

87TH CONGRESS
1ST SESSION

S. 174

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 1961

Ordered to be printed as passed

AN ACT

To establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Wilderness
5 Act".

6 WILDERNESS SYSTEM ESTABLISHED

7 STATEMENT OF POLICY

8 SEC. 2. (a) The Congress recognizes that an increas-
9 ing population, accompanied by expanding settlement and
10 growing mechanization, is destined to occupy and modify all
11 areas within the United States and its possessions except

1 those that are designated for preservation and protection in
2 their natural condition. It is accordingly declared to be the
3 policy of the Congress of the United States to secure for the
4 American people of present and future generations the bene-
5 fits of an enduring resource of wilderness. For this purpose
6 there is hereby established a National Wilderness Preserva-
7 tion System to be composed of federally owned areas in the
8 United States and its possessions to be administered for the
9 use and enjoyment of the American people in such manner
10 as will leave them unimpaired for future use and enjoyment
11 as wilderness, and so as to provide for the protection of these
12 areas, the preservation of their wilderness character, and for
13 the gathering and dissemination of information regarding
14 their use and enjoyment as wilderness.

15 **DEFINITION OF WILDERNESS**

16 (b) A wilderness, in contrast with those areas where
17 man and his own works dominate the landscape, is hereby
18 recognized as an area where the earth and its community
19 of life are untrammelled by man, where man himself is a
20 visitor who does not remain. An area of wilderness is fur-
21 ther defined to mean in this Act an area of undeveloped
22 Federal land retaining its primeval character and influence,
23 without permanent improvements or human habitation,
24 which is protected and managed so as to preserve its natural
25 conditions and which (1) generally appears to have been

1 affected primarily by the forces of nature, with the imprint
2 of man's works substantially unnoticeable; (2) has out-
3 standing opportunities for solitude or a primitive and un-
4 confined type of recreation; (3) is of sufficient size as to
5 make practicable its preservation and use in an unimpaired
6 condition; and (4) may also contain ecological, geological,
7 or other features of scientific, educational, scenic, or his-
8 torical value.

9 NATIONAL WILDERNESS PRESERVATION SYSTEM

10 EXTENT OF SYSTEM

11 SEC. 3. (a) The National Wilderness Preservation
12 System (hereafter referred to in this Act as the wilderness
13 system) shall comprise (subject to existing private rights)
14 such federally owned areas as are established as part of such
15 system under the provisions of this Act.

16 NATIONAL FOREST AREAS

17 (b) (1) The wilderness system shall include all areas
18 within the national forests classified on the effective date of
19 this Act by the Secretary of Agriculture or the Chief of the
20 Forest Service as wilderness, wild, primitive, or canoe:
21 *Provided*, That the areas classified as primitive shall be sub-
22 ject to review as hereinafter provided. Following enact-
23 ment of this Act, the Secretary of Agriculture shall, within
24 ten years, review, in accordance with paragraph C, sec-
25 tion 251.20, of the Code of Federal Regulations, title 36,

1 effective January 1, 1959, the suitability of each primitive
2 area in the national forests for preservation as wilderness
3 and shall report his findings to the President. Before the
4 convening of Congress each year, the President shall advise
5 the United States Senate and House of Representatives of
6 his recommendations with respect to the continued inclu-
7 sion within the wilderness system, or exclusion therefrom,
8 of each area on which review has been completed in the
9 preceding year, together with maps and definition of bound-
10 aries: *Provided*, That the President may, as a part of his
11 recommendations, alter the boundaries existing on the date of
12 this Act for any primitive area to be continued in the wilder-
13 ness system, recommending the exclusion and return to
14 national forest land status of any portions not predominantly
15 of wilderness value, or recommending the addition of any
16 contiguous area of national forest lands predominantly of
17 wilderness value: *Provided further*, That following such
18 exclusions and additions any primitive area recommended to
19 be continued in the wilderness system shall not exceed the
20 area classified as primitive on the date of this Act. The
21 recommendation of the President with respect to the con-
22 tinued inclusion in the wilderness system, or the exclusion
23 therefrom of a primitive area, or portions thereof, shall
24 become effective subject to the provisions of subsection (f)

1 of this section: *Provided*, That if Congress rejects a recom-
2 mendation of the President and no revised recommendation
3 is made to Congress with respect to that primitive area
4 within two years, the land shall cease to be a part of the
5 wilderness system and shall be administered as other national
6 forest lands: *And provided further*, That primitive areas
7 with respect to which recommendations are submitted to Con-
8 gress on the eighth, ninth, and tenth years of the review
9 period herein provided shall retain their status as a part of the
10 wilderness system until the expiration, in respect to each
11 area, of a full session of Congress, two years for resubmission
12 of revised recommendations to Congress by the President,
13 and, if so resubmitted, until the expiration of a full session of
14 Congress thereafter. Recommendations on all primitive areas
15 not previously submitted to the Congress shall be made
16 during the tenth year of the review period. Any primitive
17 area, or portion thereof, on which a recommendation for
18 continued inclusion in the wilderness system has not become
19 effective within fourteen years following the enactment of
20 this Act shall cease to be a part of the wilderness system
21 and shall be administered as other national forest land.

22 (2) The purposes of this Act are hereby declared to
23 be within and supplemental to but not in interference with
24 the purposes for which national forests are established as

1 set forth in the Act of June 4, 1897 (30 Stat. 11), and
2 the Multiple Use-Sustained Yield Act of June 12, 1960,
3 Public Law 86-517 (74 Stat. 215).

4 NATIONAL PARK SYSTEM AREAS

5 (c) (1) There shall be incorporated into the wilderness
6 system, subject to the provisions of and at the time provided
7 in this section, each portion of each park, monument, or
8 other unit in the national park system which on the effective
9 date of this Act embraces a continuous area of five thousand
10 acres or more without roads. Within ten years after the
11 effective date of this Act the Secretary of the Interior shall
12 review the units of the national park system and shall report
13 his recommendations for the incorporation of each such
14 portion into the wilderness system to the President. Before
15 the convening of Congress each year, the President shall
16 advise the United States Senate and the House of Repre-
17 sentatives of his recommendations with respect to the incor-
18 poration into the wilderness system of each such portion for
19 which review has been completed in the preceding year,
20 together with maps and definitions of boundaries. The rec-
21 ommendation of the President with respect to each such por-
22 tion shall become effective subject to the provisions of sub-
23 section (f) of this section.

24 (2) The Secretary of the Interior shall include, as part
25 of his recommendations to the President under the provisions

1 of this subsection, a description of the parts of each park,
2 monument, or other unit submitted which should be reserved
3 for roads, motor trails, buildings, accommodations for visitors,
4 and administrative installations. Such parts shall be deter-
5 mined in accordance with the procedures for rulemaking un-
6 der section 4 of the Administrative Procedure Act (5
7 U.S.C. 1003), except that the public notice required
8 under such section shall be at least ninety days prior to the
9 determination proceedings. No designation of an area for
10 roads, motor trails, buildings, accommodations for visitors,
11 or administrative installations shall modify or affect the ap-
12 plication to that area of the provisions of the Act approved
13 August 25, 1916, entitled "An Act to establish a National
14 Park Service, and for other purposes" (39 Stat. 535; 16
15 U.S.C. 1 and following). The accommodations and installa-
16 tions in such designated areas shall be incident to the con-
17 servation and use and enjoyment of the scenery and the nat-
18 ural and historical objects and flora and fauna of the park
19 or monument in its natural condition. Further, the inclu-
20 sion of any area of any park, monument, or other unit of the
21 national park system within the wilderness system pursuant
22 to this Act shall in no manner lower the standards evolved
23 for the use and preservation of such area in accordance with
24 such Act of August 25, 1916, the statutory authority under
25 which the area was created, or any other Act of Congress

1 which might pertain to or affect such area, including, but not
2 limited to, the Act of June 8, 1906 (34 Stat. 225; 16
3 U.S.C. 432 and following); section 3(2) of the Fed-
4 eral Power Act (16 U.S.C., sec. 796(2)); and the Act of
5 August 21, 1935 (49 Stat. 666; 16 U.S.C., sec. 461 and
6 following).

7 NATIONAL WILDLIFE REFUGES AND GAME RANGES

8 (d) There shall be incorporated into the wilderness sys-
9 tem, subject to the provisions of and at the time provided in
10 this section, such portions of the wildlife refuges and game
11 ranges established prior to the effective date of this Act
12 under the jurisdiction of the Secretary of the Interior
13 as he may recommend for such incorporation to the President
14 within ten years following the effective date of this Act.
15 Before the convening of Congress each year the Presi-
16 dent shall advise the United States Senate and the
17 House of Representatives of his recommendations with re-
18 spect to the incorporation into the wilderness system of
19 each area recommended for such incorporation by the Sec-
20 retary of the Interior during the preceding year, together
21 with maps and definitions of boundaries. The recommenda-
22 tion of the President with respect to each area shall become
23 effective subject to the provisions of subsection (f) of this
24 section.

MODIFICATION OF BOUNDARIES

1

2 (e) Any proposed minor modification or adjustment of
3 boundaries of any portion of the wilderness system estab-
4 lished in accordance with this Act shall be made by the ap-
5 propriate Secretary after public notice of such proposal by
6 publication in a newspaper having general circulation in the
7 vicinity of such boundaries and public hearing to be held in
8 such vicinity not less than ninety days after such notice if
9 there is sufficient demand during such ninety days for such
10 hearing. The proposed modification or adjustment shall then
11 be recommended with map and description thereof to the
12 President. The President shall advise the United States Sen-
13 ate and the House of Representatives of his recommendations
14 with respect to such modification or adjustment and such
15 recommendations shall become effective subject to the pro-
16 visions of subsection (f) of this section.

17

EFFECTIVE DATE OF PRESIDENT'S RECOMMENDATIONS

18 (f) Any recommendation of the President made in ac-
19 cordance with the provisions of this section shall take effect
20 upon the day following the adjournment sine die of the first
21 complete session of the Congress following the date or dates
22 on which such recommendation was received by the United
23 States Senate and the House of Representatives; but only

1 if prior to such adjournment neither the Senate nor the House
2 of Representatives shall have approved a resolution declaring
3 itself opposed to such recommendation: *Provided*, That in
4 the case of a recommendation covering two or more separate
5 areas, such resolution of opposition may be limited to one
6 or more of the areas covered, in which event the balance
7 of the recommendation shall take effect as before provided:
8 *Provided further*, That where a resolution of opposition to
9 any such recommendation has been introduced, a hearing
10 thereon shall be held within thirty days by the committee to
11 which such resolution has been referred. Any such resolu-
12 tion shall be subject to the procedures provided under the
13 provisions of sections 203 through 206 of the Reorganization
14 Act of 1949 (5 U.S.C., secs. 133z-12—133z-15) for a res-
15 olution of either House of Congress.

16 EFFECT OF PUBLIC NOTICE OF PROPOSED ADDITION TO
17 WILDERNESS SYSTEM

18 (g) Public notice when given by either the Secretary
19 of the Interior or the Secretary of Agriculture that any area
20 is to be proposed under the provisions of this Act for incor-
21 poration as part of the wilderness system shall segregate
22 such area from any or all appropriation under the public land
23 laws to the extent deemed necessary by such Secretary.
24 Such segregation shall terminate (1) upon rejection of such
25 proposal by the President, (2) upon approval by the Senate

1 or the House of Representatives of a resolution opposing the
2 incorporation of such area in the wilderness system, or (3)
3 five years after the date of such notice if the proposal to
4 incorporate such area as part of the wilderness system has not
5 been submitted to both Houses of Congress prior to the ex-
6 piration of such five years.

7 ADDITION OR ELIMINATION NOT PROVIDED FOR IN THIS ACT

8 (h) The addition of any area to, or the elimination of
9 any area from, the wilderness system which is not specifically
10 provided for under the provisions of this Act shall be made
11 only after specific affirmative authorization by law for such
12 addition or elimination.

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13 ADDITIONAL REQUIREMENTS WITH RESPECT TO
14 RECOMMENDATIONS

15 (i) (1) The Secretary of Agriculture and the Secretary
16 of the Interior shall each, in submitting any recommendations
17 to the President with respect to any area's retention in or
18 incorporation into the wilderness system, include with such
19 recommendations the independent views of the Governor
20 of the State in which such area is located with respect to the
21 Secretary's recommendations generally, unless no reply is
22 received from such Governor within ninety days after such
23 recommendations are submitted to him and his views thereon
24 requested.

25 (2) Views submitted to the President under the provi-

1 sions of (1) of this subsection with respect to any area shall
2 be included with any recommendations to Congress with re-
3 spect to such area.

4 STATE LANDS SURROUNDED BY WILDERNESS SYSTEM

5 (j) In any case where State-owned land is completely
6 surrounded by lands incorporated into the wilderness system
7 such State shall be given either (1) such rights as may
8 be necessary to assure adequate access to such State-owned
9 land by such State and its successors in interest, or (2)
10 vacant, unappropriated and land in the same State, not
11 exceeding the value of the surrounded land, in exchange
12 for the surrounded land.

13 ACQUISITION OF CERTAIN PRIVATELY OWNED LANDS
14 WITHIN THE WILDERNESS SYSTEM

15 SEC. 4. The Secretary of the Interior and the Secretary
16 of Agriculture are each authorized to acquire as part of the
17 wilderness system any privately owned land within any por-
18 tion of such system under his jurisdiction, subject to the ap-
19 proval of any necessary appropriations by the Congress.

20 GIFTS OR BEQUESTS OF LAND

21 SEC. 5. The Secretary of Agriculture and the Secretary
22 of the Interior may each accept gifts or bequests of land
23 for preservation as wilderness, and such land shall on accept-
24 ance become part of the wilderness system. Regulations
25 with regard to any such land may be in accordance with

1 such agreements, consistent with the policy of this Act,
2 as are made at the time of such gift, or such conditions,
3 consistent with such policy, as may be included in, and
4 accepted with, such bequest.

5 USE OF THE WILDERNESS

6 OTHER PROVISIONS OF LAW

7 SEC. 6. (a) Nothing in this Act shall be interpreted
8 as interfering with the purposes stated in the establishment
9 of, or pertaining to, any park, monument, or other unit of
10 the national park system, or any national forest, wildlife
11 refuge, game range, or other area involved, except that
12 any agency administering any area within the wilderness
13 system shall be responsible for preserving the wilderness
14 character of the area and shall so administer such area for
15 such other purposes as also to preserve its wilderness char-
16 acter. Except as otherwise provided in this Act, the wilder-
17 ness system shall be devoted to the public purposes of recrea-
18 tional, scenic, scientific, educational, conservation, and histori-
19 cal use. Subject to the provisions of this Act, all such use
20 shall be in harmony, both in kind and degree, with the
21 wilderness environment and with its preservation.

22 PROHIBITION OF CERTAIN USES

23 (b) Except as specifically provided for in this Act and
24 subject to any existing private rights, there shall be no com-
25 mercial enterprise within the wilderness system, no perma-

1 nent road, nor shall there be any use of motor vehicles,
2 motorized equipment, or motorboats, or landing of aircraft
3 nor any other mechanical transport or delivery of persons or
4 supplies, nor any temporary road, nor any structure or in-
5 stallation, in excess of the minimum required for the admin-
6 istration of the area for the purposes of this Act, including
7 such measures as may be required in emergencies involving
8 the health and safety of persons within such areas.

9

SPECIAL PROVISIONS

10 (c) The following special provisions are hereby made:

11 (1) Within the wilderness system the use of aircraft or
12 motorboats where these practices have already become well
13 established may be permitted to continue subject to such
14 restrictions as the appropriate Secretary deems desirable.
15 In addition, such measures may be taken as may be neces-
16 sary in the control of fire, insects, and diseases, subject to
17 such conditions as the appropriate Secretary deems desirable.

18 (2) Within national forest and public domain areas in-
19 cluded in the wilderness system, (A) the President may,
20 within a specific area and in accordance with such regula-
21 tions as he may deem desirable, authorize prospecting (in-
22 cluding but not limited to exploration for oil and gas), min-
23 ing (including but not limited to the production of oil and
24 gas), and the establishment and maintenance of reservoirs,
25 water-conservation works, transmission lines, and other

1 facilities needed in the public interest, including the
2 road construction and maintenance essential to develop-
3 ment and use thereof, upon his determination that
4 such use or uses in the specific area will better serve the in-
5 terests of the United States and the people thereof than will
6 its denial; and (B) the grazing of livestock, where well
7 established prior to the effective date of this Act with respect
8 to areas established as part of the wilderness system by this
9 Act, or prior to the date of public notice thereof with re-
10 spect to any area to be recommended for incorporation in the
11 wilderness system, shall be permitted to continue sub-
12 ject to such restrictions and regulations as are deemed neces-
13 sary by the Secretary having jurisdiction over such area.

14 (3) Other provisions of this Act to the contrary not-
15 withstanding, the management of the Boundary Waters
16 Canoe Area, formerly designated as the Superior, Little
17 Indian Sioux, and Caribou roadless areas in the Superior
18 National Forest, Minnesota, shall be in accordance with
19 regulations established by the Secretary of Agriculture in
20 accordance with the general purpose of maintaining, without
21 unnecessary restrictions on other uses, including that of
22 timber, the primitive character of the area, particularly in
23 the vicinity of lakes, streams, and portages: *Provided*, That
24 nothing in this Act shall preclude the continuance within the
25 area of any already established use of motorboats. Nothing

1 in this Act shall modify the restrictions and provisions of
2 the Shipstead-Nolan Act, Public Law 539, Seventy-first
3 Congress, July 10, 1930 (46 Stat. 1020), the Thye-
4 Blatnik Act, Public Law 733, Eightieth Congress, June 22,
5 1948 (62 Stat. 568), and the Humphrey-Thye-Blatnik-
6 Andresen Act, Public Law 607, Eighty-fourth Congress,
7 June 22, 1956 (70 Stat. 326), as applying to the Superior
8 National Forest or the regulations of the Secretary of Agri-
9 culture. Modifications of the Boundary Waters Canoe Area
10 within the Superior National Forest shall be accomplished in
11 the manner provided in section 3 (e).

12 (4) Commercial services may be performed within the
13 wilderness system to the extent necessary for activities which
14 are proper for realizing the recreational or other purposes
15 of the system as established in this Act.

16 (5) Any existing use or form of appropriation author-
17 ized or provided for in the Executive order or legislation
18 establishing any national wildlife refuge or game range
19 existing on the effective date of this Act may be continued
20 under such authorization or provision.

21 (6) Nothing in this Act shall constitute an express or
22 implied claim or denial on the part of the Federal Govern-
23 ment as to exemption from State water laws.

24 (7) Nothing in this Act shall be construed as affecting

1 the jurisdiction or responsibilities of the several States with
2 respect to wildlife and fish in the national forests.

3 (8) Nothing in this Act shall be construed to prevent,
4 within national forest and public domain areas included in
5 the wilderness system, any activity, including prospecting,
6 for the purpose of gathering information about mineral or
7 water resources or to prevent the completely subsurface use
8 of such areas, if such activity or subsurface use is carried on,
9 in a manner which is not incompatible with the preserva-
10 tion of the wilderness environment.

11 RECORDS AND REPORTS

12 SEC. 7. The Secretary of the Interior and the Secre-
13 tary of Agriculture shall each maintain available to the pub-
14 lic, records of portions of the wilderness system under his
15 jurisdiction, including maps and legal descriptions, copies of
16 regulations governing them, copies of public notices of, and
17 reports submitted to Congress regarding pending additions,
18 eliminations, or modifications. Within a year following the
19 establishment of any area within the national forests as a
20 part of the wilderness system, the Secretary of Agriculture
21 shall file a map and legal description of such area with the
22 Interior and Insular Affairs Committees of the United States
23 Senate and the House of Representatives, and such descrip-
24 tions shall have the same force and effect as if included in this

1 Act: *Provided, however,* That correction of clerical and typo-
2 graphical errors in such legal descriptions and maps may be
3 made with the approval of such committees. Within a year
4 following the establishment of any area in the national park
5 system or in a wildlife refuge or range as a part of the wilder-
6 ness system, the Secretary of the Interior shall file a map and
7 legal description of such area with the Interior and Insular
8 Affairs Committees of the United States Senate and the
9 House of Representatives. Clerical and typographical errors
10 in such legal descriptions and maps may be corrected with
11 the approval of such committees. Copies of maps and legal
12 descriptions of all areas of the wilderness system within their
13 respective jurisdictions shall be kept available for public
14 inspection in the offices of regional foresters, national forest
15 superintendents, forest rangers, offices of the units of the
16 national park system, wildlife refuge, or range.

17 CONTRIBUTIONS AND GIFTS

18 SEC. 8. The Secretary of the Interior and the Secre-
19 tary of Agriculture are each authorized to accept private con-
20 tributions and gifts to be used to further the purposes of this
21 Act. Any such contributions or gifts shall, for purposes of
22 Federal income, estate, and gift taxes, be considered a con-
23 tribution or gift to or for the use of the United States for
24 an exclusively public purpose, and may be deducted as such
25 under the provisions of the Internal Revenue Code of 1954,

1 subject to all applicable limitations and restrictions contained
2 therein.

3 LAND USE COMMISSIONS

4 SEC. 9. With respect to any State having more than 90
5 per centum of its total land area owned by the Federal Gov-
6 ernment on January 1, 1961, there shall be established for
7 each such State a Presidential Land Use Commission (here-
8 inafter called the Commission). The Commission shall be
9 composed of five persons appointed by the President, not
10 more than three of whom shall be members of the same
11 political party, and at least three of whom shall be residents
12 of the State concerned. The Commission shall advise and
13 consult with the Secretary of the Interior and the Secretary
14 of Agriculture on the current utilization of federally owned
15 land in such State and shall make recommendations to the
16 appropriate Secretary as to how the federally owned land
17 can best be utilized, developed, protected, and preserved.
18 Any recommendations made to the President by the Secre-
19 tary of Interior or the Secretary of Agriculture and any
20 recommendations made to the Congress by the President
21 pursuant to the provisions of this Act shall be accompanied
22 by the recommendations and reports made with respect
23 thereto by the Commission.

24 SEC. 10. At the opening of each session of Congress,
25 the Secretaries of Agriculture and Interior shall jointly re-

1 port to the President for transmission to Congress on the
2 status of the wilderness system, including a list and descrip-
3 tions of the areas in the system, regulations in effect, and
4 other pertinent information, together with any recommenda-
5 tions they may care to make.

6 SEC. 11. Nothing in this Act shall be construed as
7 superseding, modifying, repealing, or otherwise affecting
8 the provisions of the Federal Power Act (16 U.S.C. 792-
9 825r).

Passed the Senate September 6, 1961.

Attest:

FELTON M. JOHNSTON,

Secretary.