

Wilderness “501”

MVNP – Academy
June 5, 2012



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Frank Church



**Alice
Zahniser**

**President
Lyndon Johnson**

**Stewart
Udall**



List of Opposition

- * Mining industry
- * Timber industry
- * Grazing industry
- * Motorized industry
- * Water developers
- * Chamber of Commerce



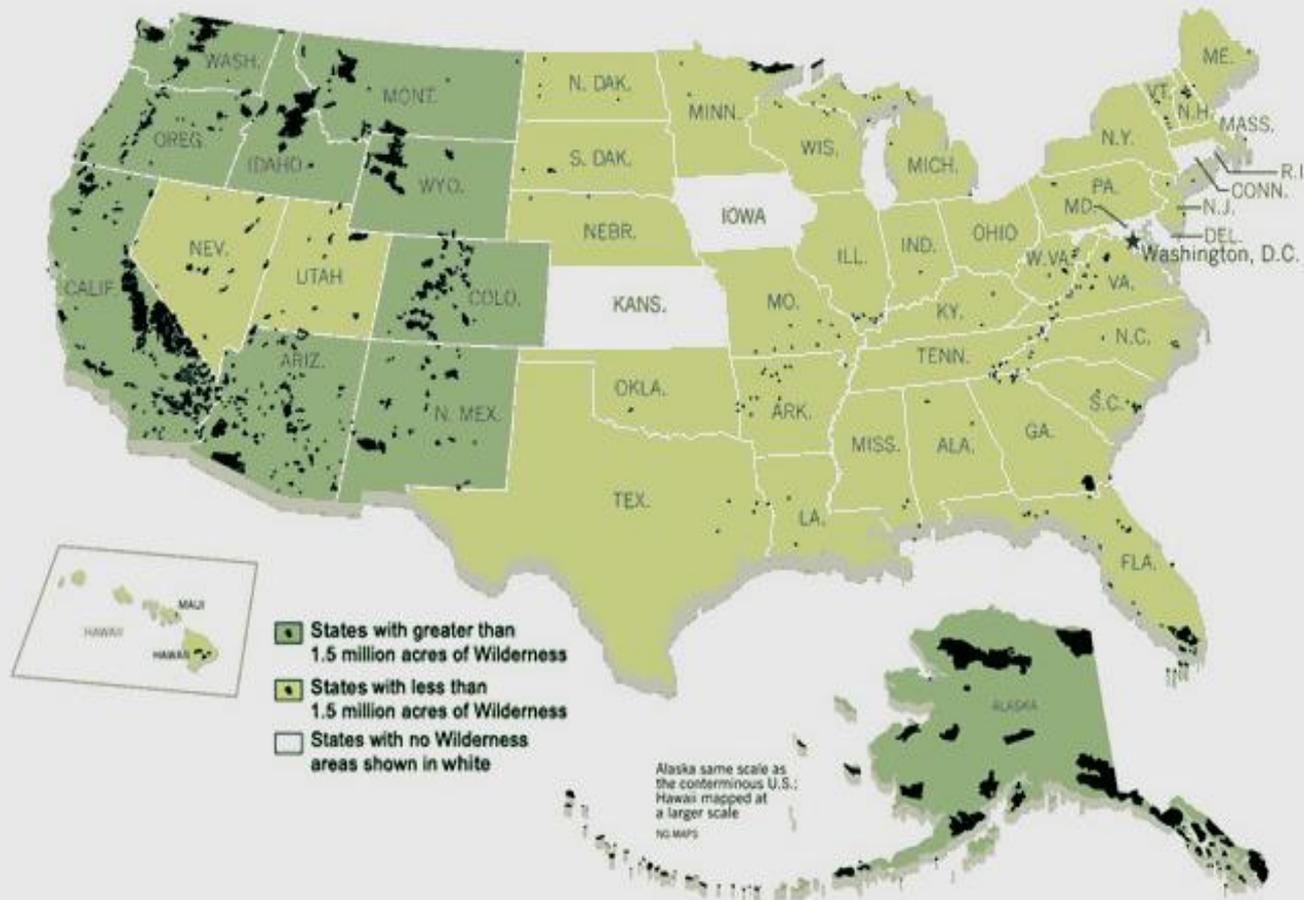
The Wilderness Bill

1956-1964

- **66 different re-writes**
- **6,000 pages of testimony**
- **19 public hearings**
 - 10 in the west and 9 in DC**
 - (Phoenix, Denver, Sacramento, Salt Lake City and Las Vegas)**



The National Wilderness Preservation System 1964-2012



Currently there are 757 areas covering 110 million acres

National Statistics

NWPS – 110 million acres, 757 units

44 States (except MD, CT, DE, IA, RI, KS) (*MC-DIRK*)

6% of US land mass

- NPS 40% 60 units
- FS 33% 439 units
- FWS 19% 71 units
- BLM 8% 222 units

Wilderness Act

P.L. 88-577, 1964, Sec. 1

- SHORT TITLE

Sec. 1. This Act may be cited as the “Wilderness Act”.

- “So called” Eastern Wilderness Act

No Sec. 1. No Short Title

Eastern Wilderness Areas Act (1975, P.L. 93-622)

(The Enduring Wilderness, Doug Scott, Pg. 71)

“So Called” Eastern Wilderness Act

Public Law 93-622

AN ACT

To further the purposes of the Wilderness Act by designating certain acquired lands for inclusion in the National Wilderness Preservation System, to provide for study of certain additional lands for such inclusion, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STATEMENT OF FINDINGS AND POLICY

SEC. 2. (a) The Congress finds that—

(1) in the more populous eastern half of the United States there is an urgent need to identify, study, designate, and preserve areas for addition to the National Wilderness Preservation System;

(2) in recognition of this urgent need, certain areas in the national forest system in the eastern half of the United States were designated by the Congress as wilderness in the Wilderness Act (78 Stat. 890); certain areas in the national wildlife refuge system in the eastern half of the United States have been designated by the Congress as wilderness or recommended by the President for such designation, and certain areas in the national park system in the eastern half of the United States have been recommended by the President for designation as wilderness; and

(3) additional areas of wilderness in the more populous eastern half of the United States are increasingly threatened by the pressures of a growing and more mobile population, large-scale industrial and economic growth, and development and uses inconsistent with the protection, maintenance, and enhancement of the areas' wilderness character.

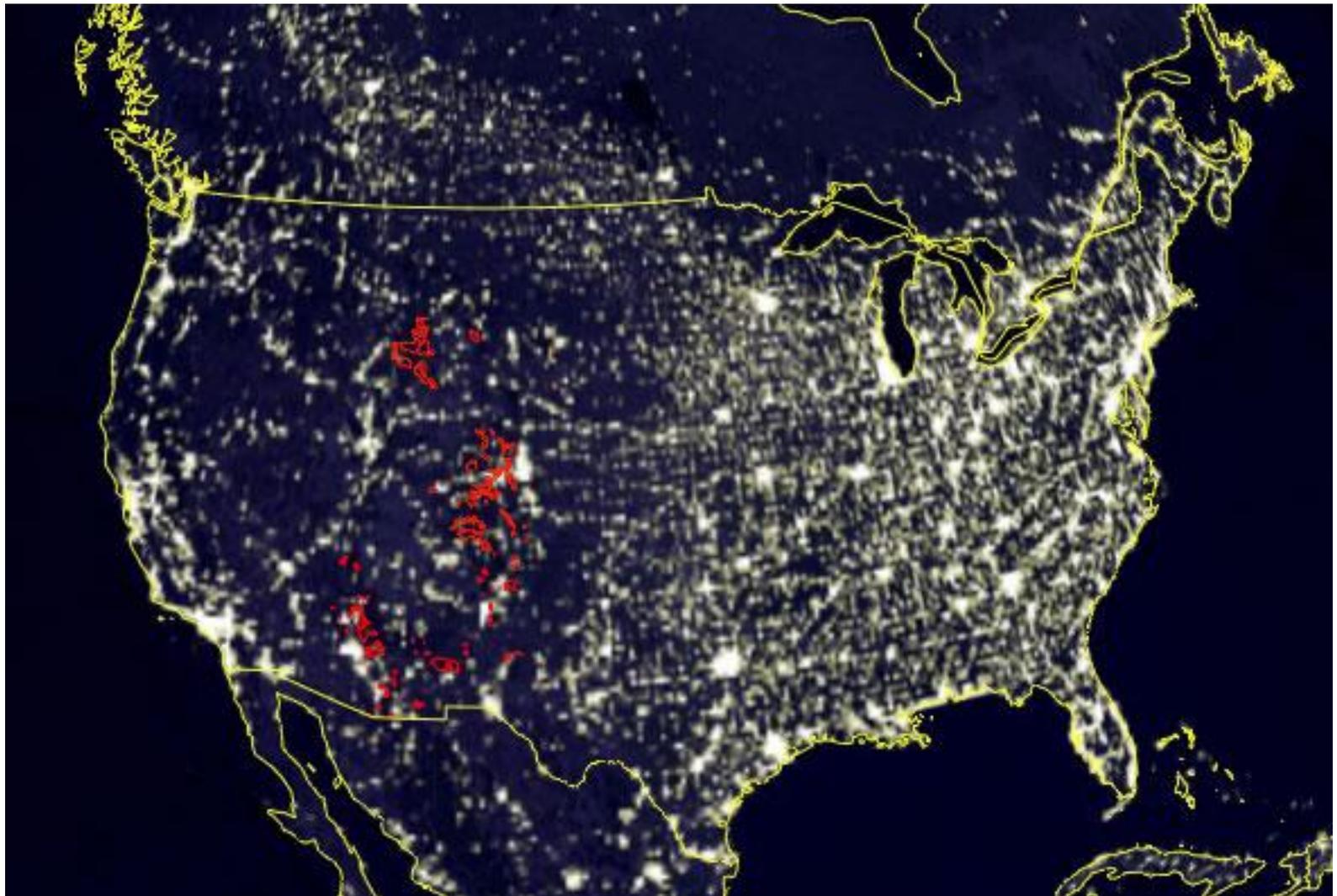
(b) Therefore, the Congress finds and declares that it is in the national interest that these and similar areas in the eastern half of the United States be promptly designated as wilderness within the National Wilderness Preservation System, in order to preserve such areas as an enduring resource of wilderness which shall be managed to promote and perpetuate the wilderness character of the land and its specific values of solitude, physical and mental challenge, scientific study, inspiration, and primitive recreation for the benefit of all of the American people of present and future generations.

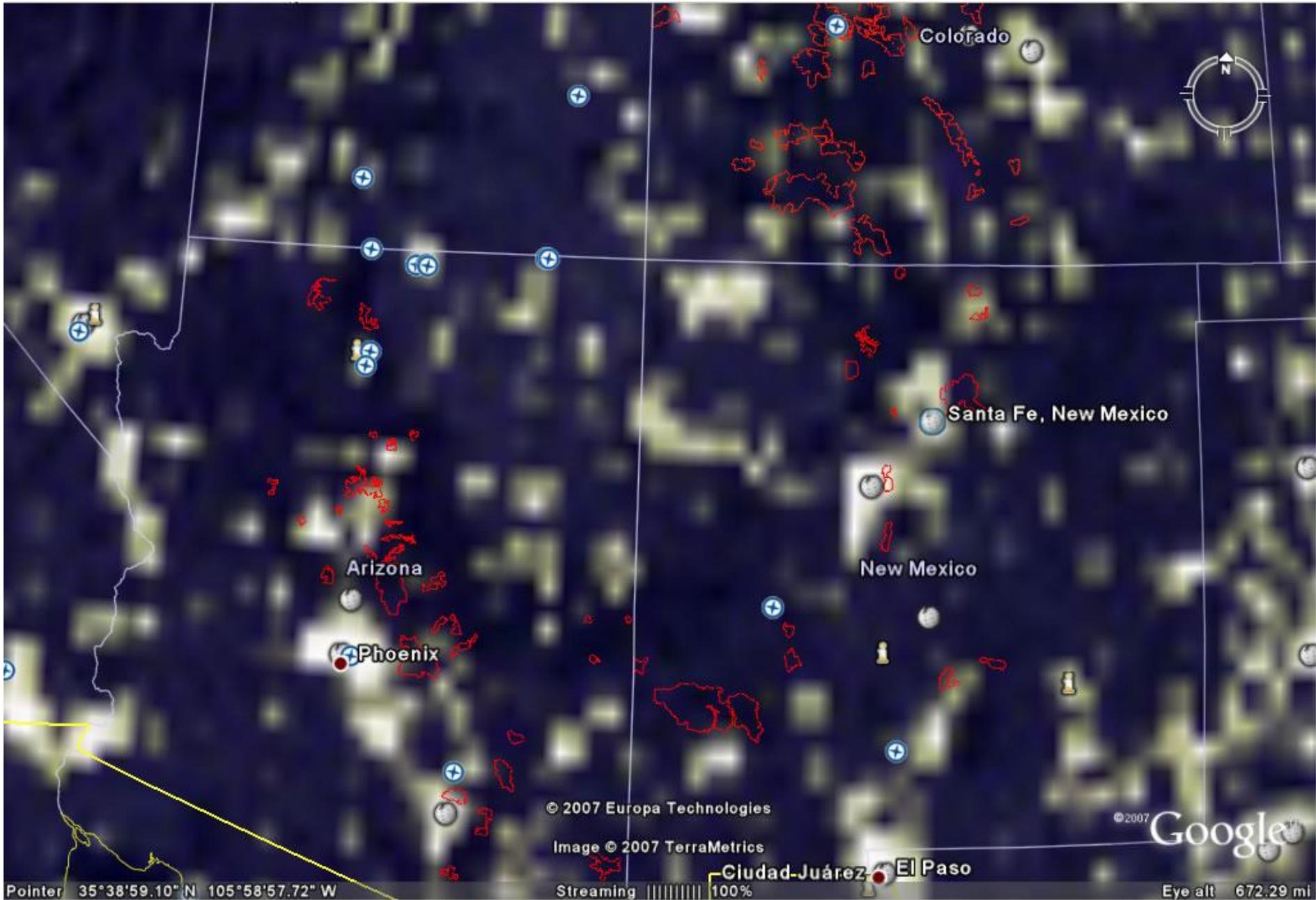


Wilderness Act

Sec. 2(a)

- In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.





Colorado



Santa Fe, New Mexico

Arizona

New Mexico

Phoenix

Ciudad-Juárez El Paso

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Pointer 35°38'59.10" N 105°58'57.72" W

Streaming 100%

Eye alt 672.29 mi

Wilderness Act

P.L. 88-577, 1964, Sec. 2(b)

-No appropriation shall be available for the payment of expenses or salaries for the administration of the NWPS as a separate unit nor shall any appropriation be available for additional personnel stated as being required solely for the purpose of managing or administering areas solely because they are included within the NWPS.

(78 STAT. 890/891)

-The Act was not an appropriation Act. Cong. Aspinall wanted to put the final nail in the coffin.



Wilderness Bill - H.R. 540

January 3, 1957 (85th Congress)

* Established National Wilderness Preservation Council

-Council shall serve without compensation but shall receive transportation expenses and in addition a per diem payment to be fixed by the Council, not to exceed \$25 per day...

-A sum sufficient to pay the necessary clerical and administrative expenses of the Council and its members, not to exceed an annual expenditure of \$50,000, and such additional sums as the Congress may decide for carrying out the purposes of the Council, including printing, are hereby authorized to be appropriated.

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Wilderness Act

P.L. 88-577, 1964, Sec. 2(b)

-The inclusion of an area in the NWPS notwithstanding, the area shall continue to be managed by the Department and agency having jurisdiction thereover immediately before its inclusion in the NWPS unless otherwise provided by Act of Congress.

-..Sangre de Cristo Wilderness and P.L. xx that established the Great Sand Dunes NP and Preserve, 2002.

-

Wilderness Act

P.L. 88-577, 1964, Sec. 2(c)

...an area where the earth and it's
community of life are
untrammelled by man, ...

*not subjected to human controls or
manipulations that hamper the free play of
natural forces-*

*not found anywhere else in federal statutes
(Harvey, 2005)*



Untrammeled

P.L. 88-577, 1964, Sec. 2(c)

Others used the word:

-“issued a plea that stretches of untrammeled wilderness be reserved....

Chief William Greeley, 1923

The Enduring Wilderness, Doug Scott, Pg. 2

...to provide the opportunity for complete self-sufficiency beyond the effete superstructure of urbanity, in the harsh untrammeled expanses.”

Bob Marshall, Scientific Monthly, 1930

The Enduring Wilderness, Doug Scott, Pg. 30



Untrammeled

P.L. 88-577, 1964, Sec. 2(c)

“The idea within the word “Untrammeled” of (wilderness areas) not being subjected to human controls and manipulations that hamper the free play of natural forces is the distinctive one that seems to make this word the most suitable one for its purpose within the Wilderness Bill.”

*Howard Zahniser,
April 25, 1959*

The Enduring Wilderness, Doug Scott, Pg. 2



Why 5,000 acres?

P.L. 88-577, 1964, Sec. 2(c)

DEFINITION OF WILDERNESS:

Sec. 2(c)(3) Has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition....



Why 5,000 acres?

P.L. 88-577, 1964, Sec. 3

1924 – Gila Wilderness established:

Leopold, Chief Greeley (seeking natl. policy) and Leon Kneipp (natl inventory) lead to promulgation of L-20 regulations (1929).



L-20 Regs. 1929:

Agency classification and regulations – 14 million acres.

No real protection; still allowed logging and road building.

U-Regs. 1939:

U-1 Wilderness – 100,000 acres and larger

U-2 Wild Areas 5,000 to 99,999 acres

Department classification and regulations.

Reclassification -9 million acres and 5 million still awaiting classification in 1964

No logging or roads.



(The Enduring Wilderness, Doug Scott, Pg. 35)

Extent of System

P.L. 88-577, 1964, Sec. 3(a)

Automatic: all NF wilderness, wild or canoe areas

“Within one year...file map...such descriptions shall have the same force and effect as if included in this Act: Provided, however, That correction of clerical and typographical errors in such legal descriptions and maps may be made.



Extent of System

P.L. 88-577, 1964, Sec. 3(b)

Each recommendation of the President for designation as “wilderness” shall become effective only if so provided by an Act of Congress.

Additional wilderness and wild areas may be designated for inclusion in this System by the Secretary of Agriculture. (H.R. 540, Sec. 2, Pg. 2232)

Gore Range-Eagles Nest Primitive Area

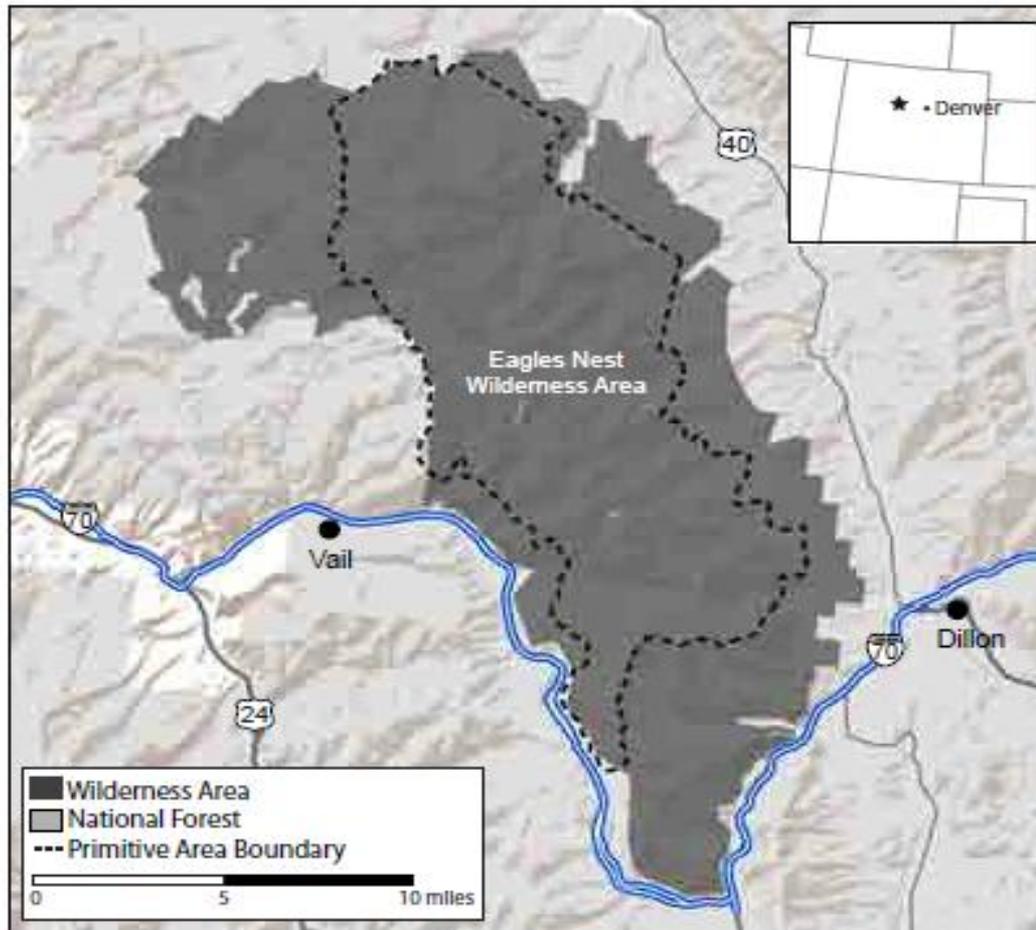
P.L. 88-577, 1964, Sec. 3(b)

- ...the Secretary of Agriculture may complete his review and delete such area as may be necessary, but not to exceed seven thousand acres, from the southern tip of the Gore Range-Eagles Nest Primitive Area, Colorado, if the Secretary determines that such action is in the public interest.

Gore Range/Eagles Nest Primitive Area

7,000 acres

Sec. Freeman's decision to deny –
(Cong. Record, May 17, 1986)



The Legislative Process: Sec. 3

Success or Kiss of Death?

- Subsequent wilderness legislation can only be designated by an Act of Congress (W. Act 1964).
- However, it fostered grassroots support for citizen's proposals of landscapes that may -or may- have been recommended by the agencies (Scapegoat Wilderness (introduced in 1965, established 1972 – not from roadless inventory-de facto wilderness).
- “Wilderness amnesia” creeps into the System from legislation that designates unqualifying landscapes which de-wild the Wilderness System and the wilderness idea. (Howie Wolke, Wilderness: Reclaiming the Legacy, pg.14).
- Also, allows legislative creep to develop with each new Congress (example: increased special provisions). Loss of institutional memory.

Congress- Institutional Memory

- Senator Daniel Inouye, D-HI
- Congressmen John D. Dingell, D-MI



Ramifications of Designation Process

P.L. 88-577, 1964, Sec. 3

- Congress can not only designate lands not recommended by the agencies, it can create “wilderness-lite.” Areas, such as Protected Areas, that are not included into the NWPS, but are legislatively protected.

Wilderness Act –Sec. 4(c)

P.L. 88-577, 1964

- Except as specifically provided for in this Act...there shall be no commercial enterprise and no permanent road....
- there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats,



Grazing – Wilderness Act

P.L. 88-577, 1964, Sec. 4(d)(4)

“.. the grazing of livestock, where established prior to the effective date of this Act **SHALL** be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.”

Grazing

S. 1176

“.. Where these practices have already become well established **MAY** be permitted to continue subject to such restrictions as the Chief of the Forest Service deems desirable.”

S. 1176, February 11, 1957



Reasonable Regulations

.. FS assured Sec. Stewart Udall and Zahniser that they already had the appropriate regulations in place to safeguard against grazing degradation.

The Enduring Wilderness, Doug Scott, 2004,
Pg. ??



Nonconforming Use

“.. Such practices **SHALL** be recognized as nonconforming use of the area...and **SHALL** be terminated whenever this can be effected with equity to, or in agreement with, those making such use.”

H.R. 540, January 1957 (Sec. 3(c)(2))

S. 1176, February 11, 1957



Nonconforming

~~Such~~ mining, grazing by domestic livestock, or other commodity use of any area in this system. ~~as provided for in this Act or~~ as ~~provided for~~ in this Act shall be recognized as a nonconforming use of the wilderness area involved and shall be considered as subject to termination whenever this can be ~~done~~ effected with equity to those making such use or whenever the national interest in such nonconforming use, ~~shall have ended~~ as determined by the Secretary of the department having jurisdiction of the area, shall have ~~been~~ ended.

and in agreement with,

Annual Reports

P.L. 88-577, 1964, Sec. 7

“ .. At the opening of each session of Congress, the Secretaries ...shall jointly report to the President for transmission to Congress on the status of the wilderness system...

Wilderness Act, 1964



Annual Reports

Congress rescinded the provision of the Wilderness Act that required land agencies to submit annual reports on the status of the wilderness system.

Paperwork Reduction Act, 1995
(Reclaiming, J. Dettmann, Pg. 27)

Why Do Parks Need Wilderness?

Question asked in 1920-30's

- Yellowstone NP – 1872 (for benefit and enjoyment)
Parks set aside for spectacular “wonders” scenery, geysers, waterfalls and towering peaks.

However, wilderness advocates of the 1920's and 30's soured on Parks because –from the very start –mixed preservation with promotion; more tourism, increasing comfortable access and facilities (Scott, Pg. 25).

“Parks could not be the means of preserving true wilderness” Leopold, 1921

“501” Resources

- www.wilderness.net

Law and policy

Toolbox – click on icon (topic)

- www.leopold.net

publication review – search engine

- <http://bulk.resource.org/gao.gov/88-577/index.htm>
(Scanned historical wilderness documents)

- www.thomas.gov

Congressional law, hearings and records



Click on a photograph above to visit the image library.

Welcome to Wilderness.net!

[Search Maps](#)

[National Wilderness](#)



[Preservation System](#)

**FIND A
WILDERNESS**

Wilderness.net Visitor Needs Survey Results: Thanks to all online visitors who completed the online survey, which was available during March-April, July-August and November-December of 2006. The results of this survey are currently being compiled and will be released during 2007.

About Us: Wilderness.net is an Internet-based tool connecting the natural resource workforce, scientists, educators, and the public to their wilderness heritage through ready access to wilderness information. Through Wilderness.net and its partners, you'll find access to general information about wilderness, stewardship and educational resources, scientific information, agency policies, relevant legislation, communication tools to connect you with others in the wilderness community and more. [More >>](#)

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- [What is "Wilderness"?](#)
 - [Wilderness timeline](#)
 - [Benefits](#)
 - [Threats](#)
 - [Wilderness Views](#)
- [Who manages wilderness?](#)
- [The 1964 Wilderness Act](#)

Management & Science

- [Law and policy](#)
- [Toolboxes](#) 
- [Management guidelines](#)
 - [Minimum requirements decision guide 2007](#)
 -  (forms and examples)
- [Wilderness character monitoring framework](#)
- [Wilderness access decision](#)

Training & Education

- [Agency employee training](#)
- [K-12 education](#)
- [University education](#)
- [Other education programs](#) (experiential education, wilderness medicine/survival etc.)

Partners

[Arthur Carhart](#)



[National Wilderness Training Center](#)

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[Wilderness](#)

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- Wilderness blogs
- Wilderness links, quotes, images, audio and video

Management & Science

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 - Minimum requirements decision guide 2008  (forms and examples)
 - Wilderness character monitoring framework
 - Wilderness access decision tool
- Agency-specific resources    
- Research
 - Graduate research
- Search tools
 - Wilderness data
 - Statistics reports
 - Wilderness laws
 - Issue toolboxes 
 - Management strategies for common wilderness recreation problems
- Wilderness images 

Training & Education

- Professional staff training 
- Online training courses 
- K-12 education
- University education
- Other education programs (experiential education, wilderness medicine/survival etc.)

Partners

Arthur Carhart



National Wilderness Training Center

Aldo Leopold



Wilderness Research Institute

The University of Montana



College of Forestry and Conservation's Wilderness Institute

Wilderness.net is a partnership project jointly managed by the above organizations.



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**“We are not fighting progress, we
are making it.”**

-Howard Zahniser

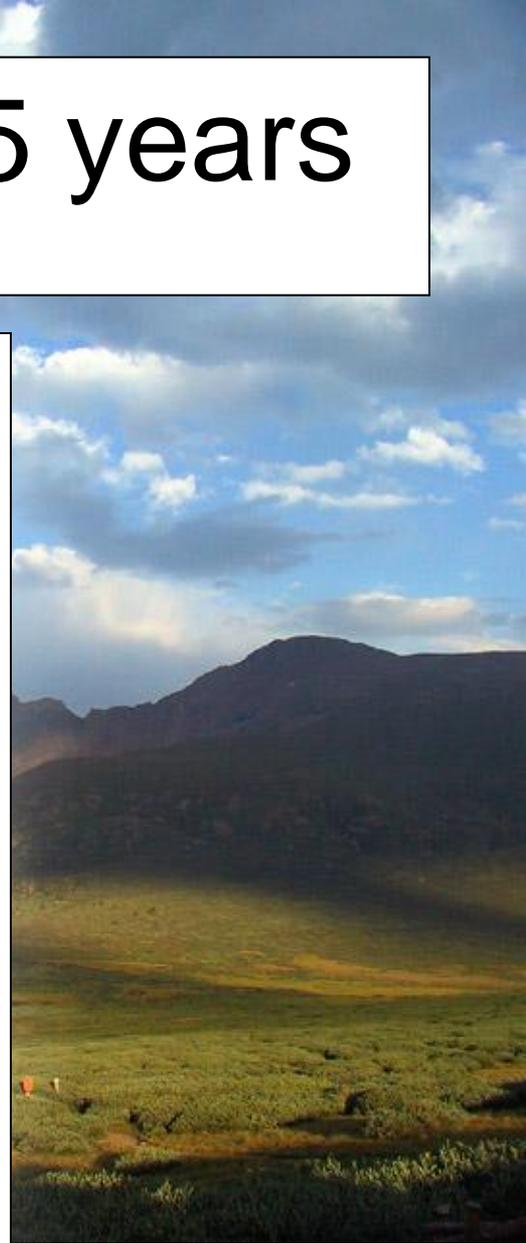




Wilderness Review – 25 years

“To make it tentative – every 25 years – is to be as dubious in a Wilderness Act as in a marriage vow would be inclusion of a similar periodic review.”

Living Wilderness, 1961



Wilderness Leaders



Bob Marshall



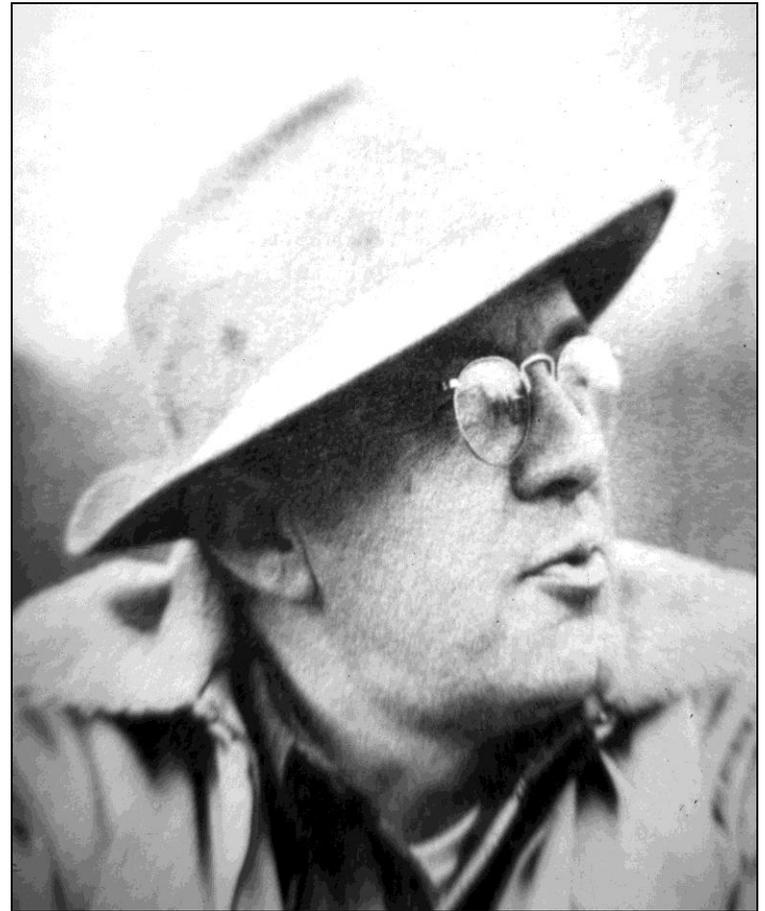
Aldo Leopold



Howard Zahniser

Howard Zahniser 1906-1964

“Zahnie”



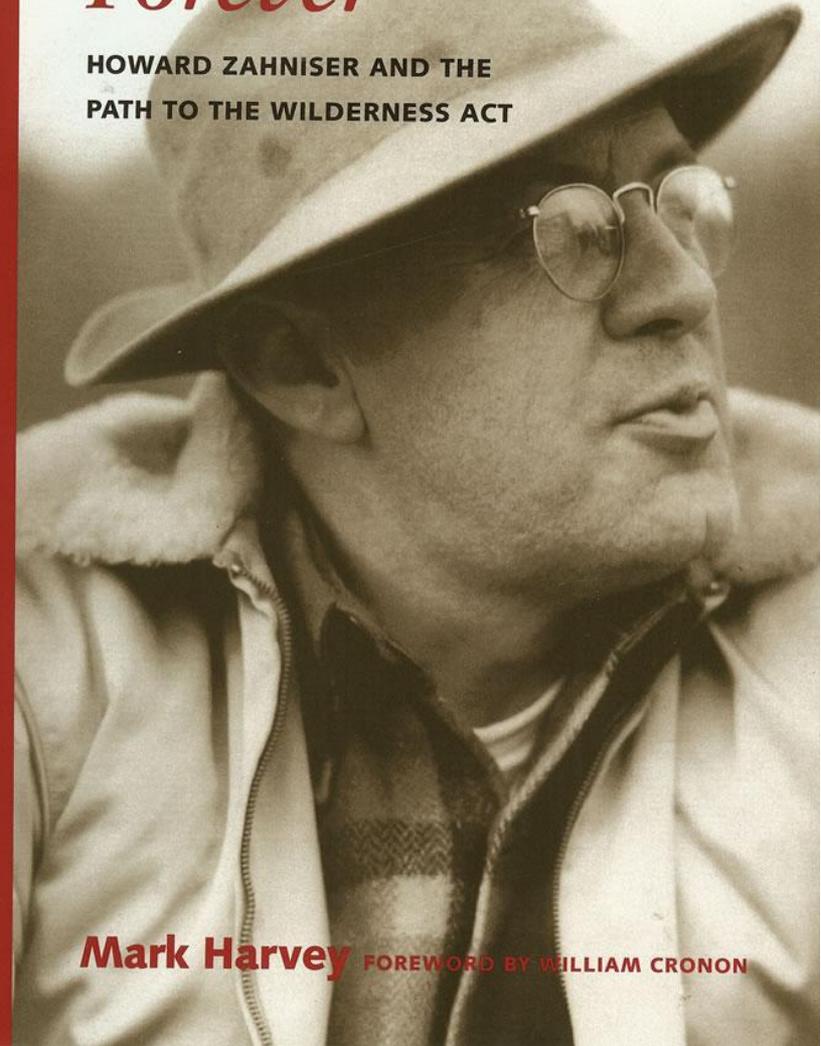
Howard Zahniser

HARVEY

Wilderness Forever

Wilderness Forever

HOWARD ZAHNISER AND THE
PATH TO THE WILDERNESS ACT



WASHINGTON



Mark Harvey FOREWORD BY WILLIAM CRONON



FS Director Bob Marshall

First FS Director of
Recreation and
Lands, 1937

32 years after Transfer
Act of 1905 that
established Forest
Reserves



Grazing – Phasing Out

“.. Such practices **SHALL** be recognized as nonconforming use of the area...and **SHALL** be terminated whenever this can be effected with equity to, or in agreement with, those making such use.”

H.R. 540, January 1957 (Sec. 3(c)(2))

S. 1176, February 11, 1957

Wilderness Act

P.L. 88-577, 1964, Sec. 3(b)

-composed of federally owned areas designated by Congress....

-..and no Federal lands shall be designated as “wilderness areas” except as provided for in this Act or by a subsequent Act.

-

R3/R2 Wildernesses

- R3 Stats: 54 wilderness units (28% of FS units)
-
- R2 Stats: 46 wilderness units (16% of FS units)
 - Largest R3 wilderness – Wilderness
 - Smallest R3 wilderness – Wilderness
 - Newest wilderness- E

Wilderness Council

A National Wilderness Preservation Council is hereby created to consist ex officio of the persons at the time designated as the Chief of the United States Forest Service, the Director of the National Park Service, the Director of the Fish and Wildlife Service, the Commissioner of Indian Affairs, the Secretary of the Smithsonian Institution, and also six citizen members.

Wilderness Act, S. 1176, 1957



Fire in Wilderness

P.L. 88-577, 1964

Special Provisions:

...such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

Sec. 4(d)(1)



Extent of System

P.L. 88-577, 1964, Sec. 3(b)

Only Congress designates wilderness

Each recommendation of the President for designation as “wilderness” shall become effective only if so provided by an Act of Congress.



Minimum Requirements

P.L. 88-577, 1964, Sec. 4(c)

Except As necessary to meet minimum requirements for the administration of the area for the purpose of this Act....”

What is necessary? Or, is it necessary?

What is minimum? Or, is it the minimum?

Minimum Requirements Decisions

P.L. 88-577, 1964, Sec. 4(c)

4c Prohibitions:

“...there shall be no....”

- **use of motorized equipment**
- **Form of mechanical transport**
- **Use of motor vehicles or motor boats**
- **Landing of aircraft**
- **Structure or installation**



Minimum Required

H.R. 540, January 3, 1957

Pg 15:

***“...use of motor vehicles, or motorboats, or landing of aircraft, nor any other transport, or delivery of persons or supplies, nor any structure or installation in excess of the minimum required for the administration of the area for the purposes of this Act.*”**



Minimum Requirements

P.L. 88-577, 1964, Sec. 4(c)

Conclusion:

“it does not say what is the minimum tool.....

It says what is the minimum requirement.

Line officers jump to the “tool” and need to be trained to ask is the proposal is the minimum requirement for the administration of the area.

Threats to Natl. Parks

Threat of dams:

“i

