ANALYSIS OF THE WILDERNESS BILL

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232 Carroll Street, N.W.
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WHAT THE BILL DOES --
AND DOES NOT DO

The opening section establishes a National Wilderness Preservation System and in subsection (a) points out the public purposes: "recreational, scenic, educational, conservation and historical use and enjoyment by the people."

Subsection (b) gives additional reasons why wilderness areas must be protected, and subsection (c) declares wilderness preservation for public use to be a policy of Congress. Areas that qualify, having retained "the principle attributes of their primeval character," are to be protected in National Parks, National Forests, National Wildlife Refuges or other public lands. Certain areas are to become part of the System with passage of this bill. Others may be added in accordance with procedures specified later in the bill. In all such areas "the preservation of wilderness shall be paramount." This means the areas are not exclusively for wilderness but that the wilderness values shall be considered of greater importance to the people than, say, logging or farming or anything that would destroy these special areas as wilderness. It does not prevent their use for purposes that will threaten them as wilderness.

Subsection (d) approves the policies of "multiple use" and "sustained yield" management that have been developed by the U. S. Forest Service of the Department of Agriculture for the National Forests.

Subsection (e) defines "wilderness," a term that holds different meanings for different people: a place where "man himself is a visitor who does not remain." This subsection also makes plain that for the practical purposes of this Act, the term means the areas designated in Section 2.

Section 1 is the "policy" section, setting forth principles and purpose. It does not, as some opponents have charged, set a policy of "special privilege" or "selfish interest." It

is interesting that such charges have been started by groups that want to use the public lands for commercial purposes and for private gain. No one will benefit in a financial or material way in the preservation of wilderness areas.

The benefits to human health and spirit, however, will be available to any American who wants to visit them, now or in future generations.

Wilderness policy, as spelled out in this bill, is a recognition of law of the policies developed by the Forest Service while pioneering the concept of wilderness preservation. It is essentially the same as the wilderness policy of the National Park System. It is in harmony with the important purposes for which National Wildlife Refuges have been established.

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Section 2 tells what areas make up the Wilderness Preservation System. Existing private rights now held in these areas, such as mining claims or mineral leases, are protected.

The Forest Service, acting without specific direction by Congress, has already set aside portions of National Forests for wilderness preservation. When first marked out for protection and study, such an area has been called "Primitive." Next the Service studies the area, revises the boundaries if necessary, and puts it into the "Wilderness Area" classification if it contains more than 100,000 acres. Tracts smaller than 100,000 acres are called "Wild Areas." There are three special areas in the wilderness canoe country of Minnesota that have been given the special designation of "Roadless Areas."

There are now 44 primitive areas in the National Forests, with a total of 8,355,983 acres. An even dozen have been reclassified as "Wilderness Areas" and, combined, total 4,725,077 acres. Twenty-one "Wild Areas" have 726,168 acres. The Minnesota "Roadless Areas" total 1,038,743 acres.

Altogether the Primitive, Wilderness, Wild and Roadless Areas total 14,395,971 acres. This is only 8 per cent of the 181 million acres in the National Forests. Most of these areas are in high or steep mountain country where logging, grazing and mining must be restricted anyway to protect the watersheds.

The Bill gives the Secretary of Agriculture (Forest Service) ten years to complete the task of studying and reclassifying the 44 primitive areas. Additional National Forest areas

can be included in the Wilderness System only under procedures that include public notice, a public hearing, and (in subsection (f) below) submission of the plan to Congress for approval or disapproval.

Subsection (b) tells how areas within the National Park System will become part of the Wilderness System. Any park or monument with a unit or contiguous area containing at least 5,000 acres without roads is potentially a part of the Wilderness System. The National Park Service estimated for the Senate Committee that there are 46 such areas. The Secretary of the Interior would be given ten years to designate such units and decide what part of each unit should be used for roads, buildings and other facilities needed to accommodate Park visitors. If the Secretary (National Park Service) hasn't completed the mapping job within ten years, any National Park or Monument containing 5,000 acres or more of roadless country would become automatically a part of the Wilderness System. Wilderness preservation also has been an established policy that the National Park Service has developed under acts of Congress creating the National Park System.

Areas that qualify within the National Wildlife Refuges and National Game Ranges would become part of the Wilderness System under procedures spelled out in subsection (c). Only larger areas would qualify and even if they were large enough, refuge areas where water levels and vegetation are artifically controlled or manipulated to produce food and cover for wildlife would not qualify as wilderness. They are good refuges but not necessarily wilderness. Only about 20 of the 275 National Wildlife Refuges would be in the Wilderness System.

A way is provided here for establishment of Wilderness Areas on Indian Reservations. The bill says "after consultation" with the Indians, but sponsors of the bill have agreed to change this. Such lands really belong to the Indians, not to the public, and are only held in trust by the government. Wilderness Bill sponsors recognize this and have said they would agree to changing subsection (d) to make it clear Wilderness Areas can be established on reservations only if the Indians give their consent.

It is conceivable that some other federal agency, such as the Defense Department, might own or control an area suitable for inclusion in the Wilderness Preservation System. There are a few areas of true wilderness owned by private individuals. It is conceivable that some of these areas might in the future be given or transferred to the federal government for wilderness preservation. Subsection (e) makes it possible to accept such areas.

Subsection (f) should be studied carefully. It provides specifically how existing Wilderness Areas may be changed, or how areas may be added to or eliminated from the System. Public notice must be given for 90 days. A hearing will be held if there is

public demand for it. Then the change, addition or elimination could be made only if Congress did not disapprove within 120 days. In other words, such changes would normally be carried out by the administrative agencies, in accordance with these rules, but Congress would have 120 days in which to take action if necessary. The public would always be informed.

Within some of the existing wilderness areas of National Forests, National Parks and Wildlife Refuges there are scattered tracts of privately-owned land. This would give the government authority to buy such "in-holdings." However, Congress would first have to appropriate the funds for any such acquisition.

It is not true, as some opponents have asserted, that the Wilderness Bill would "blanket in" new areas not now designated as wilderness or primitive in the National Forests or already included within National Parks or Wildlife Refuges. Additions could be made only through a prolonged, public procedure, and Congress, representing all the people, would have the final say.

It is not true the bill would "freeze" or "lock up" such material resources as timber and minerals for all time. This is another false argument used by opponents. Congress can abolish or change any wilderness area at any time by passing a bill. The President can open any area for mining, if needed in the national interest, under Section 3 (c) (2) below. And as pointed out above, the bill itself provides an orderly procedure for changing Wilderness Areas.

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Section 3 spells out the permitted uses of the Wilderness areas. It is more lenient than many have been led to believe. It does say, in subsection (b), that use of roads, motor vehicles, motorized equipment, or motorboats, the landing of aircraft or other mechanical transport or delivery of persons or supplies, shall be held to the minimum required for administration of the areas in accordance with the purposes spelled out in the Act. One sentence requires management of the areas so as "to protect and preserve the soil and the vegetation thereon beneficial to wildlife." This requires control of fire and overgrazing and such measures as hunting to prevent overbrowsing by wild game, although hunting would not be allowed in the National Parks or in refuge areas maintained as sanctuaries.

The bill would not, as some have mistakenly claimed, close any area to hunting or fishing where these forms of recreation are now permitted. National Parks, of course, have always been closed to hunting by law, although fishing is permitted. Certain wildlife refuges also are closed to hunting under law. The National Forests are open to public hunting and

and fishing except where special sanctuaries have been set aside by State action.

In the special provisions spelled out under subsection (c):

Grazing and the use of aircraft or motorboats may be continued on any National Forest area where now permitted. These uses would be subject to such restrictions as the Chief of the Forest Service deems desirable. This would not be adding anything new here because the Forest Service now has the authority to make such restrictions.

The President of the United State could open any National Forest wilderness area to prospecting and mining, or permit reservoir construction, in the national interest. The President also could permit such measures as he deemed necessary, including road construction, for the control of forest insects and disease.

The laws and regulations now in force for the Roadless Areas in Minnesota are reaffirmed. Where motorboats are now permitted, their use may be continued.

Where mineral leasing or other commercial developments are now permitted under the executive order or law establishing any National Wildlife Refuge, such uses may continue.

No claim is made to exemption from state water laws on Wilderness Areas.

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Section 4 sets up a National Wilderness Preservation Council. It would be composed of the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of the Smithsonian Institution, plus three citizens appointed by the President and confirmed by the Senate. One of the citizen members would be designated as chairman. The Smithsonian official would serve as Secretary of the Council and keep its office and records.

Members of the Council would serve without pay except for reimbursement of expenses while attending Council meetings. Such reimbursement could not exceed actual transportation costs plus $50 per day.

Appropriations by Congress for Council operations, including the making of surveys and publishing maps and reports, could not exceed 100,000 per year.

Critics have said the Council would be a "super-agency" interfering with the administrative agencies, such as the Forest Service and Park Service, that have responsibility for managing the areas. Persons who make this charge either haven't read the bill or are intentionally spreading misinformation.

The Council would have absolutely no administrative jurisdiction over any area of land. It could issue no orders to, or countermand no orders of, any agency of government. Its duties would be fact-finding, informational and advisory only. Nor would its advice be required. No administrative agency would have to consult the Council before taking any action.

The Council would provide a central place where any citizen or any Congressman could go to find out about Wilderness Areas and wilderness policy, without having to wade through the red tape of four or five separate bureaus in two or more Executive departments.

Opponents also have said the Council would be a "built-in lobby," but this is not true, for the Council would simply make recommendations to Congress and would have no staff for lobbying purposes. Half its members would be government officials. If there is any truth at all in this "built-in lobby" claim, it is equally true of the grazing advisory boards set up for the public land under the Taylor Grazing Act, the state and local committees created by law to run the farm conservation programs, or the Advisory Board on National Parks and Historic Sites. It is equally true of many other advisory and quasi-administrative boards, committees and councils previously created by acts of Congress.

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In the over-all view, the bill does the following important things to protect the public interest in preserving some Wilderness Areas for public use:

1. It establishes wilderness preservation as a policy of Congress and applies this policy to areas of federal land, such as parks, forests and refuges, where wilderness preservation fits in with other programs.

2. It makes it impossible for a bureau chief or Cabinet officer to abolish a Wilderness Area, reduce it in size or add to it, merely be affixing his signature to an executive order.

3. It gives the general public -- the people who own the public lands -- a voice in saying what shall be done with the Wilderness Areas. This voice

would be exercised in two ways -- at public hearings, and through their elected representatives in Congress.

These three things are the reasons why the Wilderness Bill have been proposed.