PRINCIPLES GOVERNING GRAZING ON THOSE PORTIONS OF ALLOTMENTS WITHIN WILDERNESS

I. INTRODUCTION

The California Desert Protection Act provides, at Section 103(c), that livestock grazing established prior to the Act, shall be permitted to continue within Bureau of Land Management wilderness areas subject to reasonable regulations, policies and practices.

Section 103(c) reinforces this direction by prescribing that such regulations, policies and practices conform to Section 101(f) of the Arizona Wilderness Act (P.L. 101-628).

Sections 306 and 510 of the Act authorize the continuation of grazing privileges "at no more than the current level" on the "lands" added to the National Park System in Death Valley National Park and Mojave National Preserve. Such grazing is to be governed by "applicable laws and National Park Service (NPS) regulations." The authorization of existing grazing on the "lands" in these National Park System units provided for continued grazing without regard as to whether these "land" are wilderness or non-wilderness within the two units. Thus, grazing may continue, where it now exists, at no more than the current level, on both the wilderness and non-wilderness lands within Death Valley National Park and the Mojave National Preserve.

II. PRINCIPLES

1. TRANSPORTATION:

a. Each non-emergency entry by motorized vehicle or mechanized transport into wilderness must be approved by the Authorized Officer.

b. The Authorized Officer may pre-approve a list of scheduled motorized vehicle or mechanized transport entries into wilderness.[1]

c. Motorized vehicle or mechanized transport use in wilderness will normally only be permitted to those portions of the wilderness where they had occurred prior to the area's designation as wilderness.

d. Each emergency motor vehicle or mechanized transport entry must be reported to the Authorized Officer beforehand, if possible, or by close of business on the next working day. Phone notification is sufficient, if followed up in writing.

e. "Emergency" access for purpose of entry, as provided for, in Section 101(f) of P.L. 101-628, exist where there is imminent danger of loss of livestock, severe facility damage, an injured person requiring transport, or life threatening situation involving one or more persons.

f. Mechanized transport includes, but is not limited to, any wheeled vehicle.

g. Entry by foot or by animal needs no prior approval, unless required by regulations (for example, commercial activities or organized groups).

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[1] Such pre-approvals may be specified for certain routes, means, frequencies and purposes. Such pre-approvals may provide for "occasional" motorized vehicle or mechanized transport use. Such use is not to be routine.

2. MOTORIZED EQUIPMENT

a. Use of motorized equipment in wilderness (e.g. chain saws, augers, battery operated equipment, etc.) must be approved by the Authorized Officer.

b. The Authorized Officer may pre-approve a list of scheduled motorized equipment use in wilderness.[2]

c. Motorized equipment use in wilderness will normally only be permitted in those portions of the wilderness where they had occurred prior to the area's designation as wilderness.

3. NEW STRUCTURES AND INSTALLATIONS

FOR NPS

a. Construction of new range facilities (e.g. wells, pipelines, troughs, windmills, fences, cabins) in wilderness will be permitted only where it serves the purpose of natural and/or cultural resource protection.

FOR BLM

a. Construction of new range facilities in wilderness should primarily serve the purpose of resource protection.

4. REPLACEMENT OF EXISTING STRUCTURES AND INSTALLATIONS

a. The Authorized Officer may approve the replacement of existing range facilities in wilderness.

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[2] Such pre-approvals may be specified for certain areas, tools, frequencies and purposes.

b. Such replacement generally should be of facilities "in kind."[3]

c. Replacement of existing facilities in wilderness, where they are visible (i.e. above ground) shall be with natural materials, if the use of natural materials does not impose "unreasonable additional costs" on the permittee.

5. MAINTENANCE OF STRUCTURES AND INSTALLATIONS

a. Maintenance of existing operational facilities requires approval of the Authorized Officer only if use of motorized vehicle, mechanized transport or motorized equipment is necessary.

6. ABANDONMENT OF FACILITIES

a. The permittee will remove all facilities located in wilderness that the permittee either constructed, or made use of, but which are now abandoned.

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[3] For example, a 20' windmill should not be replaced with a a 35' windmill; or a one room line shack by a four room ranch house.

SIGNATURES

Manager, California Desert District — DATE 9/15/95

Manager, Yuma District — DATE 9/15/95

Superintendent, Mojave National Preserve — DATE 9/15/95

Superintendent, Death Valley National Park — DATE 9/15/95