

**Organ
Mountains-
Desert
Peaks
Wilderness**



Protecting Doña Ana County's Natural Heritage

Wilderness FAQ's

Question: What activities are permitted in wilderness?

Answer: Just about anything that is lawful activity and does not harm the wilderness or require a vehicle is permitted. A list of popular activities:

- Photography
- Bird watching
- Backpacking
- Climbing
- Hiking
- Camping
- Horseback riding
- Hunting
- Fishing

Wilderness is a "multiple-use" both in fact and in law. The "multiple-uses" of wilderness, according to law, include:

- protection of watersheds
- maintenance of soil and water quality, ecological stability and plant and animal gene pools
- habitat for wildlife, including rare and endangered species
- unsurpassed opportunities for outdoor recreation including hunting, fishing, hiking, and camping.

Question: Is motorized transportation totally prohibited in wilderness areas - even in emergencies?

Answer: Motorized and mechanized transportation is generally not allowed, however the Wilderness Act allows the use of vehicles where necessary to ensure the health and safety of people.

Question: Are mountain bikes allowed in wilderness?

Answer: Bikes are not permitted in wilderness. However, there are thousands of miles of mountain bike trails on non-wilderness Forest Service and BLM lands throughout the United States. In Organ Mountain-Desert Peaks, the Doña Ana Mountains and other mountain bike hotspots are not proposed for Wilderness.

Question: Does wilderness designation take property rights away from those who now hold water rights or private property within the proposed areas?

Answer: No. The Wilderness Act of 1964 specifically protects the exercise of "valid existing rights," including water rights and property rights.

Question: Are hunting and fishing allowed in wilderness areas?

Answer: Yes. Hunting and fishing are allowed in wilderness areas. The only exception is in wilderness in national parks, where hunting is usually prohibited because of the national park designation. Many hunters and anglers prize wilderness for its hunting and fishing opportunities, and for the ability to hunt without having game harassed or habitat degraded by motorized vehicles.

Question: Does wilderness designation prohibit livestock grazing?

Answer: No. Domestic livestock grazing is allowed in wilderness. New construction such as fences and spring developments are permissible where needed to protect resources, but not simply to increase livestock grazing numbers.

Question: Can fire and damaging insects be controlled in wilderness areas so they don't spread to surrounding lands?

Answer: Yes. Section 4(d)(1) of the Wilderness Act states that "such measures may be taken as necessary in the control of fires, insects and diseases" within wilderness.

Question: Doesn't wilderness designation discriminate against people with physical disabilities?

Answer: No. Those with disabilities may use wheelchairs within wilderness. The Americans With Disabilities Act of 1990 reaffirmed that nothing in the Wilderness Act should be construed as prohibiting the use of a wheelchair a wilderness area by individuals whose disability requires it. A report by the National Council on Disability found that "[a] significant majority of persons with disabilities surveyed very much enjoy the [National Wilderness Preservation System] and 76 percent do not believe that the restrictions on mechanized use stated in the Wilderness Act diminish their ability to enjoy wilderness. People with disabilities appear to visit the NWPS in the same ways and for the same reasons that people without disabilities do."

Question: How does wilderness designation affect water rights?

Answer: Wilderness designation does not affect existing water rights. Wilderness and all other reserved water rights date from the actual reservation. Thus, a wilderness bill signed into law in year 2000 bears a 2000 priority date, junior to all existing water rights. Thus, wilderness water rights would not supplant other, more senior rights. In addition, wilderness water rights apply only to unappropriated water. Because they are junior rights and not "super" rights, wilderness water rights are subject to availability of unappropriated water. A wilderness water right only ensures that when water is available, wilderness gets its fair share. Wilderness water rights are in-stream flow rights. They are not consumptive water rights. The water flows through and nourishes wilderness and the wildlife and habitat associated with it, then flows out, unpolluted and available for other uses. In sum, wilderness water rights fully respect other water rights on the stream. They cannot disrupt existing rights, facilities or project operations.