

§ 8560.2

§ 8560.2 Special provisions applicable to Alaska. [Reserved]

§ 8560.3 Administrative and emergency functions.

To the extent authorized by law, the authorized officer may:

(a) Use, construct or install motorized equipment, mechanical transport, aircraft, aircraft landing strips, heliports, helispots, installations or structures in designated wilderness areas, and prescribe conditions under which such items may be used, transported or installed by other Federal, State or county agencies or their agents, to meet the minimum requirements for protection and administration of the wilderness area and its resources.

(b) Authorize occupancy and use of wilderness areas by officers, employees, agencies or agents of the Federal, State and local governments to carry out the purposes of the Wilderness Act.

(c) Prescribe measures to be taken, as necessary, to control fire, insects and diseases where these threaten human life, property or high value resources within the wilderness area or on adjacent nonwilderness lands.

(d) Prescribe measures which may be used in emergencies involving the health and safety of persons or damage to property, including the conditions for use of motorized equipment, mechanical transport, aircraft, installations and structures.

§ 8560.4 Nonconforming uses.

All uses specifically permitted in wilderness areas by the Wilderness Act and subsequent laws shall be conducted in a manner that will preserve the wilderness character of the land, except as otherwise provided in the Wilderness Act and this part.

§ 8560.4-1 Livestock grazing.

(a) The grazing of livestock, where such use was established before the date of the establishment of the area as a unit of the National Wilderness Preservation System, shall be permitted to continue under the regulations on the grazing of livestock on public lands in part 4100 of this chapter and in accordance with any special provisions covering grazing use in wilderness areas that the Director may prescribe.

43 CFR Ch. II (10-1-99 Edition)

(b) Grazing activities may include the construction, use and maintenance of livestock management improvements and facilities associated with grazing that are in compliance with wilderness area management plans provided for in the Wilderness Management Policy (46 FR 47180, September 24, 1981) approved by the authorized officer.

§ 8560.4-2 Aircraft and motorboats.

The authorized officer may permit the landing of aircraft and use of motorboats at places within any wilderness area where these uses were established before the date the area was designated by Congress as a unit of the National Wilderness Preservation System, and where such uses have continued, subject to such restrictions as he/she finds necessary. The authorized officer may also permit the maintenance of aircraft landing strips, heliports or helispots that existed when the area was designated a unit of the National Wilderness Preservation System.

§ 8560.4-3 Access.

(a) States or persons, and their successors in interest, who own lands completely surrounded by a wilderness area shall be given such rights as may be necessary to assure adequate access to such lands, or the private or State land shall be exchanged for federally owned land of approximately equal value within the same State under authorities available to the Secretary of the Interior.

(b) Persons with valid mining claims or other valid occupancies wholly within wilderness areas shall be permitted access to such surrounded occupancies by means that are consistent with the preservation of such wilderness and that have been or are being customarily used with respect to other such occupancies surrounded by wilderness. Permits issued under 43 CFR part 2800 or 2880, or plans approved under 43 CFR subpart 3809 by the authorized officer shall prescribe the routes of travel to and from the occupancies surrounded by wilderness, the mode of travel, and other conditions reasonably necessary to preserve the wilderness areas.