

Appendix K: Mechanized and Motorized Use in the Wilderness

2011

Use of Motorized Equipment or Mechanical Transport in Wilderness

The following information has been gathered to answer a number of questions regarding use of motorized equipment/mechanical transport in wilderness. It provides a summary of 1964 Wilderness Act, current Code of Federal Regulation (CFR) citations, and Forest Service Manual (FSM) direction. It also summarizes line officer authorities, including authorities delegated from the R6 Regional Forester to Forest Supervisors.

1964 Wilderness Act, Summary

"...except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (to secure an enduring resource of wilderness), ... there shall be ... no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport..."

36 CFR 261.16

"The following are prohibited in National Forest System wilderness:

- (a) Possessing or using a motor vehicle, motorboat or motorized equipment except as authorized by Federal Law or regulation.
- (b) Possessing or using a hang glider or bicycle
- (c) Landing of aircraft, or dropping or picking up of any material, supplies, or person by means of aircraft, including a helicopter"

36 CFR 261.57(h)

"When provided by an order, the following are prohibited:

- (h) Possessing or using a wagon, cart or other vehicle."

36 CFR 293.6

"Except as provided in the Wilderness Act, subsequent legislation establishing a particular wilderness...there shall be no...aircraft landing strips; no heliports or helispots, no use of motor vehicles, motorized equipment, motorboats, or other forms of mechanical transport; no landing of aircraft; no dropping of materials, supplies, or persons from aircraft..."

Defines motorized equipment as:

"...shall include any machine activated by a nonliving power source, except that small battery-powered, hand-carried devices such as flashlights, shavers, and Geiger counters, are not classed as motorized equipment."

Defines mechanical transport as:

"...shall include any contrivance which travels over ground, snow, or water on wheels, tracks, skids, or by flotation and is propelled by nonliving power source contained or carried on or within the device."

FSM 2320.5 Definitions

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, motor boats, and motor vehicles. It does not include small battery or gas powered handcarried devices such as shavers, wristwatches, flashlights, cameras, stoves, or other similar equipment.

FSM 2326 - Use of Motorized Equipment or Mechanical Transport in Wilderness

The objectives of use of motorized equipment or mechanical transport in wilderness is defined as:

2326.02 - Objectives

1. Accomplish management activities with nonmotorized equipment and nonmechanical transport of supplies and personnel.
2. Exclude the sight, sound, and other tangible evidence of motorized equipment or mechanical transport within wilderness except where they are needed and justified.

The Regional Forester has authority for approving the following, and has delegated this authority to Forest Supervisors if 1) they have attended national or regional wilderness stewardship training provided by the Carhart Interagency Wilderness Training Center and 2) if the District Ranger involved has also been to this training. This is a line authority and may not be delegated to staff.

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 motorboat 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.

The above conditions in 2326.1 items 2 and 4 refer to aircraft or motorboat use established before the area was designated as a wilderness and to provision of access to inholdings, respectively. Item 5 refers to approval of use "to meet minimum needs for protection and administration of the area as wilderness.

