Wilderness Awareness Workshop

# Case Study Discussion Form

**Issue:**. Request to use an exsisting cabin in wilderness as aprt of a permitted range allotment.

**Situation:** The cabin is located 20 miles inside the wilderness and has been used for storage of fencing materials and tools for 20 years. The permittee is requesting approval to allow range riders to stay in the cabin rather than camp or travel in and out frequently.

**Management Question(s**): Is the use of this cabin necessary in wilderness**?**

**Direction/Guidance:**

1. **What does the Wilderness Act say?**

**DEFINITION OF WILDERNESS**

 (c) A wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

**PROHIBITION OF CERTAIN USES**

 (c) Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

**SPECIAL PROVISIONS**

 (d) The following special provisions are hereby made:

 ***Water resources and grazing.*** (2) the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.

**2. What is your agency manual direction?**

2323.2 - Management of Range

2323.21 - Objective. Manage wilderness range in a manner that utilizes the forage resource in accordance with established wilderness objectives (36 CFR 293.7).

2323.22 - Policy. Apply congressional guidelines and policies regarding grazing in National Forest Wilderness Areas (sec. 108, P.L. 96-560, H.R. Report 96-617 dated 11/14/79) (ex. 1), in a practical, reasonable, and uniform manner in all National Forest wildernesses. These guidelines and policies are applicable only to livestock grazing operations (FSM 2320.5).

Exhibit 1

Congressional Grazing Guidelines

 2. The maintenance of supporting facilities, existing in the area prior to its classification as wilderness (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible in wilderness. Where practical alternatives do not exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment. This may include, for example, the use of backhoes to maintain stock ponds, pickup trucks for major fence repairs, or specialized equipment to repair stock watering facilities. Such occasional use of motorized equipment should be expressly authorized in the grazing permits for the area involved. The use of motorized equipment should be based on a rule of practical necessity and reasonableness. For example, motorized equipment need not be allowed for the placement of small quantities of salt or other activities where such activities can reasonably and practically be accomplished on horseback or foot. On the other hand, it may be appropriate to permit the occasional use of motorized equipment to haul large quantities of salt to distribution points. Moreover, under the rule of reasonableness, occasional use of motorized equipment should be permitted where practical alternatives are not available and such use would not have a significant adverse impact on the natural environment. Such motorized equipment uses will normally only be permitted to those portions of a wilderness area where they had occurred prior to the area's designation as wilderness or are established by prior agreement.

 3. The placement or reconstruction of deteriorated facilities or improvements should not be required to be accomplished using "natural materials", unless the material and labor costs of using natural materials are such that their use would not impose unreasonable additional costs on grazing permittees.

 4. The construction of new improvements or replacement of deteriorated facilities wilderness is permissible if in accordance with those guidelines and management plans governing the area involved. However, the construction of new improvements should be primarily for the purpose of resource protection and the more effective management of these resources rather than to accommodate increased numbers of livestock.

2323.26a - Structural Range Improvements. Modify permits for the construction of new range improvements or for the replacement of existing range improvements in accordance with FSM 2241.31. Consider the wilderness resource when preparing range improvement construction standards and techniques.

 1. Maintenance. Allow permittees to continue to maintain existing necessary range improvements. On a schedule agreed to by the permittee, phase out and remove those improvements determined to be unnecessary. Review existing use and requests for new use of motor vehicles, motorized equipment, or other forms of mechanical transport, including emergency use, and apply Congressional Grazing Guidelines (sec. 2323.22, ex. 1). Permit the occasional use of motor vehicles, motorized equipment, or mechanical transport where practical alternatives are not available (FSM 2326 and FSH 2309.19).

 2. New Improvements. Construction of new range improvements may be approved if they are necessary for resource protection (range and/or wilderness) and for the effective management of these resources. Do not approve construction solely to accommodate increased grazing.

 3. Types of Materials. When permitted, ensure that new improvements are constructed of materials that harmonize with the wilderness character of the area. Use natural (native) materials for improvements unless costs are prohibitive or they do not harmonize with the wilderness.

 4. Replacement of Existing Improvements. Use the following procedures when considering replacement of an existing range improvement:

a. Examine whether the range improvement is necessary for livestock grazing operations, resource protection, or protection of wilderness values. Explore other alternatives for meeting these needs.

b. Ensure that the design, location, and type of materials needed harmonize with natural features of the wilderness.

c. Consult with permittees in determining what is reasonable for the permittee's livestock grazing operation. Balance the particular wilderness values involved and the cost of material and labor.

2326 - USE OF MOTORIZED EQUIPMENT OR MECHANICAL TRANSPORT IN WILDERNESS

2326.02 - Objectives

 1. Accomplish management activities with nonmotorized equipment and nonmechanical transport of supplies and personnel.

 2. Exclude the sight, sound, and other tangible evidence of motorized equipment or mechanical transport within wilderness except where they are needed and justified.

2326.03 - Policy

 1. Ensure that Forest Service employees acquire and maintain necessary skills for primitive travel by foot, horse, canoe, or other nonmechanical means and the use of hand tools. For definitions see FSM 2320.5.

 2. Do not approve the use of motorized equipment or mechanical transport unless justified as described in 2326.1. For procedures and examples see FSH 2309.19. For definitions see FSM 2320.5.

2326.1 - Conditions Under Which Use May Be Approved. Allow the use of motorized equipment or mechanical transport only for:

 1. Emergencies where the situation involves an inescapable urgency and temporary need for speed beyond that available by primitive means. Categories include fire suppression, health and safety, law enforcement involving serious crime or fugitive pursuit, removal of deceased persons, and aircraft accident investigations.

 2. Aircraft or motor boat use established before the area was designated as wilderness by the Act of 1964 or subsequent wilderness legislation.

 3. Exploration and development of valid existing mineral rights (FSM 2323.7).

 4. Access to surrounded State and private lands and valid occupancies (FSM 2326.13).

 5. To meet minimum needs for protection and administration of the area as wilderness, only as follows:

a. A delivery or application problem necessary to meet wilderness objectives cannot be resolved within reason through the use of nonmotorized methods.

b. An essential activity is impossible to accomplish by nonmotorized means because of such factors as time or season limitations, safety, or other material restrictions.

c. A necessary and continuing program was established around the use of motorized equipment before the unit became a part of the National Wilderness Preservation System, and the continued use of motorized equipment is essential to continuation of the program.

d. Removal of aircraft wreckage when nonmotorized methods are unsuitable.

Specify, for each wilderness, the places and circumstances in which motorized equipment, mechanical transport, or aircraft are necessary for protection and administration of the wilderness and its resources in the forest plan.

The Line Officer approving the use of motorized equipment, aircraft, or mechanical transport shall specify what uses of that equipment are suitable and will have the least lasting impact to the wilderness resource. Schedule use of this equipment to minimize impact on wilderness visitors.

**3. What are your management options?**

 Remember to split this minimum requirements decision making process into two parts:

 Step 1 – Is any adminsitrative action necessary?

 Step 2 – If action is necessary, what is the minimum tool/method that will cause the least

 degradtion of the wilderness resource and character?

 Step 1: Is administrative action necessary? \_\_\_\_ YES \_\_\_\_\_ NO

 Why?

Step 2: If the answer to Step 1 is YES, administrative action is necessary, then discuss the following

 alternatives and others that your group develops:

1.

2.

3.

Are there other alternatives that are feasible?

**4. What is your decision?**

**5. What is the rationale for your decision?**

The rationale should link the decision made to wilderness management objectives, law, policy, forest plan standards and guidelines, etc. and exlain how this decision best protects the wilderness character while addressing the problem in a feasible manner.

**6. What additional constraints are necessary to minimize disturbance to the wilderness resource and character?**

 Timing, location, or frequency of activity?

 Maintenance requirements?

 Standards or design requirements?

 Monitoring?

**Actual Decision** (if made):

**Rationale for decision:**

The reationale would link the decision made to wilderness management objectives, law, policy, forest plan standards and guidelines, etc. and exlain how this decision best protects the wilderness character while addressing the problem in a feasible manner.