

RICHARD J. LEAUMONT

IBLA 80-968

Decided April 27, 1981

Appeal from decision of the Montana State Director, Bureau of Land Management, dismissing appellant's protest against the State Director's determination not to designate four units of land as wilderness study areas.

Affirmed.

1. Administrative Procedure: Adjudication--Administrative Procedure: Administrative Review--Appeals--Federal Land Policy and Management Act of 1976: Wilderness--Wilderness Act

Where an appellant disagrees with the decision below and seeks to have his judgment substituted for that of the decisionmaker, his appeal will be carefully considered, with due regard for the public interest. However, where the responsibility for making such judgments has been exercised by an officer duly delegated with the authority to do so, his action will ordinarily be affirmed in the absence of a showing of compelling reasons for modification or reversal.

APPEARANCES: Richard J. Leumont, Slidell, Louisiana, pro se; Dale D. Gobel, Esq., Office of the Solicitor, Washington, D.C., for the Bureau of Land Management.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

Pursuant to its responsibilities under section 603 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1782 (1976), and the Wilderness Act of 1964, 16 U.S.C. § 1131 (1976), the Montana State Office of the Bureau of Land Management (BLM) has conducted an inventory of certain identified units of public land in Montana in order to ascertain whether such units should be classified as wilderness study areas. In consequence of this effort, four such inventoried units were found not to meet the criteria established to qualify them as wilderness study areas, same being identified as Blacktail Mountains West (MT-076-003), Lima Reservoir (MT-076-011), McCartney Mountain/Sandy Hollow (MT-076-025), and Missouri River Island (MT-075-123).

Richard J. Leumont filed a written protest from BLM's decision not to recommend these units for designation as wilderness study areas, listing his reasons why each should be included, rather than excluded, from further study.

By his letter decision of June 9, 1980, the BLM's State Director, Montana, rejected Leumont's protest. In the decision, he cited each of Leumont's reasons for recommending each of the units as a

wilderness study area, and listed BLM's specific response to each reason as his basis for finding the protest to be without merit.

Leaumont filed a timely appeal to this Board. In his statement of reasons for appeal, appellant has offered his own point-by-point analysis of the wilderness characteristics of each unit and attempts to refute the reasons given by BLM for its findings.

We will not undertake here a recital of all of the detailed assertions and rebuttals made, respectively, by appellant and BLM regarding each unit. However, in order that the reader may comprehend the nature of the controversy, we will describe generally a few of the issues asserted.

BLM's findings were, variously, that certain of the units had less than 5,000 acres (the Missouri River Island Unit is only 22 acres), ^{1/} and were lacking in the outstanding wilderness qualities, public support for inclusion, and sufficient size to make practical their preservation and use in an unimpaired condition. Appellant disagrees, alluding to various attributes in each of these units which he feels are outstanding. He denies that the lack of public support for inclusion of a unit should be a factor influencing the decision.

BLM found that the presence of roads, fences, travel ways, private inholdings, mining activities, junk and litter, developed springs,

^{1/} Areas of less than 5,000 acres may be considered, as may roadless islands of any size. However, the size of an area can influence its potential for enjoyment of solitude, isolation, and other wilderness values.

abandoned cabins, a transmission line, etc., constitute detractions from the units' wilderness qualities. Appellant asserts that these are less significant than the ecological, geological, historical, zoological, botanical, and ornithological values which these units afford.

BLM found that certain units do not offer the visitor a great opportunity for solitude in isolation from man and his world. Appellant disagrees, pointing out that in some instances solitude and isolation is provided by terrain features despite the proximity of cultural influences, and adding that he "is sure the flat topography of Unit 011 would make the degree of solitude less than outstanding to a Montana rancher, but on the other hand an urban dweller from our east coast would experience an outstanding degree of solitude."

These evaluations are necessarily subjective and judgmental. BLM's efforts are guided by established procedures and criteria, and are conducted by teams of experienced personnel who are often specialists in their respective areas of inquiry. Their findings are subjected to higher-level review before they are approved and adopted. Considerable deference must be accorded the conclusions reached by such a process, notwithstanding that such conclusions might reach a result over which reasonable men could differ. As we observed in Rosita Trujillo, 21 IBLA 289, 291 (1975):

Appellant's contentions are neither erroneous nor unreasonable. They represent only another point of view; a different side of the ongoing controversy over the identification and priority of concerns which comprise the public

interest. However, where the responsibility for making such judgments has been exercised by an officer duly delegated with the authority to do so, his action will ordinarily be affirmed in the absence of a showing of compelling reasons for modification or reversal.

That holding was echoed in California Association of Four-Wheel Drive Clubs, 38 IBLA 361, 367-68 (1978), wherein we said:

Where conflicting uses of the public lands are at issue and the matter has been committed to the discretion of the BLM, the Board will uphold the decision of the BLM unless appellant has shown that the BLM did not adequately consider all of the factors involved, including whether less stringent alternatives would accomplish the result. Cf. Questa Petroleum Co., 33 IBLA 116 (1977); Rosita Trujillo, [supra].

We do not find that the instant case presents sufficiently compelling reasons to warrant alteration of the decision below.

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

Edward W. Stuebing
Administrative Judge

We concur:

James L. Burski
Administrative Judge

Gail M. Frazier
Administrative Judge

