July 29, 2001, Budlong comments.)

On October 17, 2001, BLM issued the DR and FONSI approving the proposed permit. The approval was contingent upon ten enumerated operational measures calculated to avoid impacts. See EA, DR/FONSI at 20-21. BLM responded to each point made by commenters in the EA at 12-18. BLM responded to the objection that commercial use should not be permitted in Inyo Canyon by asserting that applicable law, regulations and policies permit limited commercial use, and asserted that SSE's proposed wilderness education services were acceptable under this authority. BLM cited the Wilderness Act of 1964, the California Desert Protection Act of 1994, BLM regulations at 43 CFR 6300, provisions in the BLM Manual regarding Wilderness Policy, the September 18, 1995, Interagency Policy and Principles for Wilderness Management in the California Desert, and the December 8, 1999, Wilderness Implementation Schedule for the Inyo Mountains Wilderness (WIS). See EA at 13. BLM stated:

> Until a wilderness management plan is written, the BLM's Wilderness Implementation Schedule for the Inyo Mountains Wilderness - dated December 3, 1999, serves as the area specific management guidance for the wilderness unit. In the Wilderness Implementation Schedule, the activities of [SSE] are recognized as an authorized use consistent with the management of this area under the Wilderness Act of 1964.

Id. (emphasis added). BLM pointed out that commercial uses would be considered in a final wilderness management plan for the Inyo Mountains. Id.

BLM responded to appellants' concerns that additional hikers could affect the fragile environment of the Inyo Mountains Wilderness. BLM stated:

> The effects of 15 hikers descending Craig and Hunter canyons is expected to cause minor trampling impacts to riparian vegetation in these canyons. Since hikers generally travel in a single file pattern in difficult terrain, impacts would be generally confined to a 2 ft. wide bushwhacking corridor. Riparian vegetation (sedges, forbs, grasses, willows....etc.) is highly resistant to trampling impacts due to a variety of factors including flexible stems; the ability to initiate growth from tissues at the base of the plant or from buds concealed below the soil surface; rapid growth rates; the ability to reproduce when trampling pressure is low; and the ability to reproduce vegetatively from suckers,

rhizomes, or corms. (Hammit & Cole, Wildland Recreation, Ecology & Management © 1987).

(EA at 11.)

Appellants jointly appealed. They claim to be "longtime users of the Inyo Mountains." (Statement of Reasons (SOR) at 6.) All claim to have both recreational and scientific or professional interest in the mountains by virtue of work-related and volunteer exploration of the area for BLM and universities. [1/] They assert that they will be adversely affected by BLM's decision to approve the SSE permit because it will bring other hikers into the area. Describing the "extraordinary sensitivity of the natural and cultural resources in the Inyos," they fear that issuance of permits for commercial services "will lead to a proliferation of inappropriate use and resulting damage, such as looting of historic artifacts." (SOR at 10.)

Appellants raise two arguments. First, they claim that the WIS would prohibit the granting of an SRP to SSE. They point out that the 1999 WIS expressly stated that "only commercial services" authorized prior to the passage of the California Desert Protection Act of 1994 (CDPA), Pub. L. No. 103-433, §§ 102(28), 102(45), 108 Stat. 4476, 4478 (Oct. 31, 1994), will be authorized within the Inyo Mountains Wilderness. (Dec. 8, 1999, WIS at 7 part k.) Appellants read this provision to mean that only commercial operators who operated prior to 1994 can continue to operate, and asserts that SSE was not one of them. (SOR at 8.) Thus, appellants assert, SSE was not a "grandfathered" commercial operator in the Inyo Mountains Wilderness when it was designated as such by the CDPA. They also submit an unsigned version of the WIS which states that SSE may receive an outfitter permit and assert that this version was improperly relied on by BLM. (SOR at 7.)

Second, appellants assert that issuance of the permit is not in compliance with the Wilderness Act of 1964, as amended, 16 U.S.C. §§ 1131-1136 (2000). (SOR at 9-11.) Appellants cite to the terms of BLM regulations which prohibit commercial services within wilderness except where "appropriate for realizing the recreational or other wilderness purposes of the area." (SOR at 9, citing 43 CFR 8560.4-4

[1/] Budlong asserts that he has engaged in extensive exploration of the Inyos for university and BLM-sponsored research. (Budlong Declaration at 1.) Boggs claims to have worked for BLM and other agencies and continues to visit the area on, presumably, a recreational basis. (Boggs Declaration at 1.) Webb claims to have engaged in BLM-sponsored research and to continue to visit the area. (Webb Declaration at 1-2.)

(2000). [2/]) Appellants assert that BLM has not met a perceived burden of showing that the SRP is allowed under the Wilderness Act. (SOR at 10.)

In a response to the Board's order denying the stay requested by appellants, BLM submits a true copy of the December 8, 1999, WIS but states that to the extent the WIS is read to prohibit all but "grandfathered" uses in wilderness areas, this reading is in error and would implement a policy that is not permitted by law. (May 1, 2002, Declaration of Clarification for the Inyo Mountains Wilderness Implementation Schedule, at ¶¶ 8-12.) BLM states that the WIS language upon which appellants rely is a statement copied from a 1997 draft document which was never finalized. It would appear that BLM is asking the Board to conclude that the WIS was inappropriately relied on in the EA. In a Reply, appellants object to BLM's analysis and reiterate their view that BLM, and consequently the Board, must adhere to the 1999 WIS and their construction of it which would permit only commercial operators "grandfathered" prior to the CDPA.

At the outset, we dispense with two issues relevant to jurisdiction. First, it is unclear that Boggs properly may raise issues presented here because the arguments raised in the appeal were not presented by Boggs in his comments on the EA. Under 43 CFR 4.410(c) (2004), a party to the case who participated in an opportunity to comment on an EA may appeal, but may raise on appeal only issues the party raised in its earlier participation or which arise after the close of the comment period. See also Southern Utah Wilderness Alliance, 128 IBLA 52, 59 (1993) (Board need not consider issues not presented first to BLM in a protest). Because the issues presented on appeal were properly raised during the comment period by Budlong and Webb, analyzing Boggs' party status will have no impact on our consideration of the case and we address that issue no further.

Second, because the time period of the challenged SRP has ended, the particular permit at issue is now moot. We address the appeal, however, because SSE has a history of seeking and obtaining SRPs in wilderness areas of California, including the Inyo Mountains Wilderness. Accordingly, we find this case to fall within the well-recognized rule that the Board will not dismiss an appeal on the grounds of mootness where the issues raised are "capable of repetition, yet evading review." West Virginia Highlands Conservancy, 152 IBLA 158, 208 (2000) citing In re Jamison Cove Fire Salvage Timber Sale, 114 IBLA 51, 53 (1990), quoting Southern Pacific Terminal Co. v. ICC, 219 U.S. 498, 515 (1911).

[2/] The regulations applicable to management of wilderness areas at the time of the decision in this appeal appeared at 43 CFR Part 6300. They were promulgated Dec. 14, 2000.

Turning to the merits, we find no basis for appellants' argument that BLM has not met a burden of showing that the commercial services authorized in the SRP should be permitted. Commercial operations on wilderness areas are governed by the terms of the Wilderness Act and regulations implementing them. Even for those lands addressed by the CDPA, section 103(a) of that statute, Pub. L. No. 103-443, 108 Stat. 4481 (Oct. 31, 1994), directs BLM to administer, subject to valid existing rights, each designated wilderness area in accordance with the Wilderness Act, 16 U.S.C. §§ 1131-1136 (1994). We find no express burden on BLM beyond statutory and regulatory compliance; rather, the burden is upon an appellant to show error in a BLM decision. Larry Amos, 163 IBLA 181, 190 (2004).

Section 4(c) of the Wilderness Act of 1964 provides that, subject to existing private rights, "there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act * * *." 16 U.S.C. § 1133(c) (2000) (emphasis added). But it does not prohibit all commercial activity within wilderness. Rather, section 2(c) defines wilderness to include land which provides opportunity for "a primitive and unconfined type of recreation." 16 U.S.C. § 1131(c) (2000). Section 4(b) ensures that wilderness is to be "devoted" to recreation and education purposes and section 4(d)(5) permits commercial services within the context of such recreation. "Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas." 16 U.S.C. § 1133(b) and (d)(5) (2000). [3/] The legislative history refers to these commercial services under the heading "compatible uses." H.R. Rep. No. 1538, reprinted in 1964 U. S. Code Cong. & Admin. News 3615, 3618.

It is clear that lands within the California desert wilderness areas established by the CDPA were preserved to provide, inter alia, for recreational use. Thus, in its findings and policy, Congress stated in section 2(a)(2) of the CDPA that the desert lands in Southern California offer "unique * * * education, and recreational values used and enjoyed by millions of Americans for hiking and camping, scientific study, and scenic appreciation." 108 Stat. 4471. Congress established a policy for such lands to "provide opportunities for compatible outdoor public recreation * * * and promote public understanding and appreciation of the California desert." Section 2(b)(1)(D), 108 Stat. 4472. Congress stated that the threats to the desert derived from "incompatible use and development." Section 101(2), 108 Stat. 4472. Consistent with these statutory findings, section 102(28) of the CDPA established the Inyo Mountains Wilderness. 108 Stat. 4476.

[3/] Section 4(d)(5) is a redesignation of the former section 4(d)(6), as a result of 1978 amendments to the statute in Publ. L. No. 95-495, deleting the original section 4(d)(5) relating to lands within Minnesota.

Consistent with the Wilderness Act and the CDPA, BLM established the September 18, 1995, Interagency Policy and Principles for Wilderness Management in the California Desert. It prepared a document dated December 6, 1995, called "Principles for Special Scientific, Recreation, and Commercial Uses Within Wilderness Areas of the California Desert," Annex 4. In this document, BLM specifies that the provision of section 4(d)(5) of the Wilderness Act permitting commercial services "was crafted primarily for climbing, hiking, river and hunting guide services." Id. at 5. It specifies that a "commercial recreation service, such as a guide service, may be allowed." Id. From this background, we find it implausible to suggest that the SRP granted to SSE was outside the scope of permissible commercial services allowed in the Inyo Mountains Wilderness.

Likewise, we find no violation of BLM regulations by virtue of BLM's issuance of the SRP. BLM regulations applicable in 2001 prohibit "commercial enterprises" except as provided in the Wilderness Act, 43 CFR 6302.20, and state that persons must pay fees and obtain permits for uses identified within Chapter II of Title 43 (which covers BLM management of public lands). [4/] 43 CFR 6302.12(b)(2). Regulations in effect in 2001 made clear that commercial services could be authorized by SRPs within special use areas, including wilderness. 43 CFR 8372.0-5(g) (defining "special areas"); 8772.1-1 (requiring SRPs for commercial use and for use of special areas); 8372.1-2 (discussing SRPs for non-commercial use in special areas) (2001). These regulations were superseded by the regulations at 43 CFR Part 2930, effective October 31, 2002. The new regulations do not change the fact that SRPs for commercial services are not prohibited within "special areas." 43 CFR 2932.5, 2932.11 (2003).

Referring to the preamble to the rules governing wilderness management as "supplementary information," appellants assert that the rule is silent as to commercial services and that it cannot be construed to mean that "*all* commercial outfitting services are permitted in *all* wilderness areas." (Reply at 3.) To the extent appellants believe that the applicable rules governing management of wilderness areas at Part 6300 must be construed to prohibit commercial services, it is clear from the preamble that this is contrary to the rules and BLM's intent in promulgating them.

In publishing the final rule, BLM specifically noted that the Wilderness Act "provides for limited commercial use" in wilderness areas. 65 FR 78358 (Dec. 14, 2000). BLM noted that SRPs within wilderness areas are provided for and governed by 43 CFR Subpart 8372 (2000). Id. at 78362. In addressing the prohibition of

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[4/] The Land and Water Conservation Fund Act, 16 U.S.C. § 460l-6a(c) (2000), provides: "Special recreation permits for uses such as group activities, recreation events, motorized recreation vehicles, and other specialized recreation uses may be issued in accordance with procedures and at fees established by the agency involved."

"commercial enterprise" at 43 CFR 6302.20, BLM stated that it received comments which "urged that BLM not prohibit commercial activities such as outfitting and guiding for hunting, fishing, and recreational pack trip. These activitites are not prohibited." Id. at 78364 (emphasis added). In response to a comment that BLM should add "wilderness education" or "educational" to the discussion of commercial use of wilderness, BLM responded that such a change was unnecessary because "education is included in 'other wilderness purposes'." Id. at 78368. In response to a comment that commercial hunting be prohibited, BLM responded: "Commercial outfitters often serve as guides for hunters, and this activity is considered among the recreational purposes contemplated in the Wilderness Act." Id. BLM rejected the notion that a "needs assessment" be required when permitting commercial services because such assessments were already conducted under general land management planning required by regulations at 43 CFR Subpart 1610 (implementing section 202 of the Federal Land Policy and Management Act of 1976, as amended (FLPMA), 43 U.S.C. § 1712 (2000)). Thus, it would be improper to read BLM rules as diminishing the scope of commercial services permissible under 16 U.S.C. § 1133(d)(5) (2000).

Despite the plain statutory and regulatory language, appellants argue that "BLM cannot carry its burden of showing that approval of the [SSE] application complies with the Wilderness Act." (SOR at 10.) The Wilderness Act imposes no burden on BLM's approval of a permit for commercial services other than consistency with the statute and regulations. This Board has considered permits for commercial services within wilderness areas. E.g., Larry Amos, 163 IBLA 181 (2004) (lion hunting permit in wilderness area); Southern Utah Wilderness Alliance, 135 IBLA 138 (1996) (commercial filming in wilderness inventory area). In High Sierra Hikers Ass'n v. Powell, 150 F. Supp. 2d 1023, 1039-41 (N.D. Cal. 2001), the court found that the U.S. Forest Service did not abuse "its broad discretion under the very general requirements of the Wilderness Act" in adopting a resource management plan authorizing SRPs for commercial guide services employing livestock as pack animals. There is no amorphous burden to be placed on BLM in approving such a permit beyond compliance with the terms of the statute or rules. [5/]

[5/] Appellants cite Sierra Club v. Lyng, 662 F. Supp 40, 43 (D.D.C. 1987), for the existence of this burden and to support their claim that "BLM does not have broad discretion when taking actions within wilderness areas for the benefit of commercial and other private interests." (SOR at 10.) In that case, the court placed a high burden on the Secretary of Agriculture for authorizing, under the terms of section 4(d)(1) of the Wilderness Act, 16 U.S.C. § 1133(d)(1) (1982), tree-cutting measures within a wilderness area to destroy the Southern pine beetle for purposes "solely to aid outside adjacent property interests [of the timber industry], not to further wilderness interests or to further national wilderness policy." 662 F. Supp. at 42. We do not find that case relevant to BLM under section 4(d)(5).

For the foregoing reasons, we cannot find within appropriate authority any additional burden BLM must meet to issue an SRP. To the contrary, approval of an application for an SRP is discretionary with BLM. Dirt, Inc., 162 IBLA 55, 58 (2004); William D. Danielson, 153 IBLA 72, 74 (2000). In Patrick G. Blumm, 121 IBLA 169, 173 (1991), we required an appellant to "demonstrate[] that the decision was arbitrarily reached, that it was in error, or that it was otherwise not within the exercise of reasonable discretion." See also Larry Amos, 163 IBLA at 190. Appellants have not met this burden or shown that issuance of SRPs for training of wilderness educators is outside the scope of statutory or regulatory compliance, or the purposes for which the Inyo Mountains Wilderness was established by the CDPA.

To the extent appellants argue that the particular SRP issued to SSE was arbitrary, their arguments that BLM failed to ensure a lack of environmental impact from the permitted use are more properly cast as arguments under NEPA and a challenge to the FONSI. Improperly placing the burden on BLM, they do not meet their own burden under NEPA to "establish that BLM did not adequately consider matters of environmental concern. The appellant must show by objective proof that the determination was premised on a clear error of law or a demonstrable error of fact, or that the analysis failed to consider a substantial environmental question of material significance to the action for which the analysis was prepared." In re Stratton Hog Timber Sale, 160 IBLA 329, 332 (2004). Here, BLM presented pages of response to concerns stated in appellants' comment letters, and BLM included ten conditions in its approval of the SRP. Appellants' failure to acknowledge these responses does not satisfy their own burden to show error in the challenged decision. See id. at 332, 338.

Appellants must also show more than disagreement with the outcome. Larry Thompson, 151 IBLA 208, 217 (1999). Appellants contend that any impacts from an additional 15 hikers during 14 use days annually will cause unacceptable impacts. They claim that "as a practical matter, [it] is impossible" for trip participants to avoid disturbing habitat, particularly within Craig Canyon, because "there is simply no way to avoid trampling the habitat." (SOR at 11.) These statements reflect impacts of recreation, whether undertaken by individuals like the appellants or a group such as SSE. The SRP issued to SSE for up to 15 hikers for up to 14 days annually squares with Congress' findings of use of the southern California desert. Appellants have not shown otherwise or that the incremental impact of approval of this permit for such a period of time will adversely affect the Inyo Mountains Wilderness.

Finally, we find that the WIS does not change the above conclusion. The EA states that the WIS provides "specific management guidance" and that "the activities of [SSE] are recognized as an authorized use." (EA at 13.) The portion of the WIS relevant to recreation states: "At this time, in accordance with the Inyo Mountains Interim Wilderness Management Strategy, only commercial services which existed

prior to the CDPA and that are in compliance with the Wilderness Act will be permitted in the wilderness." (WIS at page 7.) The parties agree that the language quoted above derives from a 1997 document entitled Inyo Mountains Interim Wilderness Management Strategy, relevant pages for which appear as exhibit D attached to Budlong's affidavit. These pages contain references to commercial services. Under "[o]bjectives," the document states that BLM should "[p]ermit only those commercial services in the wilderness which existed prior to the CDPA and that are in conformance with the Wilderness Act." (1997 Inyo Mountains Interim Wilderness Strategy, Objective 3.) Objective 4 allows a pilot program for new commercial "events" along the "cherrystemmed Swansea to Cerro Gordo road," which was excluded from wilderness designation, id., Objective 4:

> Only commercial service which existed prior to the [CDPA] will be allowed. No new commercial services will be allowed. The one exception to this will be the Cerro Gordo Swansea road. Since the road was exempted from wilderness, commercial events may be allowed on this road if it meets the overall goal of not impairing wilderness values.

Id. at 5.

Neither the 1997 Interim Strategy nor the WIS precludes an SRP to be issued to SSE. Nothing in either document explicitly refers to "grandfathered" operators or entities, as appellants suggest. To the contrary, each speaks of pre-existing "services." As used in the Wilderness Act itself, this term refers to an activity and not to an identifiable outfitter: "Commercial services may be performed within the wilderness areas * * * ." 16 U.S.C. § 1133(d)(5) (2000). The CDPA itself identifies considerable recreational use within the southern California deserts, and expresses a policy to preserve and permit such use. Thus, we will not choose to read these documents as grandfathering particular operators and excluding others. The only specific requirement is that the services for which an operator seeks a permit must be "necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas." Id.

As BLM correctly points out, neither the WIS nor the Interim Strategy is a land use plan or resource management plan within the meaning of section 202 of FLPMA, 43 U.S.C. § 1712 (2000), to which an implementation decision must conform. Instead, these documents are planning directives whose requirements do not have the force and effect of law, and become subject to review upon appeal to this Board. See Friends of the River, 146 IBLA 157, 166 (1998). The Board will affirm BLM decisions applying such directives where BLM's action is reasonable. Given that the 1999 WIS and the 1997 Interim Strategy did not preclude or include particular operators from obtaining permits for commercial services, we find BLM's action here to be reasonable. Accordingly, we need not otherwise address the status of the

documents. [6/]

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision is affirmed.

Lisa Hemmer
Administrative Judge

I concur:

H. Barry Holt
Chief Administrative Judge

[6/] For example, BLM's argument that it improperly relied on the WIS implies that BLM would ask the Board to affirm its decision as modified to delete the reference to the WIS in the EA. We agree with appellants, however, that such an action would not answer the question of whether the WIS precludes approval of the SRP to SSE. Further, appellants believe that BLM improperly approved the SRP on the basis of an unsigned version of the WIS, which contains a specific reference to SSE. Because we reject appellants' view of the import of the signed WIS, we need not consider the relevance of the unsigned version. We note as well that our decision avoids reviving a moot issue in that the documents were to be "interim" strategies subject to a final approved strategy for the Inyo Mountains Wilderness.