



# National Wilderness Preservation System



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## WILDERNESS POLICIES

### FOREST SERVICE MANUAL WASHINGTON

### TITLE 2300 - RECREATION, WILDERNESS, AND RELATED RESOURCE MANAGEMENT WO AMENDMENT 2300-90-2 EFFECTIVE 6/21/90

### CHAPTER 2320 - WILDERNESS MANAGEMENT

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This chapter contains direction for those portions of the National Forest System that are designated by Congress as units in the National Wilderness Preservation System. Wilderness is a unique and vital resource. In addition to offering primitive recreation opportunities, it is valuable for its scientific and educational uses, as a benchmark for ecological studies, and for the preservation of historical and natural features. Manage the wilderness resource to ensure its character and values are dominant and enduring. Its management must be consistent over time and between areas to ensure its present and future availability and enjoyment as wilderness. Manage wilderness to ensure that human influence does not impede the free play of natural forces or interfere with natural successions in the ecosystems and to ensure that each wilderness offers outstanding opportunities for solitude or a primitive and unconfined type

## Policy Links

[Bureau of Land Management Wilderness Management Policy](#)

[Forest Service Policy For Wilderness Management](#)

[US Federal Wildland Fire Policy](#)

[National Park Service Wilderness Policy](#)

[National Park Service Director's Order #41: Wilderness Preservation and Management](#)

of recreation. Manage wilderness as one resource rather than a series of separate resources (sec. 2320.6).

**2320.1 - Authority. The principal laws affecting the administration of National Forest wilderness areas are:**

1. The Wilderness Act of 1964, as enacted September 3, 1964, and amended October 21, 1978 (16 U.S.C. 1131-1136), specifies congressional policy to secure for the American people an enduring resource of wilderness for the enjoyment of present and future generations. It defines wildernesses as areas untrammeled by people that offer outstanding opportunities for solitude and directs agencies to manage wilderness to preserve natural ecological conditions (section 2320.6). With certain exceptions, the Act prohibits motorized equipment, structures, installations, roads, commercial enterprises, aircraft landings, and mechanical transport. The Act permits mining on valid claims, access to private lands, fire control, insect and disease control, grazing, water resource structures (upon the approval of the President), and visitor use.
2. The Forest Management Acts of 1897, 1899, and 1901 (Organic Act) (16 U.S.C. 473-475, 477-482, 551) require the Forest Service to protect the National Forest System including designated wilderness areas which are a part of that system from fire and other depredations. The authority to regulate and monitor wilderness derives from these acts.
3. The Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528-531) provided that the establishment and management of wilderness was consistent with the management of the National Forest System for multiple uses.
4. The National Environmental Policy Act (42 U.S.C. 4321) provides for analyzing the environmental consequences of proposed management actions on all National Forest System lands, including management actions taken in wilderness.
5. The Act of January 3, 1975 (16 U.S.C. 1131-1132) provides special direction relating to the acquisition, sale, and condemnation of private lands for 16 specific wilderness areas in the eastern United States. The law requires owners of private lands within these areas to notify the Forest Service of proposed changes in use or ownership of the land.
6. The National Forest Management Act of 1976, as amended (16 U.S.C. 1600) provides that management direction for wilderness be incorporated into forest plans and sets minimum standards for the content of the plans.
7. The Clean Air Act, as amended August 7, 1977 (42 U.S.C. 7401, 7418, 7470, 7472, 7474, 7475, 7491, 7506, 7602) directs the Forest Service to protect class I air quality standards in certain wilderness areas and class II standards on the remaining wilderness areas.

8. The specific laws designating wilderness areas in the National Forest System.

**2320.11 - Regulations.** The following regulations in Title 36 of the Code of Federal Regulations apply to wilderness management:

1. Part 293 - Wilderness - Primitive Areas.
2. Part 261 - Prohibitions.
3. Part 219 - Planning.
4. Part 228 - Minerals.

### **2320.2 - Objectives**

1. Maintain and perpetuate the enduring resource of wilderness as one of the multiple uses of National Forest System land.
2. Maintain wilderness in such a manner that ecosystems are unaffected by human manipulation and influences so that plants and animals develop and respond to natural forces.
3. Minimize the impact of those kinds of uses and activities generally prohibited by the Wilderness Act, but specifically excepted by the Act or subsequent legislation.
4. Protect and perpetuate wilderness character and public values including, but not limited to, opportunities for scientific study, education, solitude, physical and mental challenge and stimulation, inspiration, and primitive recreation experiences.
5. Gather information and carry out research in a manner compatible with preserving the wilderness environment to increase understanding of wilderness ecology, wilderness uses, management opportunities, and visitor behavior.

### **2320.3 - Policy**

1. Where there are alternatives among management decisions, wilderness values shall dominate over all other considerations except where limited by the Wilderness Act, subsequent legislation, or regulations.
2. Manage the use of other resources in wilderness in a manner compatible with wilderness resource management objectives.
3. In wildernesses where the establishing legislation permits resource uses and activities that are nonconforming exceptions to the definition of wilderness as described in the Wilderness Act, manage these nonconforming uses and activities in such a manner as to minimize their effect on the wilderness resource.
4. Cease uses and activities and remove existing structures not essential to the administration, protection, or management of wilderness for wilderness purposes or not provided for in the establishing legislation.
5. Because wilderness does not exist in a vacuum, consider activities on both sides of wilderness boundaries during planning and articulate

management goals and the blending of diverse resources in forest plans. Do not maintain buffer strips of undeveloped wildland to provide an informal extension of wilderness. Do not maintain internal buffer zones that degrade wilderness values. Use the Recreation Opportunity Spectrum (FSM 2310) as a tool to plan adjacent land management.

6. Manage each wilderness as a total unit and coordinate management direction when they cross other administrative boundaries.
7. Use interdisciplinary skills in planning for wilderness use and administration.
8. Gather necessary information and carry out research programs in a manner that is compatible with the preservation of the wilderness environment.
9. Whenever and wherever possible, acquire non-Federal lands located within wildernesses, as well as non-Federal lands within those areas recommended for inclusion in the system.
10. Inform wilderness visitors that they face inherent risks of adverse weather conditions, isolation, physical hazards, and lack of rapid communications, and that search and rescue may not be as rapid as expected in an urban setting in all publications and personal contacts.
11. Manage primitive areas as wilderness areas consistent with 36 CFR 293.17 until their designation as wilderness or to other use is determined by Congress.

### **2320.5 - Definitions**

1. **Wilderness.** An area of wilderness is defined in sec. 2(c) of the Wilderness Act (16 U.S.C. 1131-1136). The term "wilderness" shall be applied to all National Forest System lands included in the National Wilderness Preservation System (NWPS). See 36 CFR 261 and 293.
2. **Untrammeled.** In the context of the Wilderness Act, an untrammeled area is where human influence does not impede the free play of natural forces or interfere with natural processes in the ecosystem.
3. **Mechanical Transport.** Any contrivance for moving people or material in or over land, water, or air, having moving parts, that provides a mechanical advantage to the user, and that is powered by a living or nonliving power source. This includes, but is not limited to, sailboats, hang gliders, parachutes, bicycles, game carriers, carts, and wagons. It does not include wheelchairs when used as necessary medical appliances. It also does not include skis, snowshoes, rafts, canoes, sleds, travois, or similar primitive devices without moving parts.
4. **Motorized Equipment.** Machines that use a motor, engine, or other nonliving power sources. This includes, but is not limited to, such machines as chain saws, aircraft, snowmobiles, generators, motorboats, and motor vehicles. It does not include small battery or gas powered handcarried devices such as shavers, wristwatches, flashlights, cameras,

stoves, or other similar small equipment.

5. **Permanent Improvement.** A structural or nonstructural improvement that is to remain at a particular location for more than one field season. Permanent improvements include such items as trails, toilet buildings, cabins, fences, tent frames, fire grills, and instrumentation stations.
6. **Primitive Area.** All areas so designated by the Secretary of Agriculture on the effective date of the Wilderness Act and that have not yet been permanently designated as wilderness or to other use by act of Congress (36 CFR 293.17).
7. **Temporary Structure.** Any structure that is easy to dismantle, that could be removed completely from a site between periods of actual use, and that must be removed at the end of each season of use if the non-use period is greater than 30 days.
8. **Livestock Grazing Operations.** Those operations authorized by a grazing permit where the primary purpose of the grazing is for livestock production. Includes pack and saddle stock used in conjunction with such operations.
9. **Domestic Livestock.** Animals kept and managed for their products or for breeding purposes, not visitors' animals or administrative livestock.
10. **Indigenous Species.** Any species of flora or fauna that naturally occurs in a wilderness area and that was not introduced by man.
11. **Native Species.** Any species of flora or fauna that naturally occurs in the United States and that was not introduced by man.
12. **Naturalized Species.** Any non-indigenous species of flora or fauna that is close genetically or resembles an indigenous species and that has become established in the ecosystem as if it were an indigenous species.
13. **Exotic Species.** Any species that is not indigenous, native, or naturalized.
14. **Prospecting for Water Resources.** The act of drilling or digging to locate underground water supplies.
15. **Adequate Access.** The combination of routes and modes of travel that the Forest Service has determined will have the least- lasting impact on the wilderness resource and, at the same time, will serve the reasonable purposes for which State or private land or rights is held or used.
16. **Valid Existing Rights.** Those property rights in existence on the date of wilderness designation or on such date as provided for in the particular Act that designated an area as wilderness; that were created by a legally binding conveyance, lease, deed, contract, or other document; or as otherwise provided by Federal law.
17. **Wildfire.** Any wildland fire not designated and managed as a prescribed fire.
18. **Prescribed Fire.** A wildland fire burning under preplanned, specified conditions, to accomplish specific, planned resource management

objectives.

19. **Implementation Schedules.** The schedules of projects and specific actions to implement the wilderness management direction found in the forest plan. They include the schedule design and execution information previously found in wilderness management, trail management, sign, fire management, and other plans for the wilderness.

**2320.6 - The Wilderness Management Model and the Wilderness Act.** The Wilderness Management Model (ex. 1) illustrates the wilderness resource, as defined by the Wilderness Act, and the basis for Forest Service wilderness management direction. The Wilderness Management Model (ex. 1) shows the relationship between the natural, undisturbed purity of a wilderness area and the human influence that affects it. The more human influence, the lower the purity of a wilderness is; the less human influence on a wilderness, the higher, or purer, the wilderness area could be. In absolute wilderness there is no human influence preventing the area from retaining its purest natural form. It is unlikely, however, that this condition exists anywhere on earth. There are few places, if any, remaining where humans have neither set foot nor where human influences, through pollution, have not been felt. The Wilderness Act defines wilderness at some point below absolute wilderness. The Act permits certain activities and contains prerogatives that also tend to lessen the opportunities to reach absolute wilderness. Mining is permitted on valid claims; access to valid occupancies and private land is provided for; and fire control, insect and disease control, grazing, and visitor use are permitted. Considered together, these modifications define legal wilderness. Manage wilderness toward attaining the highest level of purity in wilderness within legal constraints. Each designated wilderness is affected by a variety of human influences that vary in intensity. In one area, human influence may be very limited; in another area, major disturbances occur. The number and intensity of these influences cause a gap between the attainable legislative wilderness and the conditions that exist on a wilderness ("X"). The goal of wilderness management is to identify these influences, define their causes, remedy them, and close the gap ("A") between the attainable level of purity and the level that exists on each wilderness ("X"). Where a choice must be made between wilderness values and visitor or any other activity, preserving the wilderness resource is the overriding value. Economy, convenience, commercial value, and comfort are not standards of management or use of wilderness. Because uses and values on each area vary, management and administration must be tailored to each area. Even so, all wilderness areas are part of one National Wilderness Preservation System and their management must be consistent with the Wilderness Act and their establishing legislation.

SEE END OF THIS CHAPTER IN THE MASTER SET (PAPER COPY)  
FOR 2320.6 EXHIBIT01

**2321 - ESTABLISHMENT OR MODIFICATION.** Direction for evaluating potential wilderness and recommending areas to the Congress for wilderness

designation is found in 36 CFR 219.17 and FSM 1923. The procedure for identifying and evaluating potential wilderness in the National Forest System is found in FSH 1909.12, Land and Resource Management Planning Handbook, Chapter 7, FSM 1950, Environmental Policy and Procedures, and FSH 1909.15, National Environmental Policy Act Procedures Handbook.

**2321.1 - Legal Description and Map.** A legal description and map shall be prepared by the Regional Forester for each wilderness using the boundaries Congress has provided. The Forest Service does not have authority to modify the given boundaries. This is true even though the new wilderness may contain constructed roads, timber harvest areas, summer homes, or other evidences of development. The legal description and map must be prepared according to the standards described in the Wilderness Management Handbook, FSH 2309.19.

## **2322 - WILDERNESS PLANNING.**

Wilderness management direction is prepared as a part of the forest planning process as required by 36 CFR Part 219 and FSM 1922. Planning is also done in compliance with the National Environmental Policy Act (FSM 1950 and FSH 1909.15). Implementation of the forest plan is accomplished through development of implementation schedules that include projects and activities designed to achieve and comply with the management standards and guidelines established for the designated wilderness. 2322.01 - Authority. Authority to conduct wilderness management planning is found in the National Forest Management Act (16 U.S.C. 1600) and 36 CFR 219.

### **2322.02 - Objectives**

1. Ensure that wilderness resource is fully integrated into the Forest Land and Resource Management Plan.
2. Ensure that other resources and activities within each wilderness are coordinated and in harmony with the wilderness resource.

### **2322.03 - Policy**

1. Management direction for each wilderness must be stated in the forest plan as management area prescriptions with associated standards and guidelines. Each wilderness is unique as established by law; therefore, each will be identified as a separate management area.
2. The wilderness component of the forest plan shall include, as a minimum, the following:
  - a. Management direction in accordance with 36 CFR 219 and 36 CFR 293.
  - b. Display of the relationships and coordination between the wilderness resource and other resources and activities present in the wilderness, as well as activities outside of wilderness that affect the management of the wilderness. Resources and other elements to be addressed include: recreation (including visitor

education), forest cover, forage, fish and wildlife, federally listed threatened or endangered flora or fauna, domestic livestock, soil and water (including weather modification), minerals, historical and cultural resources, fire, land ownership, insect and diseases, air quality, other agency use, the trail system (including trailheads), signing, communication, and research.

- c. Monitoring requirements for determining whether prescriptions, standards, and guidelines are met.
3. Individual wilderness management plans completed prior to the writing of the forest plan may be incorporated as an entity into the forest plan if they:
    - a. Have been prepared in accordance with the NEPA process (FSM 1950).
    - b. Are considered current and valid.
    - c. Are appropriately referenced to and discussed in the forest plan.
    - d. Provide at least the same level of direction and guidance as would be found in the completed forest plan.
  4. Management direction shall be consistent for each wilderness that occurs in more than one State, Region, or National Forest.
  5. In some instances, the law designating a specific wilderness requires preparation of a wilderness management plan. These specified plans are integrated into the forest plan when completed before the forest planning process. If a wilderness plan is required subsequent to adoption of the forest plan, the required plan should not duplicate information contained in the forest plan. It should tier from and ultimately be appended to the Forest Land and Resource Management Plan.

#### **2322.04 - Responsibilities**

**2322.04a - Chief.** The Chief designates a lead Region when a wilderness involves more than one Region.

**2322.04b - Regional Forester.** The Regional Forester designates a lead Forest when a wilderness involves more than one Forest and approves wilderness management direction by approving the forest plan.

**2322.04c - Forest Supervisor.** The Forest Supervisor ensures that management of the wilderness resource is a part of the forest plan.

**2322.1 - Wilderness Implementation Schedules.** Implementation schedules should be prepared to ensure that direction and objectives established in the forest plan are met (FSM 1922.5). They include coordination of the work done on all resources and activities within each wilderness and are normally revised annually. Implementation schedules contain:

1. Specific action needed to follow forest plan direction and accomplish forest plan objectives.

2. General prioritization of action items.
3. Unit or individual responsibilities.
4. Target dates for completion of the actions.

**2322.2 - Revision of Management Direction.** If wilderness management direction in the forest plan is found to be inadequate, the plan should be amended following the procedure outlined in 36 CFR 219.10(f) and FSM 1950. If lack of direction is identified, but change is not warranted during the planning period, the concern should be noted and dealt with in the next revision of the plan. Establishment of new wilderness management direction requires appropriate public involvement and conformance with both the National Forest Management Act and National Environmental Policy Act processes.

## **2323 - MANAGEMENT OF OTHER RESOURCES IN WILDERNESS**

### **2323.04 - Responsibilities**

**2323.04a - President.** The President is responsible for approving:

1. The establishment and maintenance of new reservoirs, water conservation works, power projects, transmission lines, and other related facilities in wilderness.
2. Increases in the storage capacity of a reservoir or replacement of a reservoir not under valid permit or other authority at the time the unit became part of the National Wilderness Preservation System.
3. Prospecting for water resources.

**2323.04b - Chief.** The Chief is responsible for approving:

1. Vegetative cover manipulation.
2. Fish and wildlife habitat manipulation.
3. Watershed condition improvement.
4. Final environmental statements or proposals for new water- resource developments.
5. Reconstruction of any structure for water control or use, except as provided in FSM 2323.04a.
6. Weather modification proposals or activities or installations resulting in weather modification that affects wilderness.
7. Any reforestation activities.

**2323.04c - Regional Forester.** Unless specifically reserved to the President (FSM 2323.04a) or the Chief (FSM 2323.04b) or assigned to the Forest Supervisor (FSM 2323.04d) or the District Ranger (FSM 2323.04e), the Regional Forester is responsible for approving all measures that implement FSM direction on the use of other resources in wilderness. Specific responsibilities include but are not limited to:

1. Requiring visitor registration and/or permits to measure visitor use.
2. Approving construction of trails with tread more than 24 inches in width.
3. Approving seeding methods other than broadcast seeding, except as provided in 2323.04b.
4. Developing, with the involved State(s), a supplement to the State/Forest Service memorandum of understanding which will establish fish and wildlife management coordination in wilderness. The joint Forest Service and International Association of Fish and Wildlife Agencies Guidelines will be used to develop compatible management activities (FSH 2309.19).
5. Approving fish control projects.
6. Approving control measures for predators or problem fish and wildlife species.
7. Approving debris clearing on spawning streams for anadromous species.
8. Approving the practice of dropping fish from aircraft, if deemed necessary, in cases where such practice was established before the area became part of the National Wilderness Preservation System.
9. Approving the use of pesticides within wilderness.
10. Approving activities for gathering information about resources.
11. Approving emergency burned area rehabilitation projects.
12. Stabilizing or restoring and subsequently maintaining structures with cultural resources values.

**2323.04d - Forest Supervisor.** The Forest Supervisor is responsible for approving:

1. Construction and installation of improvements or facilities necessary for the protection of the wilderness resource in accordance with the forest plan direction.
2. Removal of nonconforming uses, developments, or facilities not under permit.
3. Limiting the number of visitors, parties, party size, or duration of visitor stays in a specific area when the wilderness resource is threatened or damaged because of use by an excessive number of people.
4. Regulations for the use of pack and saddle stock and restrictions on specific areas to certain forms of travel.
5. Construction and reconstruction of trails with treads less than 24 inches in width.
6. Operating plans for mineral exploration and development (FSM 2810, FSM 2820, and FSM 2830).
7. Responses to requests of the Bureau of Land Management for Forest Service concurrence as to terms and conditions of operating plan

approval for licenses, prospecting permits, and leases; and consent to the Office of Surface Mining for coal leases (FSM 2820).

8. Routine maintenance on any existing water use or water- control structure as long as this maintenance does not change the structure's location, size, or type, or increase the storage capacity of a reservoir.

**2323.04e - District Ranger.** The District Ranger is responsible for approving:

1. The construction and installation of simple and temporary structures, including corrals, but excluding cabins, for outfitter and guide pack stock operations in accordance with forest plan direction.
2. Maintenance or replacement of existing signs, instruments, and other minor improvements.
3. Trail management schedules.

### **2323.1 - Management of Recreation**

#### **2323.11 - Objectives**

1. Provide, consistent with management of the area as wilderness, opportunities for public use, enjoyment, and understanding of the wilderness, through experiences that depend upon a wilderness setting.
2. Provide outstanding opportunities for solitude or a primitive and unconfined type of recreation.

#### **2323.12 - Policy**

1. Maximize visitor freedom within the wilderness. Minimize direct controls and restrictions. Apply controls only when they are essential for protection of the wilderness resource and after indirect measures have failed.
2. Use information, interpretation, and education as the primary tools for management of wilderness visitors.
3. Manage for recreation activities that are dependent on the wilderness environment so that a minimum of adaptations within wilderness are necessary to accommodate recreation.
4. Consistent with management as wilderness, permit outfitter/guide operations where they are necessary to help segments of the public use and enjoy wilderness areas for recreational or other wilderness purposes.

#### **2323.13 - Improvements and Nonconforming Facilities and Activities.**

Provide facilities and improvements only for protection of the wilderness resource. Document and justify conditions for providing facilities and improvements in the forest plan. Install facilities as a last resort only after trying education, other indirect management techniques, or reasonable limitations on use. 2323.13a - Campsites. Do not designate campsites except as a last resort. Relocate or remove existing camps to allow maximum opportunity for solitude and to minimize the evidence of human use.

1. Structures. Dismantle and remove improvised camp structures when they are not in use.
2. Solid Waste Management. Utilize a "pack-in, pack-out" policy. Do not permit burying of garbage. Dispose of past accumulations of debris.
3. Human Waste Management. Utilize the "cat method" of dispersed shallow burial of human waste. Where education of visitors about this method is not effective or in the case of large groups, temporary slit trench latrines may be a preferred alternative. As a last resort to protect the wilderness resource pit or vault toilet structures may be used. Servicing or replacement should be by nonmotorized means.

**2323.13b - Shelters.** Except for Alaska, provide no new shelters. Shelters that existed at the time of wilderness designation may be maintained if allowed by specific legislation, or until they require extensive maintenance. Remove them at this time. For administrative facilities see FSM 2324.33.

**2323.13c - Water Sources.** Where necessary for wilderness purposes, developed enclosed springs and hand pumps may be maintained to a minimum potable standard in wilderness. Potability of open water sources shall not be guaranteed. Inform visitors through literature and trailhead notices outside of wilderness of the existence of raw water, the probability of contamination, and that water should be boiled, treated with chemicals, or filtered before using. Do not install warning signs in wilderness unless a specific hazard is known to exist and cannot be corrected.

**2323.13d - Boat Docks.** Provide no boat docks except where approved for wilderness purposes. Phase out and remove existing docks within ten years of wilderness designation.

**2323.13e - Recreation Stock Structures.** Construct hitchracks and drift fences to control recreation stock only where they are essential to protect the wilderness resource. Build them with materials and locate them in places that harmonize with the environment.

**2323.13f - Transportation System.** Design, construct, and maintain the transportation system in wilderness to provide access to and within a wilderness that meets the wilderness objectives described in the forest plan.

1. Trails. Trails are an acceptable improvement. Construct and maintain trails to standards described in FSH 2309.18, Trails Management Handbook. National Recreation Trails are generally not designated within wilderness (FSM 2350).
  - a. Design and locate trails so that nonmotorized and nonmechanical equipment can be used for construction and management.
  - b. Design and locate trails to fit into the natural landscape as unobtrusively as possible.
  - c. Maintain trails by nonmotorized methods except for situations

described in section 2326.

2. **Bridges.** Design bridges to minimize the impact on the wilderness. Select locations that minimize the size and complexity of the structure. Provide or replace bridges only:
  - a. When no other route or crossing is reasonably available.
  - b. Where the crossing, during the primary season of public use, cannot be negotiated afoot safely, or cannot be forded by horses safely.
  - c. Where unacceptable bank damage will occur from visitors seeking a crossing.
  - d. Where flood waters frequently destroy or damage less sturdy structures.

**2323.13g - Outfitter and Guide Operations.** Address the need for and role of outfitters in the forest plan. The plan must address the type, number, and amount of recreation use that is to be allocated to outfitters. Ensure that outfitters provide their service to the public in a manner that is compatible with use by other wilderness visitors and that maintains the wilderness resource. Approve only temporary structures and facilities for outfitter and guide operations necessary to properly meet their public service in a manner compatible with the wilderness environment. These structures shall be located away from main trails, streams, lakes, key interest features, and non-outfitted public use areas. Specify in forest plans, subsequent implementation schedules, or special use permits what improvements are permitted and their locations. Ensure that outfitters remove all equipment and material, other than structures authorized to remain such as dismantled structure frames and poles made of native material, from the wilderness at the end of each season. Do not permit caches, and phase out existing ones on a planned basis. Do not allow permanent improvements such as cabins, toilet buildings, or tent frames with floors and sides. Further direction for managing outfitter and guides operations is found in section 2324.3, FSM 2343, FSM 2700 and FSH 2309.19, the Wilderness Management Handbook.

**2323.13h - Competitive Events.** Do not permit competitive events, including competition involving physical or mental endurance of a person or animal, foot races, canoe or boat races, competitive trail rides, survival exercises (including military), or other activities of this nature in wilderness.

**2323.14 - Visitor Management.** Plan and manage public use of wilderness in such a manner that preserves the wilderness character of the area. Provide for the limiting and distribution of visitor use according to periodic estimates of capacity in the forest plan. Visitor management direction for protecting wildlife and fish resources is in FSM 2323.3 and FSH 2309.19. Direction for methods and techniques of visitor management is in FSH 2309.19.

## **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**

#### **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.

Including those areas established in the Wilderness Act of 1964. Congress has designated some 188 areas, covering lands administered by the Forest Service, Fish and Wildlife Service, National Park Service and Bureau of Land Management as components of the National Wilderness Preservation System. A number of these areas contain active grazing programs, which are conducted pursuant to existing authorities. In all such cases, when enacting legislation classifying an area as wilderness, it has been the intent of the Congress, based on solid evidence developed by testimony at public hearings, that the practical language of the Wilderness Act would apply to grazing within wilderness areas administered by all Federal agencies, not just the Forest Service. In fact, special language appears in all wilderness legislation, the intent of which is to assure that the applicable provisions of the Wilderness Act, including Section 4(d)(4)(2), will apply to all wilderness areas, regardless of agency jurisdiction.

Further, during the 95th Congress, Congressional committees became increasingly disturbed that, despite the language of section 4(d)(4)(2) of the Wilderness Act and despite a history of nearly 15 years in addressing and providing guidance to the wilderness management agencies for development of wilderness management policies, National Forest administrative regulations and policies were acting to discourage grazing in wilderness, or unduly restricting on-the-ground activities necessary for proper grazing management. To address this problem, two House Committee on Interior and Insular Affairs Reports (95-620 and 95- 1821) specifically provided guidance as to how

section 4(d)(4)(2) of the Wilderness Act should be interpreted. This guidance appeared in these reports as follows:

Section 4(d)(4)(2) of the Wilderness Act states that grazing in wilderness areas, if established prior to designation of the area as wilderness, "shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture". To clarify any lingering doubts, the committee wishes to stress that this language means that there shall be no curtailment of grazing permits or privileges in an area simply because it is designated as wilderness. As stated in the Forest Service regulations (36 CFR 293.7), grazing in wilderness areas ordinarily will be controlled under the general regulations governing grazing of livestock on National Forests\* \* \*. This includes the establishment of normal range allotments and allotment management plans. Furthermore, wilderness designation should not prevent the maintenance of existing fences or other livestock management improvements, nor the construction and maintenance of new fences or improvements which are consistent with allotment management plans and/or which are necessary for the protection of the range.

Despite the language of these two reports, RARE II hearings and field inspection trips in the 96 Congress have revealed that National Forest administrative policies on grazing in wilderness are subject to varying interpretations in the field, and are fraught with pronouncements that simply are not in accordance with section 4(d)(4)(2) of the Wilderness Act. This had led to demands on the part of grazing permittees that section 4(d)(4)(2) of the Wilderness Act be amended to clarify the intentions of Congress. However, because of the great diversity of conditions under which grazing uses (including different classes of livestock) are managed on the public lands, the Conferees feel that the original broad language of the Wilderness Act is best left unchanged. Any attempts to draft specific statutory language covering grazing in the entire wilderness system (presently administered by four separate agencies in two different Departments) might prove to be unduly rigid in a specific area, and deprive the land management agencies of flexible opportunities to manage grazing in a creative and realistic site specific fashion.

Therefore, the conferees declined to amend section 4(d)(4)(2) of the Wilderness Act, agreeing instead to reaffirm the existing language and to include the following nationwide guidelines and specific statements of legislative policy. It is the intention of the conferees that the guidelines and policies be considered in the overall context of the purposes and direction of the Wilderness Act of 1964 and this Act, and that they be promptly, fully, and diligently implemented and made available to Forest Service personnel at all levels and to all holders of permits for grazing in National Forest Wilderness areas:

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.

It is anticipated that the numbers of livestock permitted to graze in wilderness would remain at the approximate levels existing at the time an area enters the wilderness system. If land management plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) could be made available with no adverse impact on wilderness values such as plant communities, primitive recreation, and wildlife populations or habitat, some increases in AUMs may be permissible. This is not to imply, however, that wilderness lends itself to AUM or livestock increases and construction of substantial new facilities that might be appropriate for intensive grazing management in non-wilderness areas.

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.

5. The use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is also permissible. This privilege is to be exercised only in true emergencies, and should not be abused by permittees.

In summary, subject to the conditions and policies outlined above, the general rule of thumb on grazing management in wilderness should be that activities or facilities established prior to the date of an area's designation as wilderness should be allowed to remain in place and may be replaced when necessary for the permittee to properly administer the grazing program. Thus, if livestock grazing activities and facilities were established in an area at the time Congress determined that the area was suitable for wilderness and placed the specific area in the wilderness system, they should be allowed to continue. With respect to areas designated as wilderness prior to the date of this Act, these guidelines shall not be considered as a direction to re-establish uses where such uses have been discontinued.

**2323.23 - Grazing Management.** Use the direction in the forest plan (FSM 1920), the allotment management plan (FSM 2210), and the Grazing Guidelines to manage livestock grazing operations in designated wilderness.

**2323.24 - Permits.** Authorize livestock grazing operations on grazing allotments within wilderness areas by grazing permit (FSM 2230). Issue permits for livestock operations only in areas where grazing was established as defined below:

1. Grazing may be continued on any allotment where a grazing permit was in existence at the time of designation and where there is recent history of grazing use immediately prior to wilderness designation. This includes permits that were in non-use status for either personal convenience or range protection. It also includes situations where there were no actual permits in existence on the designation date because permit waivers were in process or because the expiration date of term permits happened to have coincided with the designation date.

At any time after designation, new term permits and livestock use permits may be issued, in the event of waiver, because of sale of base property or permitted livestock.

At any time after designation, new term or temporary permits and livestock-use permits may be issued to other applicants if an existing permit is terminated voluntarily by the holder, or canceled for cause by the Forest Service, or if surplus forage otherwise becomes available.

2. Grazing may be authorized on an allotment which, although vacant on date of wilderness designation, previously included grazing that was only temporarily discontinued and that was clearly documented for such purposes as range restoration.

**2323.25 - Range Analysis.** Follow the standards in FSM 2210 for range analysis in wilderness. Where an approved allotment management plan exists at the time an area is designated as wilderness, review it in context with the congressional guidelines and policy. Document necessary modifications in the Forest or allotment management plan.

**2323.26 - Range Improvements.** See FSM 2240 for a definition of range improvements. Follow the grazing guidelines and direction in FSH 2309.19 for the construction and maintenance of range improvements. Criteria for the use of motorized equipment in constructing, maintaining, or applying improvements and practices is in FSH 2309.19.

Conduct an environmental analysis for range improvement construction and/or maintenance and the use of motor vehicles, motorized equipment, and mechanical transport (FSM 1950 and FSH 1909.15). List all range improvements in the allotment management plan along with the maintenance schedule.

**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.

**2323.26b - Nonstructural Range Improvements.** Nonstructural range improvement practices may be approved in cases where they were part of the management of the area at the time the wilderness was established and where their continued use is necessary to maintain livestock grazing operations (FSM 2240). Use the following specific criteria in addition to the procedures in section 2323.26 and section 2323.26a in approving nonstructural range improvements.

1. Seeding. Seed only species that are indigenous or naturalized to the area. Use broadcast seeding methods. Approve seeding only for:
  - a. Areas where human activities have caused the loss or threaten the existence of indigenous plant species.
  - b. Areas where human activities, including their livestock, have denuded or caused loss of soil, providing that the actions or activities responsible for the deterioration no longer exist and that natural revegetation is insufficient and/or ineffective.
  - c. Maintenance of livestock grazing operations where seeding was practiced before the area was designated as wilderness.
2. Plant Control. Approve plant control only for:
  - a. Indigenous plants when needed to maintain livestock grazing operations that were in effect before the area was designated as wilderness.
  - b. Noxious farm weeds by grubbing or with chemicals when they threaten lands outside wilderness or when they are spreading within the wilderness, provided that it is possible to effect control without causing serious adverse impacts on wilderness values.
3. Irrigation. Use irrigation or water spreading only to maintain livestock grazing operations and only where practiced before the designation of wilderness.
4. Fertilizing. Use fertilization only as an aid to revegetation of the areas provided in item 1 or to maintain livestock grazing operations where practiced before the designation of wilderness. Liming is considered a fertilization practice in this context.

5. Prescribed Fire. Use management ignited prescribed fire only where:
  - a. It is necessary to maintain livestock grazing operations; and
  - b. It was practiced before the designation of wilderness; and
  - c. Lightning caused prescribed fire does not meet the livestock management purpose (FSM 2324.2).

## **2320.6 - Exhibit 01 The Wilderness Management Model**

### **FSM 2300 - RECREATION, WILDERNESS, AND RELATED RESOURCE MANAGEMENT WO AMENDMENT 2300-90-1 EFFECTIVE 6/1/90**

## **2323.3 - Management of Wildlife and Fish**

### **2323.31 - Objectives**

1. Provide an environment where the forces of natural selection and survival rather than human actions determine which and what numbers of wildlife species will exist.
2. Consistent with objective 1, protect wildlife and fish indigenous to the area from human caused conditions that could lead to Federal listing as threatened or endangered.
3. Provide protection for known populations and aid recovery in areas of previous habitation, of federally listed threatened or endangered species and their habitats.

### **2323.32 - Policy**

1. Recognize that States have jurisdiction and responsibilities for the protection and management of wildlife and fish populations in wilderness. Cooperate and work closely with State wildlife and fish authorities in all aspects of wildlife and fish management. Base any Forest Service recommendation to State wildlife and fish agencies on the need for protection and maintenance of the wilderness resource. Recognize wilderness protection needs and identify any needed requirements in coordination efforts and in cooperative agreements with State agencies.
2. Wildlife and fish management programs shall be consistent with wilderness values.
3. Discourage measures for direct control (other than normal harvest) of wildlife and fish populations.
4. Manage wilderness to protect known populations of federally listed threatened or endangered species where necessary for their perpetuation and aid in their recovery in areas of previous habitation. When alternative areas outside of wilderness offer equal or better protection, take actions to recover threatened or endangered species outside of

wilderness areas first.

5. Apply the "Policies and Guidelines for Fish and Wildlife Management in Wilderness and Primitive Areas," developed jointly by the Forest Service, Bureau of Land Management, and the International Association of Fish and Wildlife Agencies (FSH 2309.19) in a practical, reasonable, and uniform harvest) of wildlife and fish populations. manner in all National Forest wilderness units. Use the guidelines as a foundation for or as addendums to State or individual wilderness cooperative agreements.

### **2323.33 - Wildlife Management**

**2323.33a - Reintroductions.** Reintroduce wildlife species only if the species was once indigenous to an area and was extirpated by human induced events. Favor federally listed threatened or endangered species in reintroduction efforts. Reintroductions shall be made in a manner compatible with the wilderness environment. Motorized or mechanical transport may be permitted if it is impossible to do the approved reintroduction by nonmotorized methods (sec. 2326).

**2323.33b - Habitat Surveys and Population Inventories.** Conduct wildlife habitat surveys and population assessments in a manner compatible with the wilderness environment (FSM 2600, FSH 2309.19).

**2323.33c - Predator Control.** Predacious mammals and birds play a critical role in maintaining the integrity of natural ecosystems. Consider the benefits of a predator species in the ecosystem before approving control actions. The Regional Forester may approve predator control programs on a case-by-case basis where control is necessary to protect federally listed threatened or endangered species, to protect public health and safety, or to prevent serious losses of domestic livestock. Focus control methods on offending individuals and under conditions that ensure minimum disturbance to the wilderness resource and visitors. Poison baits or cyanide guns are not acceptable. Poison bait collars may be approved.

The U.S. Fish and Wildlife Service or approved State agencies shall carry out control programs. The Forest Service is responsible for determining the need for control, the methods to be used, and approving all proposed predator damage control programs in wilderness (FSM 2650).

Only approve control projects when strong evidence exists that removing the offending individual(s) will not diminish the wilderness values of the area.

**2323.33d - Other Wildlife Damage Control.** The Regional Forester may approve other wildlife damage control projects on a case-by-case basis if necessary to protect federally listed threatened or endangered species or for public health and safety.

**2323.33e - Furbearers.** Under State laws, it is acceptable to trap furbearers,

such as mink, marten, beaver, and muskrat, in wilderness when population levels justify a harvest program. Recognize the role of furbearers in natural ecosystems when making recommendations to State agencies on harvest.

**2323.34 - Fisheries Management.** Emphasize quality and naturalness in managing fisheries in wilderness (FSH 2309.19).

**2323.34a - Stocking Programs.** In cooperation with the States, develop fish-stocking programs that meet wilderness management objectives. Recognize the probability of increased visitor use of stocked waters and their full impact and effect on the wilderness resource. Direct practices at achieving quality fishing opportunities. Regional Foresters shall develop with each State a supplement to the State-Forest Service Memorandum of Understanding (FSM 2600) that establishes a stocking policy for each wilderness. Spell out basic stocking decisions in the forest plan or in implementation schedules for each wilderness.

**2323.34b - Stocking Methods.** Stocking shall normally be done by primitive means, however, Regional Foresters may permit dropping of fish from aircraft for those waters where this practice was established before the area was designated a wilderness. Conduct aerial stocking pre-or post-visitor seasons. Landings are prohibited. Specify mitigation for stocking methods in wilderness implementation schedules.

**2323.34c - Stocking Policy**

1. Do not stock exotic species of fish in wilderness. The order of preference for stocking fish species is:
  - a. Federally listed threatened or endangered, indigenous species.
  - b. Indigenous species.
  - c. Threatened or endangered native species if species is likely to survive and spawn successfully.
  - d. Native species if species is likely to survive and spawn successfully.
2. Stock barren waters only after determining that the scientific and research values of such barren waters will not be eliminated from a wilderness and documenting the desirability of such action in the forest plan.
3. Consider on a case-by-case basis presently unstocked waters that at one time supported an indigenous fish population and that could provide suitable habitat for an indigenous species with unusual wilderness appeal.

**2323.34d - Inventory of Suitable Waters.** Inventory suitable waters for present or potential fisheries as part of wilderness management prescriptions (FSM 2600).

**2323.34e - Spawn Taking.** Permit the collection of fish spawn from a

wilderness when alternative sources are nonexistent or unreliable or where spawn taking was an established practice prior to the area's designation (FSH 2309.19).

**2323.34f - Chemical Treatment.** Chemical treatment may be used to prepare waters for reestablishment of indigenous, threatened or endangered, or native species, or to correct undesirable conditions caused by human influence (FSH 2309.19). The Regional Forester approves all proposed uses of chemicals in wilderness (FSM 2150).

**2323.35 - Wildlife and Fish Habitat.** Achieve a balance of wildlife and fish with their habitat through cooperation with State agencies in management of public hunting, fishing, and trapping. Objectives for the management of wildlife and fish habitat are normally compatible with the objectives for maintaining wilderness values. Where incompatible, the requirements for maintenance of wilderness values take precedence.

**2323.35a - Manipulation of Wildlife Habitat.** The objective of all projects must be to perpetuate the wilderness resource; projects must be necessary to sustain a primary value of a given wilderness or to perpetuate a federally listed threatened or endangered species. To qualify for approval by the Chief, habitat manipulation projects must satisfy the following criteria:

1. The condition needing change is a result of abnormal human influence.
2. The project can be accomplished with assurance that there will be no serious or lasting damage to wilderness values.
3. There is reasonable assurance that the project will accomplish the desired objectives.

Test major projects through a pilot study. The pilot study should take place in a comparable area outside of wilderness if possible.

Give first priority to locating habitat improvement projects outside wilderness for the benefit of wildlife that spend only part of the year in wilderness.

**2323.35b - Manipulation of Fish Habitat.** The objective of all projects must be to perpetuate the wilderness resource. To qualify for approval by the Chief, fish habitat projects must satisfy the criteria established for wildlife (2323.35a). However, the Regional Forester may permit the clearing of debris that impedes the movement of fish on critical spawning streams. Identify critical spawning streams in the forest plan or a wilderness implementation schedule as essential for the propagation of fish. Clear debris only by nonmotorized equipment. Use explosives only when the use of hand tools is not practical and only outside of heavy visitor use periods.

When stream and lake improvement structures, flow maintenance dams, unused reservoirs, and other alterations of fish habitat exist in wilderness areas, consider making them as compatible as possible with wilderness objectives rather than attempting to remove them. If permitted to remain, maintain them

by nonmotorized equipment and comply with requirements in section 2323.4. Describe the disposition and management of each structure in the forest plan or wilderness implementation schedule.

**2323.36 - Disease Outbreaks.** The Forest Service, in cooperation with State and Federal public health authorities, may make special exceptions to policy and direction where necessary to control disease epidemics or other public health hazards in which wildlife or fish species are carriers. See FSM 2323.04 for approvals.

**2323.37 - Wildlife and Fish Research.** Wildlife and fish research is an appropriate activity in wilderness. In all cases, research shall be conducted in such a way as to minimize any adverse impacts on the wilderness resource or its users. See FSH 2309.19 for specific direction and guidelines for approving these activities.

1. Research methods that temporarily infringe on the wilderness character may be used, provided the information sought is essential for wilderness management and alternative methods or locations are not available.
2. Scientific sampling of wildlife and fish populations is essential to the management of natural populations in wilderness.
3. Capturing and inconspicuous marking of animals, including radio telemetry, is permitted.
4. Installations, such as temporary shelters for cameras and scientific apparatus, and enclosures or exclosures, essential for wildlife research and management studies may be approved on a case-by-case basis.

### **2323.38 - Visitor Management To Protect Wildlife or Fish Resources.**

The Wilderness Act requires managers to search for a balance between preserving the wilderness resource, by protecting natural ecological processes that can cause plant and animal populations or ranges to change, while at the same time making the resource available for visitor use and enjoyment. To do both, it may be necessary at times to limit visitor use to ensure that human influence does not impair natural wildlife or fish populations or their habitat. Specify the management of public use necessary to minimize conflicts with wildlife or fish (FSH 2309.19) in the forest plan.

### **2323.4 - Management of Soil and Water Resources**

**2323.41 - Objective. Maintain satisfactory natural watershed condition within wilderness.**

**2323.42 - Policy.** The policy for soil and water management is generally the same as for all National Forest watersheds (FSM 2502). However, in wilderness natural processes shall dominate; measures that modify plant cover and treat soil mantles or other activities designed to supplement natural water yield are inappropriate.

## **2323.43 - Watershed Improvements**

**2323.43a - Watershed Condition Improvement. (FSM 2522).** Use watershed improvements to restore watersheds where deteriorated soil and hydrologic conditions caused by humans or their

influences create a serious threat or loss of wilderness values. Watershed condition improvements are also appropriate where natural conditions present a definite hazard to life or property; or where such conditions could cause serious depreciation of important environmental qualities outside of the wilderness. Promote natural healing where such dangers are not imminent or where natural vegetation would return in a reasonable time.

Use indigenous or appropriate naturalized species to reestablish vegetation where there is no reasonable expectation of natural healing.

Use nonmotorized equipment to accomplish improvement objectives. Only imminent threat to important values downstream justifies the use of motorized equipment.

**2323.43b - Emergency Burned Area Rehabilitation.** Permit emergency burned area rehabilitation only if necessary to prevent an unnatural loss of the wilderness resource or to protect life, property, and other resource values outside of wilderness. Normally use hand tools and equipment to install selected land and channel treatments.

**2323.43c - New Water Development Structures.** Only the President (FSM 2323.04) can approve new water development structures, including water-regulating structures, power installations, transmission conduits, water conservation works, related improvements, and proposals to increase the storage capacity of a reservoir or to replace a reservoir that was not under a valid permit or other authority at the time the unit became wilderness. Range and wildlife waters are not included here. Use provisions in section 2323.2 and section 2323.3 to guide these projects.

Evaluate and recommend actions on proposals for new structures through the National Environmental Policy Act process (FSM 1950). Recommendations for approval must clearly show that public values to be gained exceed those values lost and that the need cannot be met outside wilderness.

**2323.43d - Existing Water Development Structures.** If needed and in the public interest, or a part of a valid existing right, permit maintenance or reconstruction of existing structures that does not change the location, size, or type, or which would not increase the storage capacity of a reservoir. Structures include reservoirs, ditches, and related facilities for the control or use of water that were under valid special-use permit or other authority when the area involved was incorporated under the Wilderness Act. For approval, see FSM 2323.04.

Do not permit the use of motorized equipment and mechanized transportation for maintenance of water-development structures except where practiced before the area was designated wilderness. See section 2326 for motorized and mechanical use approval responsibilities.

Evaluate each improvement in the forest plan to determine if continued use of the improvement is compatible with the wilderness resource. If the improvement is to remain, describe maintenance needs and methods of accomplishing the work in the wilderness implementation schedule. If not, allow the improvement to deteriorate naturally. In the case of high hazard dams or other large structures where downstream values are jeopardized by imminent failure or loss, breach or remove the structure in a manner that does not have an adverse effect on the downstream values (FSM 2324.3).

**2323.44 - Gathering Water Resource Information.** Line Officers may permit gathering information about water resources except actual prospecting (drilling and digging) for water. Ensure that these efforts are compatible with the preservation of the wilderness environment and meet the conditions in section 4(c) of the Wilderness Act. Ensure that the applicant understands that the approval to gather water resource information does not imply a precommitment by the Forest Service to approve any development proposals that may result from such studies. For approvals, see FSM 2323.04.

#### **2323.44a - Snow Measurement Sites**

1. Allow the measurement of snow on existing sites only and only by nonmotorized means. Permit helicopter transport to snow measurement sites in locations where it was an established practice before the Wilderness Act was passed. However, discourage the use of helicopter transport to snow measurement sites.
2. Establish no new snow measurement or climatological data collection sites unless they are part of projects established by the President under provision of section 4(d)(4) of the Wilderness Act.
3. Encourage the transfer of existing wilderness sites to locations outside of wilderness. Use existing sites until snow measurement sites outside of wilderness areas are established and correlations between the wilderness site and the outside site are accomplished. In the interim, automated equipment may be installed at the existing wilderness site to accelerate correlation efforts. Agree in writing to the length of these temporary arrangements before efforts begin. Generally this should not exceed 10 years.
4. Where approved, install only miniaturized and unobtrusive types of snow measurement and climatological monitoring equipment at existing sites. Camouflage equipment to blend with the terrain and vegetation. Where possible, use equipment and antennae that can be removed when not in use.
5. Remove existing shelters used by personnel taking snow measurements

from wilderness as soon as possible after establishing adequate correlations between manual snow course measurement and the automated sensing device.

6. Cooperate fully with other Federal or State agencies and other entities collecting snow measurements. Help them to work within the constraints of the Wilderness Act and assist them in data gathering or locating data sites outside of wilderness areas.

**2323.45 - Weather Modification Over Wilderness.** Do not permit long-term weather modification programs that produce, during any part of successive years, a repeated or prolonged change in the weather directly affecting wilderness areas. See FSM 2323.04 for approvals. Approve wilderness as a target area for weather modification only when:

1. The proponent can provide scientifically supportable evidence that the activities will not produce permanent, substantial changes in natural conditions.
2. The proposal includes no feature that will visibly alter or otherwise impact the wilderness environment.
3. The proposal includes no feature that is likely to reduce the value of wilderness for recreation, scenic, scientific, educational, conservation, or historical use.

Short-term weather modification activities that produce only occasional, incidental, temporary, or transitory changes in the weather with carryover ground effects that last only a few days beyond the actual cloud-seeding period may be permitted.

### **2323.5 - Management of Forest Cover**

**2323.51 - Objective.** Manage forest cover to retain the primeval character of the environment and to allow natural ecological processes to operate freely.

### **2323.52 - Policy**

1. Permit ecological processes to operate naturally.
2. Recognize both climax and successional biotic communities as natural and desirable.
3. Allow, wherever possible, the natural process of healing in handling disturbed communities. Consider structural or vegetative assistance only as a last resort.
4. Only allow vegetation to be cut or sold when necessary for wilderness purposes or on valid mining claims under specified conditions, or when emergency conditions like fire, insect and disease, or protecting public safety make it necessary.

### **2323.53 - Tree Use**

**2323.53a - Administrative Use.** Trees may be cut for use in the construction

and maintenance of authorized structures located within the wilderness when it is not reasonably possible to obtain the necessary material from outside the wilderness. Cut trees away from trails or campsites and remove or disguise the evidence of cutting. Meet the visual quality objective of retention.

**2323.53b - Fuelwood.** Limit fuelwood cutting to dead or down material. Define any restrictions on the use of wood for fuel in the forest plan or implementation schedule. Consider wildlife needs for standing dead trees.

**2323.54 - Reforestation.** Allow reforestation only if a loss of the wilderness resource, due to human influence, has occurred and there is no reasonable expectation of natural reforestation.

## **2323.6 - Management of Air Resource**

### **2323.61 - Objectives**

1. Protect air quality and related values, including visibility, on wilderness land designated class I by the Clean Air Act as amended in 1977 (FSM 2120).
2. Protect air quality in wilderness areas not qualifying as class I under the same objectives as those for other National Forest System lands (FSM 2120).

### **2323.62 - Policy**

1. Define air quality related values (AQRV) and initiate action to protect those values.
2. For each air quality related value, select sensitive indicators, monitor, and establish the acceptable level of protection needed to prevent adverse impacts (FSM 2120).
3. Determine the potential impacts of proposed facilities in coordination with State air quality management agencies. Make appropriate recommendations in the permitting process following established Prevention of Significant Deterioration application review procedures for major emission sources. Requests to air quality management agencies for consideration of class II values in the permit process are appropriate (FSM 2120).
4. Manage smoke from management ignited prescribed fires occurring in or adjacent to class I wilderness areas in a manner that causes the least impact on air quality related values (FSM 2324).

## **2323.7 - Management of Minerals and Mineral Materials**

**2323.71 - Authority.** Section 4(d)(2) of the Wilderness Act authorizes activity for the purpose of gathering information about mineral resources. Section 4(d)(3) authorizes mineral exploration and development operations only where there are valid existing rights. Subsequent acts designating specific wilderness areas may provide specific direction for the management of mineral activities.

Regulations at 36 CFR 228 and 293 provide direction for managing mineral activities in wilderness.

### **2323.72 - Objectives**

1. To preserve the wilderness environment while allowing activities for the purpose of gathering information about mineral resources.
2. To ensure that mineral exploration and development operations conducted in accordance with valid existing rights for federally owned, locatable, and leasable minerals (FSM 2810 and FSM 2820) and for nonfederally owned minerals (FSM 2830) preserving the wilderness resource to the extent possible.
3. To ensure the restoration of lands disturbed during exploration and development activities as nearly as practicable promptly upon abandonment of operations.

### **2323.73 - Policy**

1. Allow the gathering of information on mineral resources if the activity is conducted in a manner compatible with the preservation of the wilderness environment. Do not authorize significant surface disturbance in search of indirect evidence or indications of mineral resources, and do not allow motorized or mechanical equipment use unless it meets the conditions of section 4(c) of the Wilderness Act.
2. Verify valid mineral rights before approving exploration and development activities.
3. Approve exploration and development activities on valid mineral rights only after ensuring that mineral operations plans contain stipulations to protect the wilderness character of the land consistent with the rights of the mineral owner or operator.

**2323.74 - Gathering Mineral Information.** Permit information gathering activities that involve only very minor surface disturbance and are compatible with the preservation of the wilderness environment. Authorize these activities with a geologic exploration permit (FSM 2820) or interagency agreement.

Information gathering activities that may be allowed are surface mapping; excavation and sampling with hand tools; seismic, gravity, magnetic, heat flow, resistivity, and other geophysical or geochemical surveys; and stream sediment surveys.

Ensure that mineral surveys conducted by the U.S. Geological Survey and Bureau of Mines (required by section 4(d)(2) of the Wilderness Act) are conducted as much as practicable without the use of motorized equipment or mechanical transport. Approve the use of motorized equipment only under the same conditions specified in Forest Service Administrative Use (FSM 2326).

**2323.75 - Valid Existing Rights.** Upon receipt of a Notice of Intention to Operate or Proposed Operating Plan for exploration and development,

determine if valid rights existed prior to mineral withdrawal and what rights are recognized. Mineral withdrawal dates were established by the acts designating the area as wilderness.

**2323.75a - Mining Claim.** Consistent with the valid existing rights, review and approve operating plans that incorporate reasonable terms and conditions for the protection of the wilderness character of the area, and that provide for restoration as near as practicable of the disturbed lands promptly upon abandonment of operations (see FSM 2810).

Claimants may conduct on-the-ground mining or mining related activities on valid mining claims in designated wilderness. However, before authorizing such activities under a Plan of

Operations, the authorized officer must ensure that the claimant:

1. Has complied with the filing for record requirements of Section 314(a)(1) and (2) of the Federal Land Management Policy Act of 1976.
2. Made a discovery of a valuable mineral deposit before January 1, 1984, or other legal date of mineral withdrawal, and thus has a valid existing right as of that date.

The authorized officer shall schedule an appropriate on-the-ground validity investigation by a qualified Forest Service mineral examiner when a claimant/operator files a Notice of Intention to Operate or Plan of Operations in accordance with (36 CFR 228.4).

The authorized officer should also schedule validity investigations in response to mineral patent applications, in cases involving suspected occupancy misuse of mining claims, and for protection of Federal capital investments (such as administrative sites, trailheads, and airfields).

In accordance with 36 CFR 229.5(b), the authorized officer may approve operations for the sole purpose of performing requisite annual assessment work only when proposed activities will not cause significant impact to wilderness values and such proposed activities are not specifically prohibited by the Wilderness Act. However, if proposed assessment work will cause significant impact and the operator is unable or unwilling to propose acceptable alternatives that will not cause significant impact, the authorized officer must first determine that a valid claim existed as of the withdrawal date, before approving the operation.

If assessment work is not the purpose and/or the issue of validity has not been determined, 36 CFR 228.5(a)(3) provides a basis for requesting changes in the proposed plan of operations to include supporting evidence from the claimant/operator that a claim is valid. This evidence may include, but is not limited to, reports by mining engineers or geologists, data regarding grade and tonnage, production records, and assay reports, and must be verified by a Forest Service mineral examiner.

**2323.75b - Federal Lease or Permit.** Consistent with the valid existing rights, review with the Bureau of Land Management and provide recommendations about or consent to the approval of operating plans that incorporate reasonable terms and conditions for the protection of the wilderness character of the area, and that provide for restoration as near as practicable of the disturbed lands promptly upon abandonment of operations (FSM 2820).

**2323.75c - Mineral Reservation or Outstanding Mineral Right.** Consistent with the valid existing rights, review and approve operating plans that incorporate reasonable terms and conditions for the protection of the wilderness character of the area, and that provide for restoration as near as practicable of the disturbed lands promptly upon abandonment of operations (FSM 2830).

**2323.76 - Mineral Materials.** Deny applications for permits and leases to extract mineral materials, such as common varieties of sand, gravel, stone, and similar materials.

### **2323.8 - Management of Cultural and Historic Resources**

**2323.81 - Authority.** The protection and management of cultural resources in wilderness are guided by the Antiquities Act (16 U.S.C. 431 et seq.), Historic Sites Act (16 U.S.C. 461), National Historic Preservation Act (16 U.S.C. 470), and implementing regulations 36 CFR 800, Executive Order 11593, Archaeological and Historic Data Preservation Act (1974), National Environmental Policy Act (42 U.S.C. 4321), Archaeological Resource Protection Act of 1979, and the individual forest and management plans.

#### **2323.82 - Policy**

1. Cultural resources are available for scientific study to the extent that the study is consistent with the concept of wilderness, the intent of the Wilderness Act, and cultural resource management objectives.
2. Cultural resources are available for recreational, scenic, scientific, educational, conservation, and historic uses, consistent with management as wilderness.

**2323.83 - Studies and Management.** Analyze on a case-by-case basis those studies requiring excavation of sites or dismantling of structures. Ensure that they are compatible with wilderness and cultural resource objectives as stated in the forest plan. As a general rule, cabins, shelters, or other structures approaching 50 years of age should be examined for their cultural resource value.

Remove those sites or structures that do not qualify for the National Register (FSM 2360) or allow them to deteriorate naturally unless they are:

1. Deemed necessary to support public purposes of wilderness, as set forth in section 4(b) of the Wilderness Act; or,
2. Serve administrative purposes (sec. 4(c) of the Wilderness Act).

Interpretation of cultural resources located in wilderness shall be done outside the wilderness. Verbal interpretive services by qualified wilderness rangers, volunteers, or permitted guides are acceptable.

Management direction for cultural resources eligible for nomination to the National Register is subject to compliance with section 106 of the National Historic Preservation Act and 36 CFR 800 (FSM 2366). A decision to remove, maintain, or allow a historic or prehistoric structure to deteriorate naturally is a Federal undertaking that will affect the cultural resource.

Regional Foresters may approve stabilization or restoration and subsequent maintenance of such structures if their continued existence is essential to cultural resource management. Do not use motorized equipment for restoration or maintenance unless essential (FSM 2326).

## **2324 - MANAGEMENT OF SUPPORT ACTIVITIES IN WILDERNESS**

### **2324.04 - Responsibilities**

#### **2324.04a - Chief. The Chief is responsible for approving:**

1. Insect and disease projects that do not meet conditions described in FSM 2324.04b.
2. Replacement of Forest Service facilities at administrative sites and construction of buildings for cooperating agencies that have responsibilities within National Forest wilderness.
3. Extending or widening of existing airfields and construction of new airfields.
4. Construction and maintenance of heliports away from existing administrative sites.
5. Wilderness sign standards.

#### **2324.04b - Regional Forester. The Regional Forester is responsible for:**

1. Approving insect and disease control projects within wilderness when the following conditions exist:
  - a. There is an immediate threat of unacceptable damage to resources outside the wilderness boundary or of unnatural loss of the wilderness resource due to exotic pests.
  - b. The threat cannot reasonably be abated by control actions taken outside the wilderness boundary.
2. Approving the use of prescribed fire on a wilderness by wilderness basis through approval of the appropriate management plan. The management plan sets forth the standards and guidelines for the use and application of prescribed fire and the methods of monitoring results.
3. Approving construction of new fire lookouts.
4. Determining if it is in the public interest to continue use of installations

or structures that existed under valid special-use permits or easements when the wilderness was designated.

5. Approving special-use permits for access to valid occupancies and private lands when such use involves construction, reconstruction, or restoration of roads, or other substantial surface disturbance.
6. Approving construction of nonemergency helispots.

**2324.04c - Forest Supervisor.** The Forest Supervisor is responsible for approving:

1. Reconstruction of existing fire lookouts.
2. Construction of helispots for wildfire suppression and emergencies.
3. Requests to conduct research.
4. Special-use permits for access to valid occupancies and private lands, except those involving construction, reconstruction, or restoration of roads or where other substantial surface disturbance is essential.

### **2324.1 - Management of Insects and Diseases**

#### **2324.11 - Objectives**

1. To allow indigenous insect and plant diseases to play, as nearly as possible, their natural ecological role within wilderness.
2. To protect the scientific value of observing the effect of insects and diseases on ecosystems and identifying genetically resistant plant species.
3. To control insect and plant disease epidemics that threaten adjacent lands or resources.

#### **2324.12 - Policy**

1. Do not control insect or plant disease outbreaks unless it is necessary to prevent unacceptable damage to resources on adjacent lands or an unnatural loss to the wilderness resource due to exotic pests.
2. Trees within the wilderness have no commercial value. Do not consider the commercial value of trees in wilderness in evaluations for insect and disease control.

**2324.13 - Detection.** Conduct surveys to monitor forest insects or diseases in wilderness in a manner that preserves the wilderness character of the area. Generally this will be in the same manner as that prescribed for other National Forest System lands (FSM 3412). Modify any procedures that are in conflict with wilderness management objectives.

**2324.14 - Evaluation of Epidemics.** Perform a biological evaluation of insect or disease outbreaks that have been detected as prescribed in FSM 3421. Do not allow cost-benefit evaluation (FSM 3422) to influence decisions on treatment of insect disease outbreaks in wilderness to the same degree this evaluation affects decisions on other National Forest System land. Weigh the

effects of insect or disease epidemics on the wilderness or on resource values outside the wilderness against the adverse effects of a control project in the wilderness.

**2324.15 - Control Measures.** When control of insects or disease is necessary in National Forest wilderness, it shall be carried out by measures that have the least adverse impact on the wilderness resource and are compatible with wilderness management objectives.

Meet the requirements in FSM 2324.04, FSM 2151, FSM 3430, and FSM 1950 in carrying out insect and disease control projects in wilderness. Special care must be taken with the use of chemicals inside wilderness because of possible effects on the total biological complex. Consider other alternatives to chemical use in the environmental analysis.

## **2324.2 - Management of Fire**

**2324.21 - Objectives.** The objectives of fire management in wilderness are to:

1. Permit lightning caused fires to play, as nearly as possible, their natural ecological role within wilderness.
2. Reduce, to an acceptable level, the risks and consequences of wildfire within wilderness or escaping from wilderness.

## **2324.22 - Policy**

1. Two types of prescribed fires may be approved for use within wilderness: those ignited by lightning and allowed to burn under prescribed conditions and those ignited by qualified Forest Service officers.
2. No fire may be ignited or allowed to burn without documented, replanned, specified conditions.
3. Document specific objectives, standards, and guidelines for the control of wildfire and the use of prescribed fire within each wilderness (FSM 5100, 5150, and 5190) in a forest plan or, where the forest planning process has not been completed, in either an interim wilderness management or fire management area plan. Document specific direction for fire program implementation in the forest fire management action plan (FSH 5109.19).
4. Suppress all wildfires within wilderness in accordance with the direction FSM 5130.
5. Fire ignited by lightning may be permitted to burn if prescribed in an approved plan (FSM 2324 and 5150).
6. Forest Service managers may ignite a prescribed fire in wilderness to reduce unnatural buildups of fuels only if necessary to meet at least one of the wilderness fire management objectives set forth in FSM 2324.21 and if all of the following conditions are met:
  - a. The use of prescribed fire or other fuel treatment measures outside

of wilderness is not sufficient to achieve fire management objectives within wilderness.

- b. An interdisciplinary team of resource specialists has evaluated and recommended the proposed use of prescribed fire.
  - c. The interested public has been involved appropriately in the decision.
  - d. Lightning-caused fires cannot be allowed to burn because they will pose serious threats to life and/or property within wilderness or to life, property, or natural resources outside of wilderness.
7. Do not use prescribed fire in wilderness to benefit wildlife, maintain vegetative types, improve forage production, or enhance other resource values. Although these additional effects may result from a decision to use prescribed fire, use fire in wilderness only to meet wilderness fire management objectives.
  8. Do not use management ignited fire to achieve wilderness fire management objectives where lightning-caused fires can achieve them.

**2324.23 - Fire Management Activities.** Conduct all fire management activities within wilderness in a manner compatible with overall wilderness management objectives. Give preference to using methods and equipment that cause the least:

1. Alteration of the wilderness landscape.
2. Disturbance of the land surface.
3. Disturbance to visitor solitude.
4. Reduction of visibility during periods of visitor use.
5. Adverse effect on other air quality related values.

Locate fire camps, helispots, and other temporary facilities or improvements outside of the wilderness boundary whenever feasible. Rehabilitate disturbed areas within wilderness to as natural an appearance as possible.

### **2324.3 - Management of Structures and Improvements**

**2324.31 - Objective.** To limit structures and improvements for administrative purposes or under special-use permit to those actually needed for management, protection, and use of the wilderness for the purposes for which the wilderness was established.

**2324.32 - Planning.** Document the need for administrative and existing special use permitted improvements in forest plans. Develop removal schedules for those improvements considered unnecessary. Provide an historical evaluation when needed.

Determine the long-term need of the improvement and its location before authorizing substantial maintenance for administrative or permitted improvements.

Consider alternative locations that may be more compatible with the wilderness resource.

### **2324.33 - Structures and Improvements Needed for Administration**

**2324.33a - Administrative Sites.** Unless otherwise authorized by the Chief, limit existing administrative sites to the existing structures or replace them with similar structures of compatible design. Justify the need for existing stations in forest plans. Do not plan any new stations in wilderness.

**2324.33b - Fire Lookouts. (FSM 5100).** Construct or maintain lookouts for fire detection purposes when:

1. They are necessary to achieve wilderness management objectives and where it is not feasible to accomplish such objectives by means more compatible with wilderness values; or
2. They are necessary to protect values outside the wilderness.

The need and disposition of existing lookouts shall be documented in the forest plan. For approvals, see FSM 2324.04.

**2324.33c - Fences.** Construct permanent corrals and fences for the control of administrative pack and saddle stock only at administrative sites where regular use of the animals is for periods of more than a few days duration. Build and maintain fences with materials compatible to the wilderness environment. Do not build new permanent wire fences. As replacement becomes necessary, remove or replace existing wire fences with fences of compatible materials.

See FSM 2323.26 for livestock fences and 2323.13 for recreation stock facilities.

**2324.33d - Airfields.** Unless otherwise approved by the Chief, do not locate new airfields, including emergency airstrips, in wilderness. Unless otherwise approved by the Chief, do not extend, widen, or resurface existing airfields. Document decisions about whether or not to permit the continued use of existing airfields for each wilderness in the forest plan. Legislation may mandate that certain airfields remain open. Maintain airfields by nonmotorized methods only. For further direction see FSM 7720 and FSM 7730.

### **2324.33e - Heliports and Helispots**

1. Heliports. Construct and maintain heliports at existing administrative and airfield sites where essential for wilderness purposes. Require justification for continued use of existing heliports or for constructing new ones. Unless otherwise approved by the Chief, do not locate other heliports within any wilderness. Evaluate and document the need for each heliport in the forest plan. Operate only those heliports considered vital to wilderness resource management.
2. Helispots. The Regional Forester may approve the construction of nonemergency individual helispots or systems of helispots. FSM 7720

contains guidelines for location, construction, and use of helispots. Except in emergency situations, evaluate and document the need for helispots in the forest plan.

### **2324.33f - Signs**

1. Use a minimum of signing in wilderness.
2. Do not provide wilderness signs for the convenience of the visitor. Along with accurate maps, and wilderness education materials, provide a minimum number of signs for either the routing or location of the traveler or the protection of the wilderness resource.
3. Conform to the standards and guidelines for wilderness signing in FSM 7160, FSH 7109.11, 7109.11a, and 7109.11b.
4. Do not use interpretive and informational signs.

**2324.33g - Communication Structures.** Maintain communication structures only as necessary for administration and protection of the wilderness. Evaluate and document the need for communication structures in the forest plan (FSM 7200).

**2324.34 - Other Agency Structures.** Approve, manage, construct, and maintain structures funded by cooperating agencies on National Forest lands in the same manner as described in section 2324.3. When existing improvements deteriorate to the point that normal maintenance does not keep them usable, analyze the need for such structures. If they are not essential to meet the minimum requirements of wilderness administration, or if they are not essential to a continuing program that was established on the basis of the structure, do not replace them.

Periodically review permits for structures in wilderness to determine whether or not their continued existence is in the public interest. If not, terminate the permits and remove the improvements. Forest plans shall assess and direct the disposition of all such structures.

**2324.35 - Structures and Improvements Needed for Special Use Permit Operations.** Policy and direction for outfitter and guide operations is in FSM 2323.13. Maintain structures and improvements under other special use permits under the same direction as given for other agencies or as otherwise authorized by law.

### **2324.4 - Research in Wilderness**

**2324.41 - Objective.** To provide appropriate opportunity for scientific studies that are dependent on a wilderness environment.

### **2324.42 - Policy**

1. Encourage research in wilderness that preserves the wilderness character of the area (FSM 2320.3).
2. Identify wilderness management or national issues that may require

research in forest plans.

3. Review proposals to conduct research in wilderness to ensure that research areas outside wilderness could not provide similar research opportunities. Direct projects that would jeopardize wilderness values to areas outside wilderness.
4. Review research proposals to conduct research in wilderness to ensure that research methods are compatible with wilderness values. Do not allow the use of motorized equipment or mechanical transport unless the research is essential to meet minimum requirements for administration of the area as wilderness and cannot be done another way (sec. 4(c) the Wilderness Act). Include specific stipulations in the approval document.
5. Except for studies that clearly require contact within wilderness, allow interviews or direct contact with visitors only outside wilderness.
6. Permit scientific study of cultural resource sites/areas consistent with the direction in FSM 2323.8.

## **2325 - PRIVATE LANDS WITHIN WILDERNESS DESIGNATED UNDER PUBLIC LAW 93-622**

**2325.01 - Authority.** (sec. 2320.1, item 6).

### **2325.04 - Responsibilities**

**2325.04a - Regional Forester.** The Regional Foresters of the Southern Region and the Eastern Region are responsible for determining the compatibility of private land uses within the wilderness areas named in Public Law 93-622. If condemnation is necessary, follow procedures as directed in FSM 5400.

**2325.04b - Forest Supervisor.** The Forest Supervisor with jurisdiction over a wilderness designated by the PL 93-622 is responsible for:

1. Ensuring that all private landowners know that they must notify the Forest Supervisor 60 days before any transfer of lands or land-use change that results in new construction, before any land disturbance, or before use of motorized equipment.
2. Initiating and maintaining an inventory and record of the purpose for and manner of use of private lands within as wilderness areas designated by Public Law 93-622.
3. Acknowledging receipt of notification by landowner of any proposed change in use or status of private lands.
4. Requesting notification of land transfer or change in use if an owner has failed to provide such notification.

## **2326 - USE OF MOTORIZED EQUIPMENT OR MECHANICAL TRANSPORT IN WILDERNESS**

### **2326.02 - Objectives**

1. Accomplish management activities with nonmotorized equipment and non-mechanical 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 non-mechanical 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.
3. Discourage flights over wilderness within 2,000 feet of the ground surface, except in emergencies or for essential military missions. (The Federal Aviation Administration (FAA) has agreed to and the National Oceanic and Atmospheric Administration (NOAA) has posted, for the FAA, a 2,000 foot over terrain flight advisory on appropriate aeronautical charts.

Specific legislative provisions regarding overflight pertain to certain wildernesses.) Cooperate with the Federal Aviation Administration, the National Oceanic and Atmospheric Administration, military authorities, and with local pilots to promote compliance with the 2,000 foot limit, to keep aeronautical charts current, and to reduce low level flight.

### **2326.04 - Responsibility**

**2326.04a - Chief.** The Chief is responsible for approving any use of motor vehicles and motorized equipment, except where the authority has been delegated to the Regional Forester (FSM 2326.04b) and the Forest Supervisor (FSM 2326.04c).

**2326.04b - Regional Forester.** The Regional Forester is responsible for approving:

1. Transport and supply by aircraft, air drop, motor boat, or mechanical transport for situations that meet the conditions under items 2, 4, or 5, in FSM 2326.1.
2. Hand-portable motorized equipment for needs that meet conditions listed under item 5 of FSM 2326.1.
3. Motorized ground equipment not designed for personnel transport and of a type or size that is controlled from a position afoot.
4. Use of motor vehicles, motorized equipment, and mechanical transport for situations involving established livestock grazing operations (FSM 2204 and 2323.2), and transport of wildlife or fish when nonmotorized means are not feasible (FSM 2323.3).

5. Use of motorized equipment specifically allowed by individual wilderness acts subsequent to the Wilderness Act.

**2326.04c - Forest Supervisor.** The Forest Supervisor approves the use of motorized equipment or mechanical transport under conditions described in section 2326.1, item 1 or 3. However, the Regional Forester shall approve the use of tractors for fire suppression.

**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.

### **2326.11 - Use of Motorized Equipment by Other Government Agencies.**

Approve the use of motorized equipment, aircraft, or mechanical transport by other government agencies in National Forest wilderness in the same manner and under the same conditions stipulated for Forest Service use (sec. 2326.1). Special provision is given for access to existing snow measurement sites (sec. 2323.44).

### **2326.12 - Use of Motorized Equipment by Valid Occupants of National Forest Land.**

Approve the use of motorized equipment and/or mechanical transport by valid occupants of National Forest System lands in wilderness using criteria in section 2326.1

### **2326.13 - Access to Surrounded State and Private Land, Valid Mining Claims, or Other Valid Occupancies**

1. Surrounded State and Private Land. Ensure adequate access to States or persons, and their successors in interest, who own land completely surrounded by wilderness. Adequate access is defined in 36 CFR 293.12 and section 2320.5.

Prevent unauthorized road construction or motorized transport across wilderness. The Regional Forester may provide these landowners with written permission to use wilderness routes or motorized modes of travel not available to the general public. When the exercise of these rights of access to surrounded land would be detrimental to wilderness values, attempt to acquire the land by purchase or exchange or donation before granting access.

2. Valid Mining Claims or Other Valid Occupancies. Permit access to valid occupancies according to the direction in 36 CFR 293.13.

Include proposals for access within the boundaries of the claim area in the operating plan. Authorize access off the claim area by special use permit if there is approval for other than primitive access (FSM 2710).

## **2327 - RECORDS AND REPORTS**

**2327.1 - Annual Report to Congress.** Field units shall submit information about the status of the National Wilderness Preservation System for the annual report by November 1. Report changes in acreage since the last report, regulations in effect, and current pertinent management information or recommendations.

## **2328 - MANAGEMENT OF CERTAIN WILDERNESS AREAS**

**2328.04 - Responsibilities.** Regional Foresters and Forest Supervisors shall issue directions for implementing specific legislation establishing specific wilderness areas under their jurisdiction through the directives system.