Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

NORTON, SECRETARY OF THE INTERIOR, ET AL. *v.* SOUTHERN UTAH WILDERNESS ALLIANCE ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

No. 03–101. Argued March 29, 2004—Decided June 14, 2004

The Bureau of Land Management (BLM), an Interior Department agency, manages the Utah land at issue here under the Federal Land Policy and Management Act of 1976 (FLPMA). Pursuant to 43 U. S. C. §1782, the Secretary of the Interior has identified certain federal lands as "wilderness study areas" (WSAs) and recommended some of these as suitable for wilderness designation. Land designated as wilderness by Act of Congress enjoys special protection; until Congress acts, the Secretary must "manage [WSAs] . . . so as not to impair the[ir] suitability for preservation as wilderness." §1782(c). In addition, each WSA or other area is managed "in accordance with" a land use plan, §1732(a), a BLM document which generally describes, for a particular area, allowable uses, goals for the land's future condition, and next steps. 43 CFR §1601.0–5(k). Respondents Southern Utah Wilderness Alliance and others (collectively SUWA) sought declaratory and injunctive relief for BLM's failure to act to protect Utah public lands from environmental damage caused by off-road vehicles (ORVs), asserting three claims relevant here, and contending that they could sue under the Administrative Procedure Act (APA) to "compel agency action unlawfully withheld or unreasonably delayed," 5 U. S. C. §706(1). The Tenth Circuit reversed the District Court's dismissal of the claims.

Held: BLM's alleged failures to act are not remediable under the APA. Pp. 5–17.

(a) A §706(1) claim can proceed only where a plaintiff asserts that an agency failed to take a discrete agency action that it is required to take. The discrete-action limitation precludes a broad programmatic

attack such as that rejected in *Lujan* v. *National Wildlife Federation*, 497 U. S. 871, and the required-action limitation rules out judicial direction of even discrete agency action that is not demanded by law. Pp. 5–9.

(b) SUWA first claims that BLM violated §1782(c)'s nonimpairment mandate by permitting ORV use in certain WSAs. While §1782(c) is mandatory as to the object to be achieved, it leaves BLM discretion to decide how to achieve that object. SUWA argues that the nonimpairment mandate will support an APA suit, but a general deficiency in compliance lacks the requisite specificity. The principal purpose of this limitation is to protect agencies from undue judicial interference with their lawful discretion and to avoid judicial entanglement in abstract policy disagreements which courts lack the expertise and information to resolve. If courts were empowered to enter general orders compelling compliance with broad statutory mandates, they would necessarily be empowered to decide whether compliance was achieved. The APA does not contemplate such pervasive federal-court oversight. Pp. 9–11.

(c) SUWA also claims that BLM's failure to comply with provisions of its land use plans contravenes the requirement that the Secretary manage public lands in accordance with such plans, 43 U. S. C. §1732(a). A land use plan, however, is a tool to project present and future use. Unlike a specific statutory command requiring an agency to promulgate regulations by a certain date, a land use plan is generally a statement of priorities; it guides and restrains actions, but does not prescribe them. A statement about what BLM plans to do, if it has funds and there are not more pressing priorities, cannot be plucked out of context and made a basis for a §706(1) suit. The land use plan statements at issue here are not a legally binding commitment enforceable under §706(1). Pp. 11–16.

(d) SUWA finally contends that BLM did not fulfill its obligation under the National Environmental Policy Act of 1969 to take a "hard look" at whether to supplement its environmental impact statement (EIS) to take increased ORV use into account. Because the applicable regulation requires an EIS to be supplemented where there "are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts," 40 CFR §1502.9(c)(1)(ii), an agency must take a "hard look" at new information to assess the need for supplementation, *Marsh* v. *Oregon Natural Resources Council*, 490 U. S. 360, 385. However, supplementation is required only if "there remains major Federal actio[n] to occur," id., at 374. Since the BLM's approval of its land use plan was the "action" that required the EIS; and since that plan has already been approved; there is no ongoing "major Federal action" that could require

supplementation. Pp. 16–17.

301 F. 3d 1217, reversed and remanded.

SCALIA, J., delivered the opinion for a unanimous Court.