

8560
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To: Area Managers/ADMs
From: District Manager, California Desert District
Subject: Interim Guidance for Management of Designated Wilderness

There are a series of State Office memorandums being prepared for management of designated wilderness, which will be followed by wilderness management plans. In the interim, the following policies apply.

For all actions in wilderness (except emergencies and hot pursuit), there must be an environmental assessment and associated decision record. The decision record must address:

1. Whether the proposed action is prohibited as described in 43 CFR 8560.1-2;
2. The rationale for the application of any exceptions to prohibited actions, and;
3. Whether the action is the minimum necessary for the administration of the area as wilderness.

Regulatory Guidance - "Prohibited Acts" include, for example, the prohibition of commercial use or motorized equipment. Wilderness will be managed consistent with those regulations (43 CFR 8560.1-2), subject to the four kinds of exceptions discussed below.

1. Valid existing rights (VER) include, for example, the terms and conditions of a right-of-way or verification of a discovery of valuable mineral on a mining claim constitute VER.
2. Legislation establishing CDD wilderness (different from the Wilderness Act of 1964. There are two cases in the California Desert Protection Act (CDPA):
 - a. Fish and Game language (Section 103(f) of CDPA applies to BLM wilderness). Policy is to be prepared by the State Director in consultation with the Director for Fish and Game. In the interim, we will defer to regulatory guidance at 43 CFR 8560.3 (a) and (b), and;

- b. Law enforcement language (Section 103(g) applies to BLM, FS, FWS, and NPS wilderness). Chris Roholt and John Kalish are appointed as CDD representatives to any consultation efforts.
3. Non-Conforming, but Accepted Use (43 CFR 8560.4) includes for example, certain livestock grazing uses and some commercial uses.
4. Administrative and Emergency Uses (43 CFR 8560.3) specifies, for example, the uses of motorized equipment, structures and occupancies. It also provides for the authorized officer to prescribe conditions to other entities of government for those uses.

The policy for emergencies and hot pursuit are below:

1. Emergency Use
 - a. An emergency means that a person within a wilderness area is in a life threatening situation due to injury or, for example, reaction to a drug or insect sting.
 - b. Mechanized transport or other uses otherwise prohibited in wilderness (43 CFR 8560.1-2) may be used (pursuant to 43 CFR 8560.3(d)) only if their use will reduce the probability of mortality or permanent injury.
2. For the BLM Rangers (but not special agents) to use motor vehicles in wilderness (i.e., conduct 'hot pursuit'), the following conditions must exist:
 - a. The individual(s) being pursued is a suspect in a felony situation and
 - b. There is a significantly higher probability that the suspect will escape without the hot pursuit into a wilderness.

In both situations, appropriate post-action reports will be prepared. The Authorized Officer will determine whether restoration actions or other followup actions are necessary.

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