

**PRINCIPLES FOR WILDERNESS MANAGEMENT
IN THE CALIFORNIA DESERT**

A Response to Transition Task #28;

**Develop a consistent management
policy for DOI in managing
California Desert Wilderness.**



CHAPTER I. SECURING AN ENDURING RESOURCE OF WILDERNESS

It is the intent of the Federal land managers of the California Desert to secure for the American people of present and future generations an enduring resource of wilderness, composed of those Federal lands in the California Desert designated by Congress as "wilderness areas."

The California Desert Protection Act designated 69 new wilderness areas, approximately 3.6 million acres, primarily administered by the Bureau of Land Management. Three of the wilderness areas are partially managed by the U.S. Forest Service, comprising approximately 100,000 acre. The National Park Service now administers 3.9 million wilderness acres in three units of the National Park System. The Fish and Wildlife Service gained 9,000 acres of wilderness in two refuges.

Wilderness areas shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness. The areas designated by Congress as wilderness in the California Desert are to be managed to retain their "...primeval character and influence, without permanent improvements or human habitation,...protected and managed so as to preserve...natural conditions."

Wilderness designation generally provides the most protective form of Federal land management requiring difficult decisions to ensure that the intent of the Wilderness Act is met: "to preserve...natural conditions," and "outstanding opportunities for solitude or a primitive and unconfined type of recreation." Where the Wilderness Act, or any other law, including the California Desert Protection Act, makes any exceptions to the general prohibitions in the Wilderness Act, the managers undertake to implement such exceptions consistently, judiciously and thoughtfully. Where wilderness characteristics of primeval character have been degraded, the managers pledge to restore the area, where feasible, to a condition, that "...generally appears to have been affected primarily by the forces of nature."

Lastly, the managers will commit to develop common procedures that apply to all wilderness areas managed by each Federal agency, to the greatest extent legally permissible.

CHAPTER II. THE WILDERNESS ACT AND SPECIFIC PROHIBITIONS

The Wilderness Act (16 U.S.C. 1133(c)) specifically prohibits certain activities on wilderness lands, no matter which Federal agency administers the lands. Federal agencies, by regulation and policy, may not permit such activities on their lands, except for the special provisions of the Wilderness Act or other statutes.

The Wilderness Act specifically prohibits:

- * commercial enterprises;
- * permanent roads;
- * temporary roads;
- * motor vehicles;
- * motorized equipment;
- * motorboats;
- * landing of aircraft;
- * any form of mechanical transport, and
- * structures or installations.

Note that the above prohibitions do not apply to those who possess "existing private rights" e.g. valid mining claims, inholdings or rights-of-way within wilderness. "Existing private rights" is the first, and major, exception to the Wilderness Act prohibitions and this exception applies to the wilderness areas in the California Desert. Other exceptions are discussed in Chapters III and IV.

In addition to the Wilderness Act prohibitions, Federal agencies may impose other prohibitions on Federal lands that are within wilderness under each agency's specific statutory authorities. It is a fundamental premise of the Wilderness Act that the designation of Federal lands as "wilderness" does not remove the lands from the National Forest System, public lands or National Refuge System, National Park System, or from the laws and agencies that govern those systems (16 U.S.C. 1133(a)).

CHAPTER III. MINIMUM REQUIREMENTS FOR ADMINISTRATION OF THE AREA

The Wilderness Act provides a second major exception to the prohibitions listed in Chapter II. The Wilderness Act at 16 U.S.C.1133(c) states that "except as necessary to meet minimum requirements for the administration of the area for the purposes of this Act (including measures required in emergencies involving the health and safety of persons within the area) there shall be no temporary road, no use of motor vehicles, motorized equipment, or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation..." Note that the "minimum requirement" exception can never be used to allow a commercial enterprise or a permanent road in a wilderness area. A backcountry patrol station, fire lookout, a radio repeater, an helicopter rescue of an injured person, or a chainsaw may all be permitted in a wilderness only if such use is determined through a documented decision process, such as NEPA, to be the "minimum requirement for the administration of the area" for wilderness purposes.

Federal land managing employees often speak of "minimum tool." That term is shorthand for this provision of the Wilderness Act and applies only to agency administrative activities for wilderness.¹

There has been a disparity between Federal agencies on applying the exception of "minimum requirements for the administration of the area for the purpose" of wilderness. The decision to permit administrative activities that are the minimum requirements remains the decision of each unit manager. However, the Desert managers, through collective communication, will build on a foundation of good decisions that protect both physical resources and the wilderness character of the area.

¹ Federal agencies also seek to govern activities by those who possess "private existing rights" in wilderness (e.g. a right-of-way holder) or an authorized user (e.g. a grazing allottee) under the "minimum tool" policy. Strictly speaking, the prohibitions in 16 U.S.C. 1133(c) DO NOT APPLY to those with "private existing rights" within designated wilderness. However, the agencies are nonetheless obligated to permit the exercise of "private existing rights" so as to minimize the damage to Federal wilderness areas. It is in this context that use of the term "minimum tool" must be understood.

CHAPTER IV. SPECIAL PROVISIONS IN THE WILDERNESS ACT

Congress incorporated into the 1964 Wilderness Act several "special provisions," or exceptions. Since the 1964 Wilderness Act involved only national forest lands, the exceptions were originally applicable only to national forest wilderness areas. The "special provisions" are:

- * aircraft or motorboat use where they were established (16 U.S.C. 1133(d)(1));
- * measures for control of fire, insects and diseases (16 U.S.C. 1133(d)(1));
- * conduct of mineral surveys (16 U.S.C. 1133(d)(2));
- * location of mining claims until the end of 1983 (16 U.S.C. 1133(d)(3));
- * continued mineral leasing until January 1, 1984 (16 U.S.C. 1133(d)(3));
- * water project development with Presidential approval (16 U.S.C. 1133(d)(4));
- * continuation of existing grazing (16 U.S.C. 1133(d)(4));
- * retention of state authority over wildlife management (16 U.S.C. 1133(d)(7));
- * guarantee of adequate access to non-federal lands surrounded by wilderness (16 U.S.C. 1134(a)), and
- * customary ingress and egress to mining claims and other occupancies surrounded by wilderness (16 U.S.C. 1134(b)).

Several of the above "special provisions" apply specifically to wilderness in "national forests." Others of the "special provisions" apply to the Secretary of Agriculture. The exceptions that apply to "national forest" wilderness and to the Secretary of Agriculture also apply to wilderness managed by the BLM under the terms of the Federal Land Policy and Management Act (FLPMA) at 43 U.S.C. 1782(c).

Individual acts establishing wilderness in National Park System units, including the California Desert Protection Act at Section 603, contain language that is similar to the following:

The wilderness areas designated by this Act shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, and where appropriate, any reference in that Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

The Associate Solicitor, Conservation and Wildlife, wrote to the NPS Director on February 26, 1975 stating that "...an (NPS wilderness) act containing this language causes Wilderness Act sections" that apply to the Secretary of Agriculture "...to be made applicable to the (National Park System) area designated as wilderness." However, the memo explains that special provisions applicable to "national forest" wilderness are not applicable to national park system wilderness. See the chart on the next page for applicability of each "special provision."

1964 WILDERNESS ACT (Public Law 88-577)
Table 1

EXCEPTIONS TO PROHIBITIONS OF WILDERNESS ACT	CITATIONS	BLM	FS	FWS	NPS
To meet the minimum requirements for the administration of area including emergencies involving health/safety of persons.	4(c)	*	*	*	*
Aircraft or motorboat use, where established	4(d)1	*	*	*	*
Control fire, insects, and diseases	4(d)1	*	*	*	*
Gathering information about mineral or other resources	4(d)2	*	*		
Claim location, mineral leasing until 12/31/83 or designation	4(d)3	*	*		
Federal water projects allowed by the President	4(d)4(1)	*	*		
Grazing of livestock, where established, may continue	4(d)4(2)	*	*		
Boundary Water Canoe Area	4(d)5		*		
Commercial Services for wilderness purposes	4(d)6	*	*	*	*
Neutral with regard to State Water law	4(d)7	*	*	*	*
Neutral with regard to State wildlife jurisdiction	4(d)8	*	*		
Adequate Access to private and State lands	5(a)	*	*		
Ingress and egress to claims	5(b)	*	*		

CHAPTER V. THE SPECIAL PROVISIONS OF THE CALIFORNIA DESERT PROTECTION ACT AND THEIR EFFECT UPON WILDERNESS

Each unit of the National Wilderness Preservation System is governed by the laws that govern the national forests, national wildlife refuges, national parks or public lands and by the Wilderness Act. Finally, each wilderness area is ultimately governed by the provisions of the Act that established the area as wilderness.

The California Desert Protection Act, Titles I, II and VI, designate wilderness areas to be administered by the BLM, Forest Service, Fish and Wildlife Service and the NPS. The Act contains several provisions that apply to wilderness. Some of the provisions do not apply equally to all wilderness created by the Act. Others of the provisions are applicable to all wilderness.

Some of provisions are unique in the history of wilderness designations by Congress. The chart on the following page lists the provisions of the California Desert Protection Act that affect wilderness in the California Desert.

CALIFORNIA DESERT PROTECTION ACT OF 1994 (Public Law 103-433)

Table 2

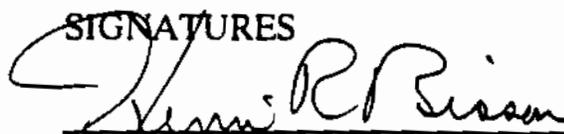
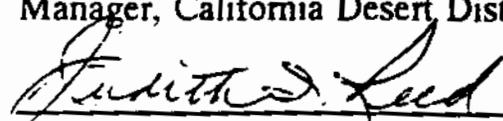
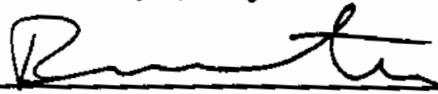
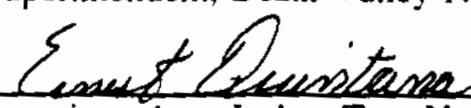
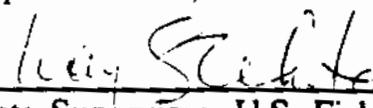
General Provisions	BLM Wilderness	FS Wilderness	FWS Wilderness	NPS Wilderness	Non-wilderness Portions of Park Units		
					Death Valley NP	Joshua Tree NP	Mojave Preserve
Management under Wilderness Act	103(a)	103(a)	201(h)	603			
Maps and legal descriptions	103(h)	103(b)	201(c)	602	304	404	504
Livestock Grazing	103(c)	103(c)	103(c)	306, 510	306		510
Buffer Zones	103(d)	103(d)					
Fish and Wildlife Jurisdiction	103(e)	103(e)					
Fish and Wildlife Management	103(f)	103(f)					
Law Enforcement	103(g)	103(g)					
Colorado River dams			202				
Colorado River Upper Basin	203	203	203	203	203	203	203
No Reserved Water Rights In Colorado River			204				
Withdrawal Under Mining Law	103(a)	103(a)		305/405/507	305	405	507
Mineral Validity Examinations				509			509
Utility Rights-of-Ways						406	511
Land Tenure Adjustment Priority	702	702	702	702	702	702	702
Native American Uses & Interests	705(a)	705(a)	705(a)	705(a)	705(a)	705(a)	705(a)
Federal Reserve Water Rights	706	706	706	706	Implicit water rights		
State School Lands Exchange	707	707	707	707	707	707	707
Access for Inholdings	708	708	708	708	708	708	708

CHAPTER VI. STATEMENT OF AGREEMENTS

We the undersigned managers agree to:

1. The Principles enunciated herein as guiding the management of wilderness in the California Desert;
2. To review and give individual attention to each proposed annex to these Principles that addresses wilderness and other management issues;
3. To authorize the wilderness task force to meet with other task forces to craft procedures which minimize impacts to wilderness resources.

SIGNATURES

 _____ Manager, California Desert District	<u>9/15/95</u> DATE
 _____ Manager, Yuma District	<u>9/15/95</u> DATE
 _____ Superintendent, Mojave National Preserve	<u>9/15/95</u> DATE
 _____ Superintendent, Death Valley National Park	<u>9/15/95</u> DATE
 _____ Superintendent, Joshua Tree National Park	<u>9/15/95</u> DATE
 _____ State Supervisor, U.S. Fish & Wildlife Service	<u>9/15/95</u> DATE

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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).

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.

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.

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

SIGNATURES

Kenn R. Bisson

Manager, California Desert District

9/15/95
DATE

Janith D. Reed

Manager, Yuma District

9/15/95
DATE

Paul J. Watt

Superintendent, Mojave National Preserve

9/15/95
DATE

R. ...

Superintendent, Death Valley National Park

9/15/95
DATE

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PRINCIPLES GOVERNING LAW ENFORCEMENT AND BORDER OPERATIONS WITHIN WILDERNESS

I. INTRODUCTION

Title VI of the California Desert Protection Act (CDPA) designated National Park System areas as wilderness. Law enforcement management in park wilderness is governed by Section 4(c) of the Wilderness Act. Section 4(c) provides that actions such as measures required in emergencies involving the health and safety of persons within the wilderness areas may be taken as is "necessary to meet the minimum requirements for the administration of the area for the purposes of" wilderness.

Title I of the CDPA designated BLM areas as wilderness. Section 103(g) of the Act provided direction for managing law enforcement access in wilderness. This direction is unique among wilderness laws. Section 103(g) applies only to Title I wilderness areas designated in the CDPA (BLM and Forest Service managed areas) and it states that the prohibitions of the Wilderness Act of 1964 are not to "...be construed to preclude Federal, State, and local law enforcement agencies from conducting law enforcement and border operations as permitted before the date of enactment of this Act, including the use of motorized vehicles and aircraft, on any lands designated as wilderness by this Act."

This Annex (Annex 2) applies the key terms in Section 103(g) of the CDPA to the management of Title I (BLM/FS only) wilderness in the California Desert. The annex also prescribes the standards of the Wilderness Act, Section 4(c) to Title VI (NPS) wilderness.

Wilderness designation by Congress did not erase the existing roads nor alter the public's use patterns. Much of the wilderness designated by the CDPA is crossed by a network of existing motor vehicle trails, that are now closed by law to motor vehicle and mechanized transport use and landing of aircraft. In the initial phases of wilderness protection, education is a key tool. So too is the application of practical and pragmatic law enforcement methods. As the Federal agencies succeed in restoring degraded wilderness areas, the nature of the law enforcement methods will evolve and adapt to reflect the protected status of wilderness.

II. PRINCIPLES

1. Section 103(g) of the California Desert Protection Act (CDPA) modifies the preclusion on the use of motor vehicles, landing of aircraft, mechanized transport and motorized equipment established by the Wilderness Act, section 4(c), within Title I Federal agency administered wilderness areas established by the CDPA.
2. Section 103(g) applies to every Federal, State, and local law enforcement agency that exercises lawful authority over public conduct on the Title I wilderness areas designated by the CDPA.
3. The modification of the Wilderness Act established by Section 103(g) applies only to law enforcement and border operations on the lands that are now Title I wilderness where such activities were "permitted" prior to the wilderness designation. Section 103(g) does not limit the use of motor vehicles or motorized equipment, mechanized transport or the landing of aircraft in connection with law enforcement and border operations to only where such uses actually occurred on October 31, 1994.
4. "Law enforcement" for the purposes of this Annex means the application of any criminal or civil statutes, laws, ordinances, rules and regulations by a law enforcement officer of a Federal, State or local government agency. Law enforcement includes communications, surveillance, patrol, investigation, gathering of evidence, apprehension, detention or arrest of a suspect, citation, search and seizure, and the service of process.
5. "Border operations" means patrol via vehicle or aircraft, the detection, interdiction or apprehension of illegal aliens and/or contraband, and the installation of detection devices and the placement of fences in those wilderness boundaries that form part of the international boundary with the Republic of Mexico.
6. The provisions of Section 103(g) of the CDPA apply only to law enforcement and border operations. Section 103(g) does not apply to search and rescue, fire, emergency medical services and similar activities. Such issues are governed by the Wilderness Act, Section 4(c) or 4(d)1, and separate Annexes will address them.
7. The use of motor vehicles, landing of aircraft, mechanized transport and

motorized equipment on Federal lands that are designated as wilderness for law enforcement and border operations is subject, on Title I wilderness, to such reasonable conditions that the appropriate Federal land-managing agency may impose. Such uses in Title VI wilderness are subject to NPS determination as a necessary requirement for the administration of the area as wilderness.

8. The following standards govern motor vehicle, motorized equipment, mechanized transport use or landing of aircraft in wilderness created by the CDPA but each agency may impose additional or more restrictive standards:

a. Protection of wilderness is dependent upon the vigorous enforcement of applicable laws and regulations.

b. General or routine motor vehicle, motorized equipment, mechanized transport or aircraft landing for law enforcement, and border operations in wilderness is not authorized. Such uses are permissible only if vehicle use/landing of aircraft is the last reasonable means to enforce laws pertaining to wilderness resource protection and;

1. where on-going violations of law or regulations have been observed; or

2. when the law enforcement officer has reason to believe that a violation of Federal, State or local law is occurring, and when the resultant impacts of entering wilderness are justifiable; or

3. when the law enforcement officer has reason to believe that officer safety, prudence and proper police procedure justify such uses.

c. Law enforcement officers must be sensitive to wilderness designation and will minimize the use of motorized vehicle, mechanized transport and aircraft landings in wilderness. Convenience alone is not a justification for such uses in wilderness.

d. Each motor vehicle or motorized equipment use or landing of aircraft in wilderness will be documented by agency personnel on appropriate forms, as prescribed by each agency and reported by other Federal, State and local

agencies to the appropriate Area Manager or Park Superintendent. Such documentation is for the purpose of providing data for internal management oversight and review of problem areas.

e. During the initial phases of wilderness protection, greater use of vehicular access into wilderness may be employed but only as a strategy of limited duration, not to exceed two years after this Annex.

9. Area Managers and Superintendents are responsible to deploy and use non-vehicular ground patrol and passive devices, including signs, boundary notices, physical closures, maps and educational efforts to reduce and prevent illegal intrusions into wilderness.

10. The NPS and BLM will seek to enter into joint cooperative agreements with other Federal, State and local law enforcement agencies whose responsibilities require that they enforce the law on persons in BLM or NPS wilderness. A part of such agreements will provide more specific details as to protocols, procedures, notification, routes, means and reporting wilderness entries under Section 103(g) of the CDPA, and Section 4(c) of the Wilderness Act for Title VI wilderness.

11. NPS and BLM law enforcement officers and wilderness staff will ensure reclamation of any readily visible impacts to wilderness caused by motor vehicle, motorized equipment or aircraft use by law enforcement personnel.

12. Upon conviction, as part of the sentencing process, any costs of reclamation will be sought from violators in the form of restitution for the BLM or NPS.

13. The installation of BLM/NPS law enforcement radio repeaters in wilderness is not permitted except if it is determined, after the consideration of reasonable alternatives, to be the minimum requirement necessary for the administration of the area as wilderness (pursuant to Section 4(c) of the Wilderness Act). The consideration of reasonable alternatives means that the NPS or BLM will prepare an environmental assessment with public comment for such proposals. Alternatives to be considered include the possibility of consolidating repeater sites at existing locations or installing more than one repeater in nonwilderness, rather than a single repeater in wilderness. Cost alone should not disqualify an otherwise reasonable alternative from consideration.

SIGNATURES

Kimi R. Bissan

Manager, California Desert District

9/15/95
DATE

Judith D. Reed

Manager, Yuma District

9/15/95
DATE

Thomas J. Nault

Superintendent, Mojave National Preserve

9/15/95
DATE

R. ...

Superintendent, Death Valley National Park

9/15/95
DATE

Ernest Quintana

Superintendent, Joshua Tree National Park

9/15/95
DATE

Wesley ...

State Supervisor, U.S. Fish & Wildlife Service

9/15/95
DATE



PRINCIPLES GOVERNING FEDERAL WATER RIGHTS UNDER THE CALIFORNIA DESERT PROTECTION ACT

I. INTRODUCTION

The California Desert Protection Act 1994 (CDPA) is, along with the Arizona Wilderness Act of 1991, unique among wilderness legislation. Congress in Section 706 of the CDPA explicitly reserved a quantity of water sufficient to fulfill the purposes of the Act. The water rights reserved are specific to the wilderness areas located in California designated by the Act. The CDPA bypasses the debate over whether reserving Federal lands as "wilderness" establishes an implicit Federal reserved water right for that purpose.

Federal reserved water rights are a unique class of water right. Such rights are not established by the operation of State law and are exempt from State requirements for permits, diversion, actual use for beneficial purposes, forfeiture and abandonment. Such rights allow for the assertion of a Federal reserved water right to unappropriated water available on the date of the reservation (i.e., 10/31/94), but "only that amount of water necessary to fulfill the purpose of the reservation and no more." Federal reserved water rights only reserves pertinent water which is unappropriated on the date of the reservation (*Cappaert vs. US.*, 1976). Thus, the establishment of the CDPA Federal reserved water right does not and cannot infringe upon or undo any reserved or appropriated water rights existing on the date of the reservation, including those of the United States.

Section 706(b) mandates that the Secretary and all other officers of the United States take "all steps necessary to protect the rights reserved by this section". Hence, it is the responsibility of both the NPS and BLM to protect the explicit reserved water rights established under the CDPA.

In addition to the explicit reserved water rights of Section 706, the courts have long held that National Park System units, wilderness or non-wilderness, are Federal reservations to which attach an implicit Federal reserved water right. (*Arizona vs. CA*, 1963)

BLM and NPS will apply the following principles to discharge their responsibilities under Section 706 of the CDPA to manage and protect Federal reserved water rights. Each agency shall also incorporate their respective policies, guidelines, and administrative procedures in the performance of these duties.

II. PRINCIPLES

1. BLM in its wilderness planning process for each wilderness area, and NPS in its general planning process for each unit of the National Park System, will inventory all water sources within the boundaries of the wilderness area/system unit. This inventory should also include (1) identification of previously appropriated water rights of the United States under State law, (2) identification of riparian and groundwater rights of the United States, (3) identification of existing Federal reserved rights under authorities other than CDPA, e.g., public water reserves, and (4) quantification of the amount of water from the water source necessary to fulfill the purpose of the reservation.
2. BLM and NPS will identify as a Federal reserved water right all of the unappropriated water from any water source identified on federal lands within the boundaries of designated wilderness and/or Park areas in the California Desert. Such quantities are the minimum necessary to fulfill the purposes of the reservations which is to preserve, protect, and maintain the natural conditions of the wilderness and/or Park areas.
3. NPS and BLM will, as appropriate, share water source inventory data.
4. NPS and BLM will jointly request the California Division of Water Rights to inform the BLM and/or NPS of any filing for appropriated water rights that is located (1) within the boundaries of a BLM-administered wilderness area or National Park System unit in the California Desert, and (2) outside but adjacent to these boundaries if the appropriation may affect Federal reserved water rights necessary to fulfill the purpose of the reservation and/or appropriated water rights of the United States.
5. NPS and BLM will vigorously defend Federal reserved water rights of the wilderness areas and system units through the State of California administrative process and, if necessary, seek judicial remedy in the appropriate courts.

6. NPS and BLM will quantify the amount of water reserved to fulfill the purpose of the reservation as part of any adjudication in California in which the United States may be joined under the McCarran Amendment.

7. Where necessary, NPS and BLM should pursue acquisition of any existing non-Federal appropriated water right within their respective jurisdictions to enhance wilderness and park values.

8. Because use of percolating groundwater does not require a permit from the State of California, NPS and BLM will participate in local government proceedings that authorize non-Federal parties to withdraw percolating groundwater where such withdrawals may impact water sources within their respective jurisdictions to which Federal reserved water rights are attached.

9. NPS and BLM will participate in any proceedings pursuant to Nevada state water law that may authorize withdrawal of groundwater where such withdrawal may impact water sources within their respective jurisdictions to which Federal reserved or appropriated water rights are attached.

SIGNATURES

Kenn R. Bissan

Manager, California Desert District

9/15/95
DATE

Judith D. Reed

Manager, Yuma District

9/15/95
DATE

Marie Mout

Superintendent, Mojave National Preserve

9/15/95
DATE

R. R. Runtz

Superintendent, Death Valley National Park

9/15/95
DATE

Ernest Quintana

Superintendent, Joshua Tree National Park

9/15/95
DATE

Tom Kille

State Supervisor, U.S. Fish & Wildlife Service

9/15/95
DATE