

Wilderness Awareness Workshop

# Case Study Discussion – Range Improvements

**1. Issue:** Due to the Monument Rock Fire in 2002, 20 miles of range allotment fencing was burned. Ranchers are requesting motorized access and motorized equipment for range fence re-construction activities

**2. Situation:** In 2002, large fires roared through the Monument Rock Wilderness. The fire burned 20 miles of range allotment fencing separating 4 allotments on 2 national forests. In order to commence grazing on these allotments in the future, as prescribed in the Allotment Management Plan, the fences would have to be repaired or replaced. The range permittees want to use motorized vehicles and motorized equipment to replace the fences, stating “fencing material would have to be brought into the site, standing dead burned trees would have to be removed from the fence locations and it would take years and years to accomplish this without motorized vehicles and equipment.” They insist the Wilderness Act gives them the right to maintain and reconstruct the fences with motorized equipment, plus after the 1990 Glacier Fire, the adjacent forest gave them permission to do this!

The trail accessing the allotment is a former stock driveway and motor vehicles could negotiate the route with some minor clearing and reconstruction. Records indicate no previous use of motor vehicles or motorized equipment to build or maintain fencing in this allotment.

**3. Management Question(s):**

1) Is management action necessary in wilderness to replace range fences?

2) IF management action is required in wilderness, what methods, tools, and procedures are the minimum necessary?

**4. Direction/Guidance:**

**a. What does the Wilderness Act and subsequent legislation say?**

Section 4(c) “… 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.”

1. **What is your agency policy?**

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.

Exhibit 1

Congressional Grazing Guidelines

Grazing in National Forest Wilderness Areas

Section 4(d)(4)(2) of the Wilderness Act states: "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."

The legislative history of this language is very clear in its intent that livestock grazing, and activities and the necessary facilities to support a livestock grazing program, will be permitted to continue in National Forest wilderness areas, when such grazing was established prior to classification of an area as wilderness.

1. There shall be no curtailments of grazing in wilderness areas simply because an area is, or has been designated as wilderness, nor should wilderness designations be used as an excuse by administrators to slowly "phase out" grazing. Any adjustments in the numbers of livestock permitted to graze in wilderness areas should be made as a result of revisions in the normal grazing and land management planning and policy setting process, giving consideration to legal mandates, range condition, and the protection of the range resource from deterioration.

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 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.

**c. What does your forest plan or wilderness plan say?**

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

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

Step 1 – Is any administrative action necessary?

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

the least degradation of the wilderness resource and character?

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

Based on an analysis of law, agency policy, other valid rights, and possible other non-wilderness mitigations of the problem, determine if it is necessary to take **any** management action in wilderness to address the issue and resolve the problem.

Use the six questions listed under Step 1 of the Minimum Requirements Decision Process handout to answer the following question(s):

1. Are range fences necessary in Monument Rock Wilderness?

If the answer is NO, stop the minimum requirements analysis here.

If the answer is YES, summarize the rationale and proceed to Step 2 of the minimum requirements analysis.

**Step 2**: Identify possible alternatives which include both methods and tools. Possible alternatives for actions inside wilderness could include those listed below. Can you think of additional, less intrusive methods or tools that should be considered?

Note – education and information will continue to be a part of any proposed action.

1. Transport fence material to the site, build and maintain fence with primitive and traditional methods (packstock and hand saws).

2. Transport fence material to a convenient drop point via helicopter; build and maintain fences with primitive and traditional methods.

3. Transport fence material to a convenient drop point via helicopter; build fences with non traditional/non primitive methods (motorized and mechanized) and maintain fences with primitive and traditional methods.

What other alternatives are feasible?

**6. What is your decision?**

Include necessary mitigation measures here.

**7. 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.

**8. 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?