

The Wilderness Act Hijacked

By William L. Rice

In 1964, Congress enacted the Wilderness Act. This Act was the defining authority of a process intent on preserving wild America that was founded on the premise that wilderness cannot be created. Wilderness was intended to exist only in the absence of permanent improvements and habitation of man thus being affected only by the forces of nature.

So, the stage was set and the process officially began. The Act generally prohibited permanent and temporary roads, most commercial enterprises, motorized equipment and mechanical transport, landing of aircraft, and structures and installations. By 1969, Congress started adding special use provisions for wilderness areas beyond the allowances of the original act. In the Desolation Wilderness Act, owners of hydroelectric facilities within that wilderness were given the right of motorized access. Language used in that act became a staple of future acts. In 1972, aircraft landing sites were allowed in the Pine Mountain Wilderness. In 1975 in the first wilderness action east of the Mississippi, 16 areas of land severely modified by previous human use were made wilderness. A temporal dimension of wilderness began. In 1976, the Federal Land Policy and Management Act expanded the consideration of Federal lands to those managed by the BLM and acknowledged that wilderness could be more than rocks and ice. Vast areas of lands beyond any prior wilderness consideration were subject to wilderness inventory and review.

By the mid 70s stakeholder relationships with federal land management agencies were in a vertical decline. Congress responded in the 1980 Colorado Wilderness Bill by spanking the Forest Service for using the Act to reduce grazing in wilderness areas while, at the same time, stripping the Forest Service of a “sights and sounds doctrine” that attempted to maintain a purity standard of what wilderness should be. Another 16 areas that did not adhere to this purity doctrine were made wilderness in the Endangered American Wilderness Act. The Forest Service was sent tumbling into an abyss that is still without known boundaries to this day.

Subsequent wilderness acts permitted helicopter use (Utah Act of 1984), permitted rights of way (Absaroka-Beartooth Wilderness), special mining management zone (Central Idaho Wilderness Act), snowmobile use (Lee Metcalf Wilderness), and such far reaching adjustments as on the ground presence of military in the Big Sur Wilderness and Conservation Act. Congress has both disclaimed and reclaimed a federal water right. It has eliminated the presidential waiver authority found in the original Wilderness Act of 1964 (the latter in the Colorado Wilderness Act of 1993).

The result is that there is no consistency and the ability of the land management agencies to maintain a standard policy and strategy mandate is inexorably handicapped. Instances where Congress has insisted on specifically dealing with a special use or project in one bill, is silent in others. Geographical actions are inconsistent. For example, oil and gas

development within wilderness areas seems to occur more in areas outside of the federally dominated landscape of the eleven western states. In the Charles C. Dean Wilderness and the Indian Mounds Wilderness such action is allowed. Those areas happen to be in Indiana and Texas, respectively. The same actions are rejected with language in Wyoming, Utah, and New Mexico. The difference is largely the composition and predilections of the congressional delegations and the advocacy group activity where the actions are being taken.

For a long time, those of us who have been in the trenches trying to maintain some sanity of managing federal lands have known that something drastic needs to be done to reel in the blitzkrieg of stakeholder assault taking place in the West. If there is need for special management of federal lands, local input is not only needed it is incumbent on Congress to allow that process to occur. Local customs, local history, and local economies, current and future, must first and foremost be considered. The concept that has been put forward in Dona Ana County New Mexico by “People for Preserving Our Western Heritage”, the idea of Rangeland Preservation Areas, has far reaching implications across the West. The idea of locally driven standards that ultimately protect the integrity of open space, but don’t destroy the social fabric of the area must be considered. If true wilderness is ever to survive, the Wilderness Act of 1964 needs to be held inviolate. It cannot be adjusted, modified, tweaked, politicized, and adulterated for every whim of a special interest group or Congressional rep who wants his legacy enhanced. If lands today have such characteristics that they need special protection, the people who have had some influence on that have to be at the table. The idea that each such area has special attributes which create “standards of expectations” derived and advocated by local input is fundamental to our founding doctrines. What a novel idea!