OVERSIGHT ON THE WILDERNESS ACT OF 1964

HEARING

BEFORE THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE

NINETY-THIRD CONGRESS

SECOND SESSION

ON

THE WILDERNESS ACT OF 1964 (78 STAT. 89.)

OCTOBER 9, 1974

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OVERSIGHT ON THE WILDERNESS ACT OF 1964

WEDNESDAY, OCTOBER 9, 1974

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m. in room 3110, Dirksen Office Building, Hon. Floyd K. Haskell, presiding.

Present: Senators Haskell, Hansen, McClure, and Bartlett.

Also present: Jerry T. Verkler, staff director; James P. Beirne and Steven P. Quarles, special counsels; and W. O. Craft, Jr., deputy minority counsel.

Senator HASKELL. The hearing on oversight of the Wilderness Act of 1964 will commence.

OPENING STATEMENT OF HON. FLOYD K. HASKELL, A U.S. SENATOR FROM THE STATE OF COLORADO

Several members of the committee requested this oversight hearing to review the various policies which have been and are being formulated to implement the provisions of the Wilderness Act of 1964.

The Senate has asked officials from the Departments of the Interior and Agriculture to discuss various issues concerning the status of the wilderness review areas, policy toward wilderness in the (d)(2) lands in Alaska; prospective management policies in the Eastern Wilderness areas; apparent differences in policies concerning the designation of wilderness in the National Park Service and the U.S. Fish and Wildlife Service; the Interior Department's plans for implementing the wilderness review provisions in S. 424, the National Resource Lands Management Act, as it passed the Senate; and any other policy matters pertaining to wilderness which may be of interest to Members.

There are some difficult questions in determining the activities that I would like both the private witnesses and the representatives of the Department to comment specifically on what are the activities that can take place, should take place, do take place in wilderness areas, and whether or not there should be any change in these policies; whether there should be uniformity in these policies or whether there should be a difference, depending on the nature of the wilderness area.

These are questions that constantly come before the committee. There is some differences of opinion on the committee and I know there is some puzzlement, on behalf of the committee, as to what policies are being applied or should be applied.

I would like to include as an appendix in the record the text of the Wilderness Act of 1964.

I have a statement from Senator Hatfield that will be included in the record at this point.

[The prepared statement of Senator Hatfield follows:]

STATEMENT OF HON. MARK O. HATFIELD, A U.S. SENATOR FROM THE STATE OF OREGON

Mr. Chairman, with a decade of experience with the Wilderness Act behind us, it is highly appropriate that this Subcommittee is carefully examining the track record of this important statute. Perhaps this is something which should be done with every major law enacted by the Congress. By calling these hearings, the Chairman of the Subcommittee on Public Lands has again demonstrated his willingness to keep a close Congressional watch over all public land policies, and I thank him for his responsible leadership.

I am a believer in wilderness. As our society becomes increasingly complex and specialized, there is a corresponding and growing need to provide areas where we can free ourselves from the complexity, where we can think not of the dollars we need or the details with which we must deal every day. We need places and times to gain some perspective on ourselves and our society and our relationship to our fellow human beings—places for spiritual renewal—and places where we can simply enjoy ourselves.

While it is largely a pursuit of middle and upper income groups, the wilderness experience itself need not be expensive. But it is a fact that most wilderness areas are not convenient to most citizens, and to reach them one must often travel long distances with the consequent large expenditures of time.

Others cannot enjoy true wilderness because of physical reasons: some are too old, some too young; some are handicapped. Finally, some people simply do not enjoy the wilderness experience. Yet all of these citizens own the public lands, and countless future Americans will own them. Public land policy must reflect the long term needs of all these various user groups.

To do this, we may find it necessary to develop additional classifications of land. Now we have either statutory wilderness, multiple use, or some special Congressional designation for a particular area. Too often, the only alternatives appear to be wilderness or timber cutting. Continuation of this policy may lead to an alteration of the wilderness concept to encompass areas which are more recreational than wilderness in character. Therefore, one question which I believe this Subcommittee must confront is whether a "back country" classification ought to be developed to protect areas which would be left unroaded but could include the development of trails, sanitary facilities and campgrounds.

Whether such a new policy is adopted or the present administrative interpretation of wilderness is broadened, wilderness—which to me means an area comprising unique natural qualities which bears few marks of man's intervention—does not necessarily bear a strong relationship to the end result of the compromises which are an integral part of the legislative system. The people of Oregon know this only too well since we face the possibility of pumice mining in the Three Sisters Wilderness Area. To me, it would simply be unconscionable to allow the desecration of this unique area for the purpose of supplying pumice for scouring bricks or pumice stone. So my second question for the Subcommittee relates not to the interpretation of the Act, but to provisions which were very definitely included by the Congress in the Act.

We have experienced other difficulties with the Wilderness Act and its administration in Oregon. At least one is tragic: the case of a girl who died in the Three Sisters Wilderness Area during a storm. One local Forest Service official maintained that the use of a helicopter to remove the body was illegal under the Act. Some instances are extremely irritating, such as the determination of the Forest Service to remove some rather primitive sanitary facilities from the Marion Lake area after it was classified wilderness. All point out the need for this review of a basic policy.

I worked for the inclusion of the Mount Jefferson area and the Minam River drainage area in the National Wilderness Preservation System. I am also the author of the Oregon Omnibus Wilderness Act, which would designate some 465,000 acres of National Forest in my State wilderness. But as we move ahead to protect large areas of land, we must provide that wilderness which renews the spirit and recreational opportunities for large numbers of Americans.

The issues we are considering today do not lend themselves to simple answers. But they must be resolved and this Subcommittee bears a large part of the responsibility for finding the answers. I am confident that we can do so.

Senator HASKELL. Our first witness will be Mr. Thomas C. Nelson, Deputy Chief of the National Forest Service, Department of Agriculture.

STATEMENT OF THOMAS C. NELSON, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. NELSON. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee, we are pleased to have the opportunity to discuss wilderness policy with you today.

Mr. Chairman, the Forest Service and the Department of Agriculture today reaffirm our dedication that wilderness occupies a very special and unique niche in the total spectrum of land uses of the national forests. The spectrum of land use allocations and opportunities ranges from the highly modified and intensively managed areas to those where Nature works on its own terms and man's use must adjust to those terms. Of course, there are available all manner of interim experience and resource use opportunities.

We believe it is essential to the national well-being—whether physical, psychological, economic or social—that the broad range of uses be available. The National Forest System can provide variable goods and services if we make wise choices based on sound land use planning.

The Wilderness Act recognized that wilderness is unique in its own right. It set wilderness apart from other allocations of land in a special category so that future generations will have the benefits of the wilderness resource. We cannot dilute the position of wilderness on the spectrum of land uses without impeaching the very principles on which the National Wilderness Preservation System is based.

At this moment, the Forest Service has reached a milestone. We have completed the reviews of the primitive areas as Congress directed 10 years ago. Congress has already acted upon 11 of those primitive area reviews and wilderness proposals so, at this time, there are 65 wildernesses containing some 10.7 million acres in the national forests. This is 97 percent of all the area designated to date. Recommendations emanating from the reports currently pending are for some 4 million more acres.

The completion of this review period by no means ends the process of identifying and proposing suitable national forest lands for designation as wilderness. The establishment and maintenance of areas of wilderness is consistent with the policy of Congress that the national forests be administered for multiple purposes. In furtherance of that policy, and in recognition that many roadless and undeveloped areas within the national forests may qualify for wilderness, we recently completed a review and evaluation of such areas. Some 1,449 areas containing 56 million acres were reviewed. From this inventory, we selected 274 new wilderness study areas containing 12.3 million acres.

As we complete our studies of the 274 selected areas, we will develop some new wilderness proposals for your consideration. Also, it is evident from bills before the Congress such as S. 114 and S. 4066 that you will be considering proposals to study or designate other national forest roadless areas for wilderness. With respect to both

categories of areas, it is essential to remember that, while roadless and undeveloped areas may have wilderness value, they may also have other resource values for which there are competing needs and planned outputs. We must not look at the wilderness opportunities of these lands out of context with the other resource opportunities for the Nation. We must also seek to avoid a random approach to wilderness because the cumulative effects would be difficult to anticipate or manage.

In recognition of the need for a framework for periodic assessment of the supply and demand of all forest and rangeland resources, Congress has recently enacted the Forest and Rangeland Renewable Resources Planning Act of 1974. This act calls for development and transmission to Congress of a forest and rangeland renewable resources program. The program, due by December 31, 1975, and every 5 years thereafter, will set forth various alternative objectives for accomplishing resource programs over the long term. We expect that Congress and the executive branch will join in determining national goals for the full range of forest and rangeland resources. Through this vehicle, we can approach an optimum balance between the preservation of wilderness and the utilization of renewable natural resources on our undeveloped National Forest System lands.

So, as we consider the allocation of land uses throughout the National Forest System, we will now be seeking to relate individual planning and management actions to national objectives and long-range goals. We urge you to take the same approach, using congressional action on the forest and rangeland renewable resources program as a guide, as you act on National Forest System wilderness proposals that come before you.

At this time, I would like to address the specific topics suggested in the chairman's letter to the Department.

Regarding the status of the roadless area reviews, as previously stated, we inventoried 1,449 roadless and undeveloped areas encompassing 56 million acres. The lands are capable of offering several resource management options. Because certain management commitments of these areas might eliminate the wilderness option, we deemed it necessary to give prompt recognition and protection to the areas exhibiting the best qualifications for study as possible additions to the wilderness system. To select such areas, a systematic and analytical review of the 1,449 areas was undertaken. A massive effort was made to involve the public at local, state, and national levels in the selection process. The result of this review was that 274 areas containing 12.3 million acres were selected as new wilderness study areas.

These 274 areas will receive intensive study to determine if they should be recommended for addition to the wilderness system. We will follow study procedures which we have used previously. These include the development of a proposal and a draft environmental statement to be offered for public review. Formal hearings will be conducted. The proposal will detail resources and social and economic data and will surface relative values and trade-offs for alternative management postures. Appropriate minerals surveys will be included in the study. After analysis of the public input, final recommendations and a final environmental statement will be developed. Legislative

proposals will be transmitted to the Congress for those areas recommended for wilderness designation.

The number of studies underway this year, by State, are as follows: Arizona, 5; California, 6; Colorado, 9; Florida, 1; Idaho, 8; Montana, 14; New Mexico, 5; North Carolina, 1; Oregon, 1; Utah, 1; Washington, 4, and Wyoming, 8; for a total of 63.

The number of studies completed to date, by State, are as follows: California, 2; Colorado, 4; Idaho, 4; Montana, 11; New Mexico, 2; Washington, 5, and Wyoming, 7; for a total of 35.

While we propose to study the 274 selected areas progressively, we realize that we will not be able to proceed at a pace that will accommodate everyone's preferences.

We also realize that there are those who believe we should have selected some additional areas for study. To insure that no important opportunities for wilderness have been overlooked among the remaining inventories roadless areas, the Forest Service will file environmental impact statements for each before undertaking any development activities that would prevent their being considered for inclusion in the Wilderness System.

With respect to the Department of Agriculture policy toward Wilderness in the (d)(2) lands in Alaska, on December 17, 1973, Secretary of the Interior Morton transmitted to the Congress proposed legislation recommending the addition of 83.5 million acres in Alaska to the National Park, National Wildlife Refuge, National Forest, and Wild and Scenic River Systems. This proposal was later introduced as S. 2917. With respect to wilderness within the 18.8 million acres proposed for National Forests, the Secretary's letter of transmittal stated, in part:

> The Forest Service intends to consider wilderness along with other resources in its multiple use planning process. It expects to propose and identify wilderness study areas within 3 years after the establishment of the proposed National Forests.

The 3-year period referred to in the Secretary's letter was described in our draft environmental impact statements on the National Forest proposals. These statements are now being revised as final statements.

The 3-year period for selection of new wilderness study areas will be part of a 5-year resource inventory and analysis period which will also begin at the time the proposed National Forests are established. At the end of the 5-year period, we intend to have comprehensive land use plans completed.

Regarding planned management of wilderness areas within the eastern National Forest System, the areas being considered by Congress for wilderness designation in the eastern National Forests are generally quite small when compared to the western wilderness areas. This means that mining activities and grazing would be much more noticeable and have a more damaging impact on the total wilderness values of an area. Also, grazing has a particularly devastating effect on the predominant hardwood types within eastern areas.

Within most of the areas under consideration, private land is widely interspersed with the National Forest Land. In such a situation, the special values of the areas could be destroyed by development of the private lands. Over a long period of time, acquisition of these private lands is the only way the special wilderness values can be held in-

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violate. Hopefully, these acquisitions can be made through negotiations with the owner; however, condemnation will be required in some cases.

With the above points in mind, the administration recommended, in its proposal, that the Eastern National Forest units of the Wilderness System be managed generally in accordance with the Wilderness Act. Three notable exceptions would be that all Federal lands within such units would be withdrawn from appropriation or disposition under the mining and mineral leasing laws; commercial grazing would not be permitted; and the condemnation limitation of the Wilderness Act would not apply to the eastern units. Eastern wilderness legislation reported by your committee embodied the three exceptions and they are contained with some modification concerning grazing, in the bill, S. 3433, passed by the Senate on May 31, 1974.

Because of the small size of the eastern units and their proximity to population centers, there will undoubtedly be a heavy use demand. As in heavily used areas in the West, use must be controlled to protect the special values. It may be necessary to take steps to disperse use throughout the area, and may be necessary, ultimately, to limit the number of visitors.

Mr. Chairman, this completes my prepared statement.

I will be happy to respond to any questions you may have.

I would also like to comment, if I might, in reference to your charge here to the witnesses. We have prepared material which, in essence, indicates the policy we are pursuing in regard to various activities in relation to proposals sent to the Congress; that is, in relation to classification and also policies regarding management of these activities. These, as you know, constitute quite a list. You might want us to submit these at a later date for the record.

Senator HASKELL. I think it would be helpful to submit it for the record. I will ask the staff to review it and we may want to talk about it at some future point.

Mr. NELSON. We would be happy to do that, Mr. Chairman.

[Subsequent to the hearings the Department submitted the following:]

Forest Service policies on the inclusion of certain activities within wilderness, and on the management of such activities if included are outlined in tabular form as follows:

Activity	Policy regarding classification	Policy regarding management
Historical structures	If a structure is to be maintained and/or interpreted, FS does not recommend the area be included in wilderness. If the structure is to be recognized but permitted to continue to melt into the landscape, FS will recommend inclusion in wilderness.	Will be recognized, but will not be maintained and developed for interpretation.
Administrative structures	If the area surrounding is otherwise suitable and available for wilderness, and the area is included in recommendation for wilderness, a determination will be made as to need for structures for managing area as wilderness. The area would be recommended, and the structures would be kept or disposed of depending upon need determination above.	The only administrative structures permitted would be those absolutely needed for administering the area as wilderness. We do not expect any but the largest of wilderness to require internal administrative structures.
Visitor structures (shelters, etc.).	Any such structures within an area recommended as wilderness would be maintained only until each needed major maintenance, then would be removed.	No such structures will be emplaced in wilderness.

Activity	Policy regarding classification	Policy regarding management
Toilets		Rustic latrines (essentially temporary) may be emplaced in wilderness.
Dams and reservoirs	Minor weirs and stream control dams having little impact on wilderness may be included in recommendations for wilderness. Significant dams, generally, will not be. In instances, where to exclude a dam would be to disqualify a very large area from wilderness, and when that dam is of a texture and color which is minimally distracting, we have recognized the nonconformity and asked Congress to designate wilderness anyway (Desolation). If a dam requires motorized equipment for maintenance, it will be left out of wilderness.	May be emplaced only if President has given approval.
Motorized patrol	Not applicable	FS does not permit motorized patrolling in wilderness.
Visitor motorized travel	do	Wilderness visitors are not permitted to use motorized vehicles.
Landing of aircraft and use of motorboats.	do	Although the act permits Secretary discretion to permit continuation of motorboat use, the discretion has always been exercised to exclude motorboats. Where firmly established prior to wilderness designation, landing of aircraft has been permitted to continue at designated strips in some wildernesses.
Motorized equipment	Not applicable	Visitors are not permitted to use motorized equipment, except that small personal items such as battery operated Geiger counters, radios, shavers, and the like are permitted. FS use of motorized equipment is limited to emergency use, including firefighting, search and rescue, etc., and in very limited nonemergency use which is considered the minimum needed to administer the area as wilderness (example, power saw to clear blowdown of major magnitude) but only after rigid qualifying criteria have been met and higher approval in most cases.
Controlled burning	do	Although we have considered in the past that this practice is permissable in wilderness, we have not done any controlled burning. We are moving toward permitting, under certain stringent conditions, natural fire to play a more natural role in the ecosystem.
Timber harvesting	If past harvest activities have left a significant mark on the land, the area will not be recommended for wilderness. If actual harvesting has occurred, only the most unusual situations may be recommended for wilderness.	Not permitted.
Roads	Experience in discussions with the Interior Committees of both Houses during hearings indicates that if a road is a constructed one, with cuts, fills, etc., it will probably disqualify the area it traverses from wilderness consideration. An exception to the general rule was the recent action the Senate committee took in placing a road it suggested within the Agua Tibia Wilderness.	The act requires that we permit access to private landowners within wildernesses. We attempt to negotiate for access means which are the most primitive (wagon, for instance, instead of 4-wheel drive) and any vehicleways are constructed under special use permits which require measures designed to minimize adverse impacts on the wilderness. Roads to other "excepted" activities, such as mines and presidentially approved water projects are also permitted. Public use of these roads will be prohibited.
Meteorological devices	Except for very intrusive installations, presence has not detered wilderness recommendation.	New installations are not permitted. Existing ones may be maintained. Snow courses which were run via helicopter regularly before designation, and had not been successfully run by primitive travel means, may continue to be run via helicopter.
Grazing structures		Fences, watering facilities, salting facilities, etc., may be installed so long as the basic justification is that they are needed to protect the wilderness values during the use of the incidental grazing resource, and never as means to increase grazing capacities.

Activity	Policy regarding classification	Policy regarding management
Land acquisition	While tracts may receive priority consideration for acquisition because they are within an area to be recommended for wilderness, we will forgo use of condemnation because the Wilderness Act does not permit condemenation within designated wildernesses themselves.	Negotiated purchase, exchange, and acceptance of gifts only. The internal lands automatically become wilderness per act. Bequests of lands adjacent to wilderness, donated for wilderness, may be accepted if 60 days notice given Congress.
Fire control	Not applicable	FS may take such means as it deems necessary. Hope to occasionally let fire assume more natural role in certain ecosystems, but only after prior approval of formal plan by Chief.
Insect and disease control	do	Control measures taken to preclude escape to detriment of resources outside the wilderness.

Senator HASKELL. I do have a few questions.

In your testimony, you talk of reviewing 1,449 areas containing 56 million acres. What do you mean by "review"? That is an awful lot of area to review. What is the physical process?

Mr. NELSON. The first step in this process, Senator, was an attempt to identify roadless areas that were 5,000 acres and larger. We then attempted to develop some criteria as to the relative wilderness values of these. We attempted to inventory, to the best of our ability, other resource values that were involved in these 1,449 areas.

We opened the process to public comment and public participation. As I recall, we had about 50,000 replies in a number of public meetings involved in this process.

Then, through this input, we attempted to find those areas that, in the judgment of the people in the internal organization who had been on the ground, had the highest potential and the highest wilderness value.

It was out of this process that this listing of 274 new study areas was developed.

Senator HASKELL. Once you get these 274 areas, the study is more intensive and you have hearings in the neighborhood of the wilderness?

Mr. NELSON. Yes.

What we have proposed, Senator Haskell, is that these hearings would follow a similar type of study and review and public involvement that has accompanied the proposals that were involved in the primitive area reviews. As you know, the Wilderness Act provided for these primitive area reviews. These are now completed. We expect to follow the same type of examination with respect to the 274 new study areas.

Senator HASKELL. What is your estimate on your timetable? You mentioned in your statement that you are studying additional areas and you will, in fact, propose additional wilderness areas. What is your timetable for submission of new National Forest System Wilderness proposals?

Mr. NELSON. If I might answer that in two parts, Senator, I think, first, in those areas that were not selected, the remainder of the 1,449 areas other than the 274, we feel these are the particular areas which are quite pressing in terms of meeting the Nation's needs for goods and services. On those areas, through the land use planning process, we expect to completely review 75 percent of the areas by the end of fiscal year 1979.

On the 274 areas, presently we feel studies will probably proceed at about the same rate as the primitive area reviews. If this is the case, we would expect this would take something in the neighborhood of 15 to 20 years to complete the review of these 274 areas.

It is over twice the acreage of the primitive area review which took 10 years.

Senator HASKELL. Do you have any guidelines for saying area A should be studied before area B? How do you go about setting your priority?

Mr. NELSON. This is, indeed, a difficult question to answer, Senator.

We have tried to use the best judgment we can. The areas in which there was greatest indication from the public that these areas were, in fact, high priority areas for study——

Senator HASKELL. It is sort of that the squeaky wheel gets greased?

Mr. NELSON. I would not quite put it that way.

We also have somewhat of an administrative priority that has to be taken into account. In some of our regions, we have many more study areas than in others.

We are trying to work it into the program as best we can, administratively. We recognize this is an area of concern to you people and to us also.

Senator HASKELL. On page 4 of your testimony at the bottom you talk about appropriate mineral surveys to be included in the studies.

Are these USGS surveys?

Mr. NELSON. Yes.

USGS and Bureau of Mines surveys. As I recall, these two agencies have called for an accelerated approach and perhaps someone from Interior might wish to speak to this particular point.

Senator HASKELL. Page 6 of your testimony, dealing with (d) (2) lands in Alaska; that is going to be a particularly difficult problem in classification because of the vast expanse of the territory.

What is your timetable for the actual study of the areas that you say you will identify within 3 years?

Mr. NELSON. At the present time, Senator, we do not have a definite timeframe as to when these will be completed. We have said that we will propose and identify wilderness study areas within 3 years after the establishment of the forest.

I think it is going to have to depend on how many areas are proposed and identified as study areas in order to determine the amount of time it will take to conduct these. I do not know how many areas will be proposed.

Senator HASKELL. Proposed by whom?

Mr. NELSON. They would be proposed by the administration.

Senator HASKELL. That would be you, right?

Mr. NELSON. Yes.

Senator HASKELL. It is your estimate that, at the end of 3 years, you will have made all of your wilderness proposals for the (d) (2) lands.

Mr. NELSON. We will have identified wilderness study areas, areas in which we will go in with an intensive study. This would be in addition to the 274 that are selected.

Senator HASKELL. But your study of (d) (2) lands would be more intensive, like the 274, and not as cursory as the 1,449?

Mr. NELSON. Right.

Senator HASKELL. Would you submit all your past wilderness proposals that have not been acted upon? The reason is that you did not resubmit your bills of earlier Congresses and thus your proposals are no longer pending before us for our official consideration.

Mr. NELSON. We would be happy to furnish you with copies of unenacted proposals at the beginning of the 94th Congress.

Senator HASKELL. I do not have any further questions. I would mention, Senator Hansen, because I know you are interested in this, Mr. Nelson has his guidelines for how wilderness are managed and his proposals for regulations and he is submitting them.

Do you have any questions?

Senator HANSEN. I do have some, if I may. Thank you, Mr. Chairman.

I am certain most people who have visited these areas which have been set aside as wilderness throughout the United States have been most enthusiastic in those actions, having in mind the uniqueness and singularity of pristine values and characteristics that all of us would hope very much to have preserved.

I do have some questions that have come to me recently.

In Grand Teton National Park and, I take it, in perhaps other sections of the Park System, it has been determined that, in order to preserve the character of an area in a manner which will conform, as near as possible, to what nature might have imposed upon it before man's emergence upon the scene, burning would be permitted.

No fires, or perhaps a few fires have been set in the past. I think the Park Service did a little bit of burning in Grand Teton National Park in order to generate the plants that follow a fire but this area of Jackson Lake was struck by lightning and I believe a fire has been burning there for nearly 2 months. It is about out.

We have had a storm and, with the advent of colder days, it has lost the intensity that was earlier characterized by the fire and disturbed a great many people.

But what is the policy with respect to fires in these areas?

Mr. NELSON. Our policy is that we are moving toward permitting, under certain stringent conditions, natural fire to play a more important role in the ecosystem. In the Forest Service, we have modified the 10 a.m. control policy in two wilderness areas.

We have put this into operation in one area the Selway-Bitterroot and in the Gila Wilderness in New Mexico an exception is now under consideration. Under stringent conditions, we would allow natural lightning-caused fires to burn in portions of these two wildernesses. This is set up with a tight control where there is a light fuel or a similar situation, where there would not be any possibilities of damage; rather where the possibility of damage would be very small.

We have set weather criteria and fire danger criteria under which these natural fires would be allowed to burn.

We have only had 2 year's experience on the Bitterroot. There were fires there last summer that did fall within the guidelines and the Forest Supervisor opted for them to burn themselves out, under surveillance.

In the Gila we have not activated the plan at this time. The area involved is a block of about 30,000 acres within a 360,000 acre wilderness.

I think you could say we are pilot testing the applicability of this type of fire management, so these are the only two examples we have in the wilderness areas of our allowing natural fires to burn.

Senator HANSEN. Having in mind comments, phone calls, and letters from people who were certainly, at least, distressed and disturbed over what has happened in Grand Teton National Park, I raise two questions.

One, there seems to be a growing concern, at least in this small area, over this situation of building costs, material costs rising ever higher and increasing the ability on the part of the public to get on with the housing program; one that is adequate and this is face to face with the fact that millions of board feet of timber are being burned.

Do you feel there will be increasing pressure on the Forest Service to make utilization of the timber, rather than to permit uncontrolled fire? Do you think this is a policy? Will you look into your crystal ball, Mr. Nelson? Will you be able to sustain a policy that calls for burning by natural causes in the face of increasing clamor for building materials? I am not speaking about within the park. I am fully aware of that policy.

Mr. NELSON. Are you addressing this question to wilderness areas or to areas outside of wilderness.

Senator HANSEN. I am addressing it to you as a representative of the Forest Service that is called upon to administer the Nation's forest which include wilderness areas.

I mean, the broad context; not in the narrow context, but in the broad context of your responsibility in that role. I ask you: Do you think you will be able to sustain a policy of let the fires burn?

Mr. NELSON. Senator—and I must answer this question both outside the wilderness areas and within them. Outside of wilderness areas, I do not think the public would let us live with that type of policy except in particular cases where we had some benign fires that would be in areas that were to be control-burned. For example, in the southern United States, in the coastal plain, we do a great deal of prescribed burning as a forest management tool to reduce the underbrush, reduce the fuel, and so forth. In these areas, it has been our experience that the public would like us to let these natural fires continue, if planned burns were to take place within a reasonable period of time anyway. In this case, we could live with it.

In general, I think there is no question but that we could not live with allowing natural fires to burn.

In the wilderness areas we have a different situation. This material is not part of our Nation's planned timber supply. There is no cutting within the wilderness areas.

Senator HANSEN. When you say it is not part of the Nation's timber supply, I would certainly agree with you and I am not recommending a change in policy. I am trying to find out what your thinking is because you are professional in this field, but it is a part of the Nation's potential timber supply, is it not?

Mr. NELSON. It could be, were it not in wilderness areas designated by the Congress.

Senator HANSEN. I am trying to differentiate between what is potentially usable.

I raise that question because people have been calling me. In western Wyoming, they are talking about timbering in a national park and

I do not, for one moment, think we should make commercial use of timber in a national park. There are people who are on some pretty important conservation groups who are raising hell.

Mr. NELSON. I understand.

Our experience, to date, and my feeling, Senator is that within the wilderness areas, we have had rather good acceptance of this trial that we have tried in the Selway-Bitterroot.

I personally feel it makes sense; that it does, in fact, help preserve the natural situation and conforms to the intent of the Wilderness Act.

As I said, we have had favorable public opinion in the Selway-Bitterroot. I know of the situation in the Grand Tetons. I am not intimately acquainted with it, but I believe there were some other factors involved in the comments that were received from the public in western Wyoming.

Senator HANSEN. That brings me to my next question.

How do you rationalize a consistent Federal position which, on the one hand, calls for ambient air quality control which has resulted in the outlawing of burning even small garbage—we have no more burning in Grand Teton National Park.

As a matter of fact, we do not have any burning in order to dispose of garbage anywhere in Teton County, to my knowledge; perhaps in some personal isolated instances. It is all an earthfill cover operation that we have and the pollution that results from a major fire—are we not, on the one hand, killing a mouse and letting an elephant tramp around uncontrolled when we compare the pollution that results from burnable garbage—to stop that and then let fires burn?

Mr. NELSON. I think, Senator, it depends on the individual situation. I can speak here only for the Forest Service but, in the areas in which we are allowing natural fires to burn, this has been done with full knowledge and full cooperation with the State air quality people.

We have considered the air quality aspects very strongly in setting our policy in these areas.

I should point out, for example, in the Gila Wilderness, our proposal there is to allow natural fires to burn only during those period when you have stable air conditions and the probability of air pollution is low, indeed.

I think there is a prescription that may not give us the best of both worlds but would be acceptable to the air pollution people and from the wilderness management standpoint.

Senator HANSEN. I was in Cody, Wyo. over the weekend and there is a fire burning about 6 miles each of the boundary of Yellowstone Park. There was some rather real concern. They were concerned about the smoke hanging over the city of Cody.

I would hope, by raising questions that are incorporated in the context of consideration of wilderness legislation and possible changes you must face if significant areas are added to the Wilderness System—my guess is that you are going to have to answer questions sooner or later.

There are going to be questions there for you to answer.

I have heard strong expressions of concern on the fact that wilderness designation seems to act like a magnet in bringing in in far greater numbers than otherwise might have resulted and bringing about overuse.

I have heard some of your personnel—not directly, but I have seen letters from them and I have talked to others who have talked to them—who say, in some of the areas in Wyoming it has posed an almost impossible job, as far as Forest Service personnel go, in trying to administer an area.

I have heard the same expression from the Wyoming Fish and Game Department who say so many people backpack and go into an area—and I do not make a flat out castigation of everyone who backpacks and I would be misunderstood if you were to infer that; but, what I am saying is that there are a lot of people going in and some of them take the position that wilderness presents a challenge to them to see if they can go back a century or two and still survive. Consequently, there has been a decimation of the little birds that are more easily taken in the wilderness area and many of the streams, I am told, are practically without fish. There is not, on the other hand, the issuance of hunting and fishing licenses that would justify the taking of both fish and upland birds; in fact, many of these birds that were taken are not on the license anyway.

Is this a serious problem, in your judgment?

Mr. NELSON. In my judgment, Senator Hansen, overuse by people in wilderness areas is becoming an increasing problem each year. It has reached proportions, in some of our wilderness areas in Minnesota and California, where we have found it necessary to institute a permit system, limiting the number of visitors entering these wilderness areas.

I agree with your statement that the designation of wilderness does make it more attractive and more people do go in.

I do think this, Senator, I think with proper management that these areas can be handled in such a manner that their particular unique qualities that were really the harbinger of their being set up as wilderness areas can be maintained.

Senator HANSEN. I notice in your statement, you suggest that. You say it may be necessary to take steps to disperse areas and may be necessary, ultimately, to limit the number of visitors.

That, in itself, distresses me. It is fine if you are one of the lucky ones who gets a permit to go but when you start to regulate people by permit, I am reminded that people, hunting parties have come to Wyoming for a number of years; a group of friends who would get together.

In the old days, it was no problem. Everyone could buy a license. Now, these licenses are issued in a lottery fashion and it does not work out well at all because if there is a party of six persons and only one gets a license, the other five do not especially relish going along and sitting in the camp while he is out hunting.

I am disturbed about that. I am disturbed about folks trooping through Grand Teton Park. They seem to have the problem there of saying that there are so many people floating the river, it is no longer a wilderness experience.

I just wonder, and you may comment if you like—I do not necessarily ask you what you think ought to be done about it but it is not an easy thing to tell some of the people they can go and others they cannot go.

Would you agree with that?

Mr. NELSON. I would agree with that.

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It is difficult when you institute a permit system. I sincerely believe, Senator Hansen, that there are some areas within the National Forest System—in fact, quite a few areas—in which the type of experience that can be had is very similar to or equivalent to a wilderness experience.

We have in the past several years, made attempts to allocate areas of this type. This might be a partial solution because, with structures in these areas outside of the wilderness, it is possible to increase the carrying capacity of these areas maybe twice or three times the carrying capacity that you can allow in a wilderness area.

Senator HANSEN. My last question, Mr. Chairman, is would not the ability of the Forest Service, if it were execised more widely and on a more permanent basis to designate roadless areas go a long way in preserving the qualities that the act was intended to protect, without imposing some of the end results that are becoming increasingly difficult to handle?

Mr. NELSON. Yes.

We can and do allocate some of these areas. It is within our purview at this point.

Senator HANSEN. As roadless areas?

Mr. NELSON. Call it what you will. Maybe some other designation is better, but we have, through the Secretary's regulations, the authority. We are, in fact, doing it in a number of our land use plans.

As time goes on, Senator, this will be maybe not a full solution to the questions and problems you raise, but I think it will be a partial solution and alleviate the real problems that you mention.

Senator HANSEN. Thank you.

Senator HASKELL. Senator McClure.

Senator MCCLURE. Thank you, Mr. Chairman.

Mr. Nelson, a number of the areas that were touched on by the previous questions—I would like to expand on those just a little.

You mentioned the fact that you have the authority now to designate areas other than wilderness areas. There has been some suggestion made, both in the before and since roadless area surveys, that you were moving toward the designation of back country areas.

Does the Forest Service feel it has a statutory authority to make such designations—to create new designations not now recognized by regulation or statute?

Mr. NELSON. I would prefer to couch that in terms of allocation, Senator; land use allocation.

Yes, we do have this particular authority.

Senator MCCLURE. You say you do not like the terminology I used. You wanted to use the term "allocation." That would indicate to me you have some reason you want to change the words and is that reason tied up in the authority?

Mr. NELSON. No.

The reason I used the term "allocation", Senator, was, to date, we have used this type of allocation, if you will, in our land use planning process. We have attempted to write management prescriptions for these areas that fit the particular needs of the people and the needs of the physical environment. With this in mind, I do not think, at present you could call it any type of a system.

Senator McCLURE. It is not a designation. It is an allocation.

Mr. NELSON. That is correct.

Senator McCLURE. That is a distinction without a difference, as far as I can tell. If you designate an area or allocate it to an area, what is the difference?

Mr. NELSON. I think, in many people's minds, Senator, the term designation indicates it is a formal classification.

Senator McCLURE. It has the same effect.

Mr. NELSON. I think it has a very similar effect. In one case, it is administrative. In the other case, it is legislative.

Senator McCLURE. But if you designate an area as back country or allocate an area as back country, it has the same effect. Maybe an allocation is easier to change than a designation.

Mr. NELSON. No.

Again, we have tried to make the management prescription meet the need of the individual area. In parts of the country, this may very widely differ from other parts in what the management prescription should be.

Senator McCLURE. Back country; is that an allocation or a designation or a management prescription or how would you characterize that?

Mr. NELSON. At the present time, I would say this is a land use allocation and the management prescription is written for this particular allocation.

Senator McCLURE. And, as a matter of fact, it is an area which is managed for recreational uses, primarily.

Mr. NELSON. Yes, sir. We recognize that recreation use covers a continuum.

At one end is intensive recreation use. Someplace over here, we feel, there is a place for back country or an area without roads, a roadless area in which there is no harvesting of consumptive goods.

Senator McCLURE. A back country is a roadless area?

Mr. NELSON. Yes.

As we think of it, some of these areas may allow off-road vehicles; some might prohibit the use of off-road vehicles.

Senator McCLURE. The back country will allow the development of campsites and sanitary facilities that a wilderness area would not?

Mr. NELSON. That is correct.

Senator McCLURE. Returning, for a moment, to the burning of the Selway-Bitterroot; is there any management criteria that indicates what size areas you are talking about?

Mr. NELSON. Yes, sir.

We have these areas blocked out in terms of size, the fuel conditions and so forth. I do not have, right at my disposal, the exact acreage we are dealing with in the Selway-Bitterroot but I would be happy to provide that for the record if the Senator so desires.

Senator McCLURE. I wish you would do that.

[Subsequent to the hearing the following information was received:]

The special fire management zone is 133,000 acres in size.

Mr. NELSON. We are talking about 30,000 acres in the Gila.

Senator McCLURE. Is that 30,000 acres total within which a fire might be permitted? You are not talking about a 30,000-acre fire.

Mr. NELSON. It is the area within which we would take presuppression activities, but not suppression if the fire fell within the guidelines for a natural fire in that area.

Senator McCLURE. How large would a fire have to become before you would suppress that fire in a wilderness?

Mr. NELSON. Again, Senator, these are the only two cases in which we are allowing natural fires to burn. We have a set of criteria. When a fire occurs under certain conditions, then we will go in and suppress it. Size is not a criterion, except the fire will be confined to the zone.

Senator McCLURE. You keep referring to certain criteria but you do not tell me what they are.

Mr. NELSON. The criteria for allowing it to burn include fuel and meteorological criteria. That is to say, in the Gila area, for example, we are not allowing fires to burn except for the period from about the middle of July to about the 1st of September.

Senator McCLURE. Let me focus a little more precisely.

You say if it gets to a certain size, you suppress it. What is that size?

Mr. NELSON. This is set up to keep the fire in the management zone. I will be happy to furnish it for the record.

[Subsequent to the hearing the Department submitted the following:]

Forest Service response to questions of the Committee relating to criteria used in determining when natural fires would be suppressed and when they would be permitted to burn uncontrolled in wilderness areas covered by a wilderness fire management plan.

As an example of criteria used in determining whether a natural fire in a designated area of wilderness will be suppressed or permitted to burn, the following excerpts from the Fire Management Plan for the Bear Creek Unit of the Selway-Bitterroot Wilderness is submitted:

FIRE MANAGEMENT PRESCRIPTIONS FOR BEAR CREEK UNIT

INTRODUCTION

The White Cap data base provides the foundation for the preparation of fire management prescriptions in the 104-square-mile Bear Creek Management Unit. White Cap prescriptions are extrapolated to similar ecological land units in Bear Creek. This extrapolation is augmented by land typing and fuel inventories of the Bear Creek Unit, compiled during 1972. The fire management plan consists of three parts:

1. Basic planning assumptions for the Bear Creek Unit.
2. Fire management prescriptions written for the specific ecological land units represented in Bear Creek: ponderosa pine savanna, ponderosa pine/Douglas-fir south slope, north slope communities, subalpine, and rolling landform. These prescriptions identify *what* will be done (suppression, observation, or combination of observation and suppression) and *when* certain management actions will be taken.
3. Preattack plans which describe *how* fires will be managed and where management actions will occur.

BASIC ASSUMPTIONS

This section of the fire management plan establishes planning unit principles that serve as frames of reference for the preparation of prescriptions and preattack plans:

1. The fire management prescriptions for the Bear Creek Unit are compatible with the goal of perpetuating the concept of unmodified ecosystems in wilderness and will consider adjacent land management goals outside wilderness.
2. Man-caused fires will receive immediate initial attack. First because man-

caused fires are not a natural phenomena and secondly, it would be adverse to the service-wide fire prevention program if man-caused fire were allowed to burn.

3. Fires will be contained within the Bear Creek Planning Unit except along the common southern boundary with the subalpine zone of the White Cap Planning Unit.

4. A Unit Fire Manager will be permanently assigned to the Bear Creek Planning Unit and will be responsible to the Moose Creek District Ranger for fire monitoring and supervision.

5. Surveillance of going fires will be provided by ground crews, visual air patrols, infrared patrols, and lookouts.

6. Human life and property will be protected. The portal areas at Lost Horse Pass, Bear Creek Pass, and Paradise Guard Station will be signed to inform wilderness users of this plan. Private land owners along the Selway River will be asked to inform their guests. The Moose Creek District River Rangers will be conducting an inform program with all visitors contacted on the Selway River side of the Fire Management area. The Nezperce aerial fire patrol will daily record locations of those camps or groups seen in the area so contacts can be made if necessary. Finally, as a fire occurs within the area and if placed under observation, the news media will be informed.

7. Cutoff dates (pre- and post-season—see diagram below) for initial attack or observation will be related to elevation and burning conditions (fire-weather measurements from the Moose Creek Ranger Station will be utilized to implement the prescriptions until better correlations are obtained with Shissler Peak and Gardiner Peak Lookouts).

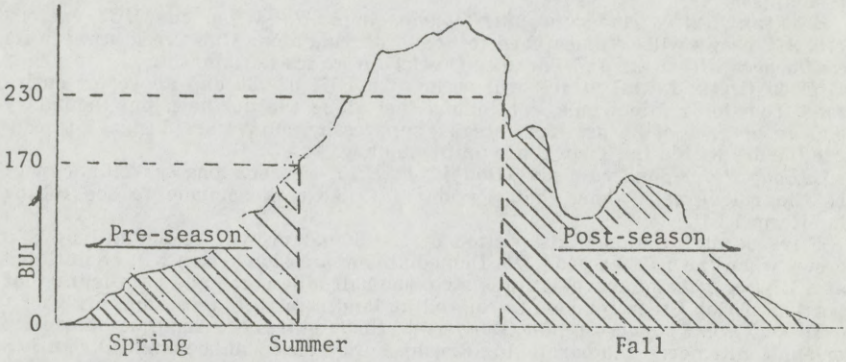

FIGURE 1.—Determination of Bear Creek Fire Management Unit annual pre- and post-seasons. The pre-season is that portion of the year (usually late spring) prior to the BUI reaching a 170 rating. The post-season is that portion of the year (usually early fall) when the BUI is descending from a 230 rating due to fall rains.

8. Fire management prescriptions and preattack plans are specifically related to the five ecological land units identified in the Bear Creek Unit (ponderosa pine savanna, ponderosa pine/Douglas-fir, north slope communities, subalpine, and the rolling landform).

9. A strong man-caused fire prevention program will be in operation for wilderness users.

10. An inform-and-involve plan will be activated to interpret fire management activities both in-Service and with a variety of individuals and publics.

FIRE MANAGEMENT PRESCRIPTIONS

The fire management prescriptions provide the fire unit manager and fire dispatchers with guidelines that state what will be done with fires and when different actions will be taken. The three courses of action are suppression, surveillance, and a combination of surveillance and suppression. The Bear Creek

prescriptions summarized in Table 1 are specific to conditions within individual fire management zones and takes into account such items as fuels, fire potential and natural barriers to fire spread.

II. PONDEROSA PINE SAVANNA ELU

Fires occurring below a BUI of 170 will be observed. Surveillance/suppression (S/S) crews will be dispatched at a BUI of 170 or above. Suppression efforts will be initiated only to prevent fires from spreading into the rolling landform ELU.

Suppression efforts will be initiated at a BUI above 230 due to possibility of fire burning into the yet uninventoried rolling landform unit. Initiate suppression action at BUI 170 and above in draw due north of Shearer Guard Station to prevent fire from spreading on to Selway Face due east from Selway Lodge property.

III. PONDEROSA PINE/DOUGLAS-FIR SOUTH SLOPE COMMUNITIES

A. *Crow Creek pondersoa pine/Douglas-fir ELU.*—Crow Creek is one of the critical areas because it is an east-west drainage, has prevailing westerly winds, continuous fuels, and presents the possibility of a fire crossing the eastern boundary into the rolling landform ELU. S/S crews will be dispatched to fires originating within one mile of the east-southeast unit boundary when the BUI reaches 170 during the pre- and mid-fire seasons. When the BUI is 230 and increasing, suppression action will be initiated for the entire zone. Fires occurring in the post season, when the BUI is below 230, may be permitted to burn at the Unit Fire Manager's discretion with respect to fire location and pre-attack plans (see appendix).

B. *Twin Butte ponderosa pine/Douglas-fir ELU.*—When the BUI exceeds *170*, S/S crews will be dispatched to fires occurring along Cub Creek between its confluences with Bear and Paradise Creeks and to fires originating in upper half of Eben Creek. Initial attack will occur at a BUI of 230 and above for entire zone. Due to erratic winds, continuous fuel along the northern unit boundary and an absence of natural fuel breaks, suppression efforts are designed to contain the fire within the Twin Butte unit boundary.

C. *Long Ridge ponderosa pine/Douglas-fir ELU.*—Season-long surveillance will be the rule except along that portion of Cub Creek common to the rolling landform ELU.

Fires occurring along this portion of the boundary will be manned by S/S crews when the BUI exceeds *170*. Immediate suppression action will be initiated at a BUI of *230* and above within a strip one-half mile north and paralleling that portion of Cub Creek common to the rolling landform ELU (see appendix).

D. *Cub Point ponderosa pine/Douglas-fir ELU.*—Fires occurring within a strip one-half mile north and paralleling Brushy Fork Creek will be manned by an S/S crew when the BUI exceeds *170*. These fires will be suppressed at a BUI of *230* and above (see appendix). Season-long observation will be the rule throughout the remainder of the area.

IV. NORTH SLOPE COMMUNITIES

A. *Salmon Hole North Slope ELU.*—Surveillance/suppression crews will be dispatched to fires occurring in the following areas at a BUT of *170* and above. Suppression efforts will be directed toward containing fires within the following boundaries.

1. The northern boundary is Bear Creek from its confluence with the Selway upstream to its confluence with Cub Creek.
2. The northeastern boundary is Cub Creek from its confluence with Bear Creek to its confluence with Paradise Creek. This is to reduce possibility of fire crossing Cub Creek into the continuous fuels and the weak fire buffer in the Shake Cabin area.
3. The southern boundary is from the center of Section 24, T31N, R13E on Crow Creek Ridge east to Cub Creek, to prevent spread of fire into the uninventoried rolling landform ELU.
4. All fires occurring on the Selway face east of Selway Lodge will receive initial attack.
5. Initial attack will occur at a BUI of *230* and above for the entire unit due to continuous fuels and the relative location of this unit.

B. *Crow Creek North Slope ELU.*—Because of heavy fuel accumulation, prevailing westerly winds, and the potential orographic funneling of a fire from the B′ portion of the unit into the rolling landform unit, pre- and mid-season fires in the B′ portion will be manned by S/S personnel when the BUI reaches *170*. Fires occurring in the remainder of this unit will be under observation until the BUI exceeds *230*.

Initial attack will occur at a BUI of *230* and above for the entire unit. Fires occurring in the post season when the BUI reaches *230* and is decreasing may be permitted to burn at the Unit Fire Manager's discretion with respect to line location and pre-attack plan (see appendix).

C. *Paradise North Slope.*—Season-long surveillance will be the rule except for the continuous fuels found in the western one-half (C′). Fires occurring in C′ will be manned by S/S personnel when the BUI exceeds *230*. Suppression action may be initiated by the Unit Fire Manager's decision.

D. *Cub Creek North Slope.*—Season-long surveillance will be the rule except along that portion of Brushy Fork Creek common to the rolling landform ELU. Fires occurring along this portion of the boundary will be manned by S/S personnel when the BUI exceeds *170*. Suppression action will be initiated at a BUI of *230* and above within a strip one-half mile northeast of and paralleling that portion of Brushy Fork Creek common to the rolling landform ELU.

V. SUBALPINE ELU

Season-long surveillance will be the general rule in this unit with suppression efforts being taken to contain going fires within the Bear Creek Unit boundary except along the common southern boundary with the subalpine zone of the White Cap Fire Management Unit.

S/S crews will be dispatched to the Bell Lake area (VA & VB) at a BUI above *170*. Suppression efforts will be taken at a BUI of 230 to prevent fire from crossing into the Bitterroot National Forest's Rock Creek Drainage. S/S personnel will be dispatched to fires occurring in Paradise Creek above the confluence of Paradise and Spruce Creeks at a BUI of *230* and above. *Any* suppression action initiated will be based on the Unit Fire Manager's decision (see appendix).

VI. ROLLING LANDFORM ELU

The majority of this unit is yet uninventoried; there is not a similar unit in the White Cap area from which to draw correlations on fuels, habitat types, and soils data. In the past 32 years of record, only one of the 106 fires in the Bear Creek Management Unit burned in the zone above 6,000 feet elevation within this unit.

That portion of the rolling land form lying above 6,000 feet elevation lies adjacent to the north of a portion of the subalpine ELU of the White Cap Fire Management Unit. Since the White Cap prescription for the subalpine ELU calls for season-long observation, the history of fire above 6,000 feet elevation in the rolling landform, the chance for rapid spread is slight, a prescription has been scheduled for the rolling landform ELU above 6,000 feet.

Immediate suppression action will be taken on all pre- and mid-season fires less than 6,000 feet elevation. S/S troops will be dispatched to fires occurring above 6,000 feet elevation. The Unit Fire Manager will determine what suppression action is to be taken. Post-season fires below a BUI of *230* may be permitted to burn at the Unit Fire Manager's discretion.

Senator McClure. You have it only for the two instances; none other?

Mr. Nelson. Yes; in fact, we have not approved the Gila one. It is only a proposal, but I think I should bring it to the Congress' attention.

Senator McClure. How large an acreage in the Gila?

Mr. Nelson. It is 30,000 acres.

Senator McClure. If a third of that were to burn, do you have any idea what the criteria is?

Mr. Nelson. I would have to check that, Senator.

I am acquainted with it but I do not recall the exact criteria. I will provide that for the record.

Senator McCLURE. Is a let-burn policy a major Federal decision that requires an impact statement?

Mr. NELSON. In these cases, we have gone through an environmental assessment and determined, based on the particular circumstances, that there was a negative declaration, that an environmental statement was not necessary. That is to say that we declared an environmental impact statement was not necessary. Otherwise we would have gone the environmental impact statement route.

In the case of Selway, I cannot recall whether this went the environmental impact statement route or not.

Senator McCLURE. Would you provide for the record, both in the Selway-Bitterroot and the Gila, whether an environmental impact statement was required and would you also provide, for the record, whatever criteria you have established as to when a let-burn policy would require an environmental impact statement and when only an environmental assessment would be required?

Mr. NELSON. I would be happy to do that.

[Subsequent to the hearings the Department submitted the following:]

Forest Service response for the record, on the role of environmental impact statements in the development of wilderness fire management plans applicable to the Selway-Bitterroot Wilderness, Idaho and Montana; and the Gila Wilderness, New Mexico.

No environmental impact statements were prepared in conjunction with the development of wilderness fire management plans for the Selway-Bitterroot Wilderness or the Gila Wilderness.

Decisions as to whether environmental impact statements are necessary to the development of wilderness fire management plans are based on policy guidelines contained in the Forest Service Manual. Pertinent excerpts from the Manual follow:

8411.—Actions requiring environmental statements.—The NEPA requires that environmental statements be prepared and submitted with every recommendation or report on proposals for legislation and for other major Federal actions significantly affecting the quality of the human environment. Such "significant effect" may include actions which have both beneficial and detrimental effects even if the agency believes that the effect will be more beneficial than detrimental.

Proposed major Federal actions, the environmental impact of which is likely to be highly controversial, should be covered by an environmental statement.

"Major" actions and "significant" environmental effects are difficult to define precisely and uniformly because of the great variation in social, economic, political, and ecological conditions. The official responsible for taking action must use good judgment in determining when formal environmental statements are appropriate and useful in the decisionmaking and public involvement processes. The following criteria should be considered by officials in determining whether or not a statement is appropriate:

1. Degree of ecosystem disturbance; both onsite and offsite effects should be recognized. Offsite could involve effects on private land, such as triggering land development.
2. Irreversible effects on basic resources; short-term versus long-term commitments.
3. Cumulative effects of many small actions.
4. Chain reactions or secondary effects of interrelated activities.
5. National as opposed to only local importance.
6. Uniqueness or rareness of resources.
7. Anticipated public interest.

In applying these criteria, all land affected must be considered, including National Forest, other Federal, State, and private land.

The size, scope, nature of resources affected and resources required of an administrative action are factors which should be considered in determining whether the action is a "major" action. *8411.1—Hierarchy or level of Planning and Environmental Statement* (Reserved)

Senator McCLURE. The Forest Service has been directed, by statute, to study the primitive areas for possible inclusion in the Wilderness System.

I think you probably have also had other specific wilderness study requirements by statute.

Has the Forest Service made any other studies, other than those specifically mandated by the statutes, other than the review to which you have already referred?

Mr. NELSON. The answer, generally, to that question would be that we have not studied areas, other than those in the primitive area reviews or those areas in which legislation was passed by the Congress calling for a wilderness study area.

One of the reasons for this was the time limitations that were in the Wilderness Act. We met our three scheduled periods in that act and that took a great deal of resources.

We did not feel we were in a position to study much beyond the legislative measures and the primitive areas that were in the act because this has been quite a large acreage, in our case; about 5 million acres in the primitive area.

Senator McCLURE. You have completed a review of 1,449 de facto roadless areas and, out of those 1,449, you have designated 274 for further study. You have not had experience in the past to indicate what the probability of recommendation would be but would it not be a fair statement that, unless they were pretty good prospects, they would not have been included in the 274?

Mr. NELSON. I think that is a fair statement, Senator.

Senator McCLURE. Any likelihood that a high percentage of the 274 will, after study, be recommended for inclusion in the Wilderness System?

Mr. NELSON. I would hate to make a categorical statement because this is the reason we are studying them, but there is no question that they would have some wilderness value or we would not have designated them within the 274.

Senator McCLURE. So there are another 1,150 or so that were excluded and they probably have wilderness values, too; but they have values, obviously, less than these 274.

What I am getting at and leading up to in this series of questions in regard to the studies and likelihood for inclusion is the inventory of timber growing on all of the Forest Service lands and the impact on the withdrawals.

As I recall from earlier hearings, when you went into the 1,449 roadless area studies, you did not substract them from the current inventory of allowable cut.

Mr. NELSON. We did not subtract the nonselected areas from the allowable cuts.

When we finished the roadless area evaluation, we did subtract approximately 300 million board feet from the potential yield; timber contained in the 274 areas.

Senator McCLURE. That is 300 million board feet per year that have been subtracted from allowable cut as the result of the inclusion of the 274 in the study category.

Mr. NELSON. That is correct.

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This is removed from the potential yield until the time when a decision or a recommendation is made to the Congress on these areas.

If the preliminary indications are that areas do not stack up as wilderness areas and they are, in fact, not recommended, this timber will be put back into the potential yield.

Senator McCLURE. It has an impact in the immediate localities by reducing the annual allowable cut in the areas where the study areas are located.

Mr. NELSON. Yes; I would say that, Senator McClure.

Of course, you realize that a timber cut is on a projected basis. It takes us about 5 years to get into an area because we have to plan roads and road the area and so forth.

Senator McCLURE. Your annual allowable cut is based upon a sustained yield for the entire forest.

Mr. NELSON. Yes.

Senator McCLURE. You reduce the allowable cut by subtracting the areas; if you do, you have to reduce the annual allowable cut or overcut the other areas.

Mr. NELSON. That is correct.

Senator McCLURE. So, when you remove 300 million board feet per year from the annual allowable cut, you have to reduce the cutting programs in a given forest if you are up to the allowable cut in your cutting programs now.

Mr. NELSON. That is correct; if we were up to the allowable level.

Senator McCLURE. And if you were not, well, you just take it out of what you were not cutting anyhow.

There is quite a lot of that in some areas, as I am sure you are aware.

Mr. NELSON. Yes.

Senator McCLURE. Now, the studies that have been conducted up to now—they include the wilderness studies mandated under the Wilderness Act, the wilderness studies under the various specific acts of Congress, and the wilderness review of the 1,449 areas and, of course, you do work in other areas, as well—but these studies you have conducted have taken personnel and man years of effort.

Do you know what those man years of effort have been? What has been the demand upon your personnel to complete the studies you have conducted up to this date?

Mr. NELSON. I will ask one of the gentlemen with me. He may have the answer. I am told our costs run from $2 to $3 per acre for areas completed and I would have no translate that into man years.
and I would have to translate that into man years.

Senator McCLURE. Would you do that for the record?

Mr. NELSON. Yes.

[Subsequent to the hearing the Department submitted the following:]

In reply to the request of Senator McClure, the following table shows Forest Service expenditures and man-years involved in the review of National Forest Primitive Areas and the study of new wilderness study areas.

Fiscal year	Expenditures	Man-years [1]
National forest primitive area reviews:		
1966	$140,000	7
1967	200,000	10
1968	230,000	11
1969	470,000	24
1970	500,000	25
1971	700,000	35
1972	715,000	36
1973	725,000	36
1974	282,000	14
1975	[1] 142,000	7
Total	4,104,000	205
National forest new wilderness study areas:		
1974	200,000	10
1975	[1] 600,000	30
Total	800,000	40

[1] Estimated.

Senator McCLURE. During the time you have done this, have the number of personnel in the Forest Service increased?

Mr. NELSON. No, sir.

I think I should maybe qualify that. I think I am correct that, in the past 5-year period, this has not been the case. We have not increased. In fact, as I recall, we have had a decrease in personnel over that period of time.

Senator McCLURE. So whatever man years have been devoted to these studies have been subtracted from the personnel that would have been applied to other forest management practices.

Mr. NELSON. That is correct; essentially correct.

We have had people on these particular projects who, by and large, are specialists in recreation.

Senator McCLURE. We have a large number of de facto roadless areas in the northern Idaho area and, at the same time these studies are being undertaken up there, the actual program cut of merchantable timber and timber recovery is less than 50 percent of allowable cut.

That is a condition that is absolutely intolerable. I can conclude, only, that the Forest Service, for a variety of reasons, has failed to live up to the other management requirements of statute. There has been an allocation of personnel and a management of direction which has neglected the management of the forests in favor of some of these things. I do not think either you or I are opposed to having these studies conducted but, to the mills and the men and women who depend on their livelihood from those mills, it is a serious matter when the source of timber is reduced.

The giants in the business are generally diverse enough and own enough land so they can shift operations out of the area to other land but the smaller unit is forced to close.

I think this whole thing demands a very close look. We are going to have, now, 274 more areas studied and there is going to be a per-

sonnel impact in the areas where they are studied and it is going to subtract from your ability to manage those other areas at a time when we ought to be managing them more intensively.

If we are subtracting the land base where we are getting timber, then we ought to get more on the land base where we are getting a harvest by increasing our management skill and get more trees planted.

That is not being done. It is not wholly your fault.

I have been before the Appropriations Committee, trying to get more money for you so you can do a better job, so you could do these wilderness reviews, so you could manage the recreation areas imposed upon you by members of this commitee and others in the Congress.

So it is not wholly your fault. I do not want my remarks to sound like a unilateral attack on the Forest Service. It is not intended that way. It is simply you and I, collectively, we are not living up to our responsibility in the management of the natural resources on the public lands.

This is just one little aspect of a much, much larger problem.

If you make a back country designation which is, in effect, a reduction in the commercial utilization and an emphasis on the recreational and esthetic, wildlife, and environmental values, do you likewise reduce the annual allowable cut on the forest?

Mr. NELSON. Yes, we would.

It would be necessary.

Senator MCCLURE. Have you done so?

Mr. NELSON. I believe there may be a few places where this has been done. I would have to check on the individual areas as to whether they were included in the allowable cut previously, Senator.

That is to say, many of these areas have been excluded from the allowable cut for reasons such as unstable soils, steep slopes, and so forth.

Senator MCCLURE. Have you a tabulation of the timber harvest that has been foregone as a result of irreversible loss of these study areas? Do you have fire, disease, overage, a variety of reasons why timber is not harvested?

You cannot reverse that and go back and take it after it is gone. Every year we fail to harvest on a block of timber that is overmature, we lose some timber and just the delay in studying 1,449 areas may have reduced the areas of recoverable fiber from that land; is that not correct?

Mr. NELSON. Yes.

I think that what you are saying is that mortality will take its toll. Once that mortality has occurred, depending on particular conditions in that area, it is relatively lost. It is lost if it decays, et cetera.

Senator MCCLURE. That is correct.

Do you have any figures that would indicate how much loss we have incurred already on these tracts?

Mr. NELSON. No, sir. I do not.

Senator MCCLURE. Are those figures available?

Mr. NELSON. I am rather certain, Senator, the figures are not available. I think we could, perhaps, make some estimates as to the mortality losses within this context that you are speaking of.

I think you recognize, sir, that mortality impact and mortality is not an easy figure to get at any way you attempt it.

I think we could provide, for the record, some estimate of our best judgment of what this mortality figure might be.

Senator McCLURE. I recognize it is an estimate based upon professional judgment but would you provide that figure?

[Subsequent to the hearing the following information was received:]

Timber mortality within the 274 new wilderness study areas is occurring at an estimated rate of 200 million board feet annually.

Senator McCLURE. If, indeed, you regard fire as a not necessarily totally undesirable phenomenon in the natural evolution of things, is there any thought of a prescribed burn within wilderness areas?

Mr. NELSON. We have not done prescribed burning within wilderness areas.

Senator McCLURE. You have no plan to change that?

Mr. NELSON. No.

We have no plan that I know of to change that, Senator.

Senator McCLURE. Is there any difference in the criteria for the eastern wilderness or the western wilderness, as far as allowing a natural burn to continue?

Mr. NELSON. No, sir.

Again, we have a policy and we would propose; depending on how the legislation turns out, but we would propose a policy of fire control within the eastern wilderness, as we do within all but a small acreage, at this time, in the western wilderness.

Senator McCLURE. So, no controlled burn is planned on the eastern or the western unless they occur by natural causes.

Mr. NELSON. No controlled burns are planned on either eastern or western wilderness.

Senator McCLURE. Thank you.

I have no further questions.

Senator HASKELL. Thank you, Mr. Nelson.

Senator HASKELL. Senator McClure asked you to give a breakdown on your activities as they relate to wilderness areas.

If it is not too much trouble, it might be helpful—and I certainly do not want to put the Department to any unnecessary trouble—but, if it is available, then you might also supply us with a breakdown of the manpower allocation of the various functions of the Department.

I do not want to make a lot of trouble but there are some of us who happen to feel that recreational and esthetic values have equal importance with commercial interests and have to have their place in our society and, just to give a balanced picture, if it is possible for you to make the type of breakdown I am asking for, I would appreciate it.

If it is not possible, just put a statement in the record.

Mr. NELSON. Senator, I am sure you recognize that, within our organization, many of our people work in a multiple group of functions.

I think what we could provide, for the record, is the breakdown of the budget by various functions and we do have some estimates of manpower per million dollars.

Senator HASKELL. That would be perfectly adequate for my purposes.

Thank you very much.

[Subsequent to the hearings the Department submitted the following:]

In reply to the request of Senator Haskell, we are submitting a data sheet entitled *Obligation by Objective Classification—Fiscal Year 1973* which tabulates expenditures and man-years of employment relating to all of the various activities of the Forest Service.

Because the data sheet is lengthy and complex, there is listed below a summary showing the man-years of employment involved in conducting the principal resource management and protection activities in the National Forests.

NATIONAL FOREST LAND MANAGEMENT ACTIVITY

	Man-years of employment fiscal year 1973
Timber sales administration	4,428
Reforestation and stand improvement	1,494
Recreation use	2,460 [1]
Wildlife and fish habitat management	366
Rangeland management	771
Soil and water management	482
Minerals management	316
Land classification, adjustments and surveys	404
Forest fire protection	1,908
Maintenance of improvements	365
Work performed for Forest Service	70
Cadastral Surveys	23
Reimbursements	148
Water Resources Development Activities	210
Fighting Forest Fires	1,902
Forest Insect and Disease Control	440
Cooperative Law Enforcement	28
Total	15,983

[1] The 2,460 man-years of employment pertaining to the recreation use activity includes an estimated 36 man-years devoted to the review of National Forest Primitive Areas.

Senator HASKELL. I would like to say that Senator Hatfield wanted to be here. He was detained at the airport.

He may well have some questions for the record. I am going to leave the hearing record open for 10 days so Senator Hatfield or anyone else can ask some questions.

I trust you will respond to them promptly.

Mr. NELSON. Certainly.

Senator MCCLURE. You have developed some criteria, at least experimentally, in two areas for allowing naturally occurring fires to progress.

What is the policy with respect to disease or insect control within the wilderness areas?

Mr. NELSON. Our policy is to control insects and disease outbreaks, and fire within wilderness.

Senator MCCLURE. While you have an experimental program to allow naturally occurring fires to go, you have no such experimental program to allow naturally occurring insects or disease to go unchecked?

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

OBLIGATIONS BY OBJECTIVE CLASSIFICATION -- Fiscal Year 1973

Budget Branch
March 14, 1974

	Personal Services												Contract Work						Less		
	Man-Years of Employment	Salaries and Benefits M$	%	Travel M$	%	Transportation of Things M$	%	Rents, Communications and Utilities M$	%	Printing and Reproduction M$	%	Supplies, Materials, and Equipment M$	%	Lands and Structures M$	%	Other Contractual Services M$	%	Grants, Subsidies, and Contributions M$	%	Other M$	%	Subtotal M$	Quarters Deductions M$	%	Subsistence Deductions M$	Total Obligations M$
FOREST PROTECTION AND UTILIZATION:																										
FOREST LAND MANAGEMENT:																										
National Forest Protection and Management:																										
Timber resource management:																										
(a) Sales administration and management	4,428	53,928	78	1,925	3	3,200	5	1,717	2	402	1	3,198	5	43		2,410	3	4		2,493	4	69,320	-456	-1	-23	68,841
(b) Reforestation and stand improvement	1,494	16,018	59	560	2	983	4	661	2	117		2,922	11	1,925	7	3,410	13	2		906	3	27,504	-103	-1	-17	27,384
Recreation use	2,460	28,978	69	1,227	3	2,511	6	1,179	3	324	1	3,798	9	137		3,028	7	4		1,388	3	42,574	-216	-1	-5	42,353
Wildlife and fish habitat management	366	5,185	73	316	5	280	4	168	2	50	1	402	6	20		458	7	4		232	3	7,115	-35	-1	-1	7,079
Rangeland management	771	10,363	69	453	3	713	5	383	3	68	1	1,480	10	154	1	971	6	5		457	3	15,047	-97	-1	-1	14,949
Soil and water management	482	6,932	71	441	4	354	4	218	2	76	1	685	7	19		693	7	1		386	4	9,805	-31			9,774
Minerals management	316	4,841	78	278	4	224	4	124	2	42	1	187	3	1		340	6			192	3	6,229	-32	-1		6,197
Land classification, adjustments, and surveys	404	5,918	74	340	4	176	2	136	2	125	2	298	4	43		735	9	2		288	3	8,061	-15		-1	8,045
Forest fire protection	1,986	23,727	65	1,053	3	2,001	6	1,089	3	195		2,399	7	17		4,590	13	3		1,274	4	36,348	-201	-1	-39	36,108
Maintenance of improvements for fire and general purposes (including communications)	365	4,795	55	185	2	329	4	191	2	29		1,802	21	133	2	958	11	1		268	3	8,691	-21		-1	8,669
Payments to Employees' Compensation Fund		2,131	100																			2,131				2,131
Work performed for Forest Service units and others, not reimbursed or advanced	70	1,074		390		88		1,775		562		587				5,503				-9,833		146	-1			145
*Allocation to Interior, Cadastral Surveys	23	192	81	9	4	5	2					6	2			26	11					238				238
Reimbursements	148	1,810	51	114	3	65	2	128	4	10		183	5	6		1,101	31			121	4	3,538	-5		-1	3,532
Total, National Forest Protection and Management	13,313	165,892	70	7,291	3	10,929	5	7,769	3	2,000	1	17,947	8	2,498	1	24,223	10	26		-1,828	-1	236,747	-1,213		-89	235,445
Water Resource Development Related Activities	210	3,150	80	102	3	85	2	49	1	7		227	6	12		315	8			7		3,954	-10		-1	3,943
Fighting Forest Fires:																										
Prevention and presuppression	1,472	20,219	81	442	2	922	4	199	1	2		511	2			2,868	11			7		25,170	-99	-1	-74	24,997
Suppression	401	15,971	49	1,912	6	732	2	357	1	10		5,296	17			8,155	25			-6		32,427	-31		-7	32,389
Salary differential		155	100																			155				155
Work for Forest Service units and others, not reimbursed or advanced		4		2																-6						
Reimbursements	29	826	40	91	4	32	2	16	1			358	18			692	34			26	1	2,041	-1		-1	2,039
Total, Fighting Forest Fires	1,902	37,175	62	2,447	4	1,686	3	572	1	12		6,165	10			11,715	20			21		59,793	-131		-82	59,580
Forest Insect and Disease Control:																										
White pine blister rust control	21	334	50	33	5	8	1	5	1	2		28	4			89	13	143	22	24	4	666				666
Other pest control	325	4,520	43	447	4	132	1	129	1	56	1	417	4	20		1,015	10	2,874	27	890	9	10,500	-10			10,490
Work performed for Forest Service units and others, not reimbursed or advanced	63	618		25		26		11		30		117				77				-903		1	-1			
*Allocation to Interior	31	259		48		23		3				35				155						523				523
Reimbursements		2														87						89				89
Total, Forest Insect and Disease Control	440	5,733	49	553	5	189	2	148	1	88		597	5	20		1,423	12	3,017	26	11		11,779	-11			11,768
Cooperative Law Enforcement	28	439	23	26	1	7		16	1	1		183	10	11	1	1,229	63	21	1	4		1,937	-2			1,935
TOTAL, FOREST LAND MANAGEMENT	15,893	212,389	68	10,419	3	12,896	4	8,554	3	2,108		25,119	8	2,541	1	38,905	12	3,064	1	-1,785		314,210	-1,367		-172	312,671
FOREST RESEARCH:																										
Forest and Range Management Research:																										
Trees and timber management research	665	9,997	81	328	3	176	1	344	3	135	1	406	3	18		580	5	3		319	3	12,306	-9			12,297
Forest watershed management research	327	4,791	72	218	3	120	2	198	3	59	1	325	5	7		563	9	160	2	207	3	6,648	-2			6,646
Wildlife, range, and fish habitat research	178	2,673	77	112	3	77	2	112	3	50	1	123	4	2		242	7	5		103	3	3,499	-5			3,494
Forest recreation research	54	841	69	48	4	8	1	33	3	19	1	36	3			206	17			32	2	1,223				1,223
Total, Forest and Range Management Research	1,224	18,302	77	706	3	381	2	687	3	263	1	890	4	27		1,591	7	168		661	3	23,676	-16			23,660
Forest Protection Research:																										
Fire and atmospheric sciences research	236	3,726	53	154	2	45	1	140	2	52	1	415	6	1		2,211	31	56	1	247	3	7,047				7,047
Forest insects and disease research	498	7,578	79	286	3	84	1	260	3	97	1	386	4	14		526	6	34		271	3	9,536	-1			9,535
Total, Forest Protection Research	734	11,304	68	440	3	129	1	400	2	149	1	801	5	15		2,737	17	90		518	3	16,583	-1			16,582
Forest Products and Engineering Research:																										
Forest products utilization research	467	7,092	81	170	2	32		283	3	96	1	564	6	9		464	5	9		175	2	8,894				8,894
Forest engineering research	58	857	58	51	3	11	1	31	2	16	1	100	7			348	24	2		55	4	1,471				1,471
Total, Forest Products and Engineering Research	525	7,949	79	221	2	43		314	3	112	1	664	6	9		812	7	11		230	2	10,365				10,365
Forest Resource Economics Research:																										
Forest survey	193	2,746	77	236	7	54	2	98	3	47	1	62	2	1		216	6			84	2	3,544				3,544
Forest economics and marketing research	168	2,662	74	133	4	17		82	2	55	2	105	3			368	10	102	3	76	2	3,600				3,600
Total, Forest Resource Economics Research	361	5,408	77	369	5	71	1	180	3	102	1	167	2	1		584	8	102	1	160	2	7,144				7,144
Work performed for Forest Service units, not reimbursed or advanced	38	508		47		20		40		5		98				254				-972						
Reimbursements	68	965		61		25		27		1		122				294				11		1,506	-1			1,505
TOTAL, FOREST RESEARCH	2,950	44,436	75	1,844	3	669	1	1,648	3	632	1	2,742	5	52		6,272	10	371	1	608	1	59,274	-18			59,256
STATE AND PRIVATE FORESTRY COOPERATION:																										
Cooperation in forest fire control	59	969	5	93	1	8		13		49		407	2			225	1	17,941	90	250	1	19,955				19,955
Cooperation in forest tree planting	5	84	26	12	4			2	1	1		10	3			29	9	180	56	5	1	323				323
Cooperation in forest management and processing	31	514	10	41	1	4		6		6		9				26	1	4,246	87	35	1	4,887				4,887
General forestry assistance	76	1,360	54	177	7	14	1	17	1	25	1	73	3			209	8	546	21	116	4	2,537				2,537
Work performed for Forest Service units, not reimbursed or advanced	8	112		16		3		6		5		27				27				-196						
Reimbursements	4	59	11	5	1					3	1	23	4			343	65			97	18	530				530
TOTAL, STATE AND PRIVATE FORESTRY COOPERATION	183	3,098	11	344	1	29		44		89	1	549	2			859	3	22,913	81	307	1	28,232				28,232
TOTAL, FOREST PROTECTION AND UTILIZATION	19,026	259,923	64	12,607	3	13,594	3	10,246	3	2,829	1	28,410	7	2,593	1	46,036	11	26,348	7	-870		401,716	-1,385		-172	400,159
CONSTRUCTION AND LAND ACQUISITION:																										
Forest land management construction	213	2,673	44	95	1	116	2	38		21		1,235	20	1,321	21	622	10			146	2	6,267	-7			6,260
Research construction	3	44	12	4	1			5	2			130	37	112	32	58	16					353				353
Pollution abatement	518	7,198	36	298	1	186	1	201	1	28		951	5	8,104	40	3,298	16			61		20,325	-12			20,313
Land acquisition, Weeks Act	11	126	8	3		10						7		1,289	85	109	7					1,544	-1			1,543
*** Allocation to General Services Administration				9	1									781	95	32	4					822				822
Reimbursements																155						155				155
TOTAL, CONSTRUCTION AND LAND ACQUISITION	745	10,041	34	409	1	312	1	244	1	49		2,323	8	11,607	39	4,274	15			207	1	29,466	-20			29,446
FOREST ROADS AND TRAILS:																										
Maintenance	2,237	25,313	59	780	2	2,914	7	958	2	70		4,754	11	507	1	7,375	17			368	1	43,039	-82		-15	42,942
Construction	5,290	63,418	57	2,228	2	3,530	3	1,981	2	380		5,170	5	25,638	23	7,831	7			1,308	1	111,484	-198		-30	111,256
Timber-access roads, Appalachia	19	230	69	9	3	14	4	2	1	1		5	2	29	9	38	11			4	1	332				332
Flood repairs	48	528	28	19	1	50	3	37	2	3		104	6	172	9	939	51			7		1,859	-1			1,858
Work performed for Forest Service units and others, not reimbursed or advanced	30	426		72		23		114		19		342		6		349				-1,332		19				19
*** Allocation to Transportation, Federal Highway Administration	16	213	20	54	5	11	1	6	1	1		2		636	58	165	15					1,088				1,088
Reimbursements	10	149		10		6		6				45		29		26				-1		270				270
Total	7,650	90,277	57	3,172	2	6,548	4	3,104	2	474		10,422	7	27,017	17	16,723	11			354		158,091	-281		-45	157,765
ACQUISITION OF LANDS--Superior, Cache, Wasatch, and Uinta National Forests														8								8				8
ACQUISITION OF LANDS FOR NATIONAL FORESTS, SPECIAL ACTS														58								58				58
EXPENSES, BRUSH DISPOSAL	1,213	12,551	68	190	1	969	5	646	3	12		1,375	7	178	1	2,840	15			13		18,774	-104		-28	18,642
FOREST FIRE PREVENTION (Smokey Bear)	3	29	13					21	10	9	4	11	5			149	68					219				219
RESTORATION OF FOREST LANDS AND IMPROVEMENTS	1	8	43			1	5	1	5			2	10			7	37					19				19
ASSISTANCE TO STATES FOR TREE PLANTING	12	195	19	15	2	4		20	2			1				7	1	780	76	2		1,024				1,024
YOUTH CONSERVATION CORPS:																										
Youth Conservation Corps	56	1,018	59	33	2	78	4	26	1	3		157	9			327	19	107	6	1		1,750	-3		-6	1,741
*Allocation to Department of the Interior	44	300	17	87	5	2		11	1	5		147	8			1,198	69					1,750				1,750
TOTAL, YOUTH CONSERVATION CORPS	100	1,318	38	120	3	80	2	37	1	8		304	9			1,525	44	107	3	1		3,500	-3		-6	3,491
COOPERATIVE WORK, FOREST SERVICE:																										
Sale area betterment (K-V)	1,875	19,425	60	217		1,105	3	530	2	39		3,155	10	3,180	10	5,022	15			59		32,732	-144		-18	32,570
Other than K-V	755	7,973	51	141	1	804	5	381	2	14		2,261	14	1,369	9	2,621	17	2		126	1	15,692	-41		-7	15,644
Work performed for Forest Service units and others, not reimbursed or advanced		3				1						59								-4		59				59
Total	2,630	27,401	57	358	1	1,910	4	911	2	53		5,475	11	4,549	9	7,643	16	2		181		48,483	-185		-25	48,273
CONSOLIDATED WORKING FUND	9	1,660	93	19	1	29	2	3				13				68	4			2		1,794	-1			1,793
ALLOCATIONS TO FOREST SERVICE:																										
Appalachian Regional Development Program		5	7									-3	-4			1		66	97			69				69
Manpower Training Activities:																										
Center Capital	4	52	6	3		16	2	1				603	70	77	9	108	13			4		864				864
Center Operations	1,097	13,154	53	301	1	598	2	939	4	7		6,314	25	137		3,734	15			20		25,204	-198		-41	24,965
Program Direction	102	1,484	80	70	4	8		48	3	5		40	2			188	10			21	1	1,864	-1			1,863
Total	1,203	14,690	53	374	1	622	2	988	4	12		6,957	25	214		4,030	15			45		27,932	-199		-41	27,692
Federal Aid Highways Trust Fund	258	3,052	36	130	2	280	3	223	3	4		663	8	2,141	26	1,861	22			1		8,355	-4			8,351
Watershed and Flood Prevention Operations	317	3,313	46	60	1	164	2	118	2	4		380	5	256	4	523	7	2,409	33	24		7,251	-20		-7	7,224
Watershed Planning	24	367	75	36	7	3	1	4	1	1		7	2			17	4	48	10	2		485				485
River Basin Surveys and Investigations	72	1,149	80	112	8	17	1	15	1	9		32	2			107	7	15	1	2		1,458				1,458
Expenses, ASCS (Naval Stores)	7	122	68	7	4	3	2	1				1				21	11	23	12	5	3	183				183
Oregon and California Grant Lands	34	420	17	16	1	17	1	22	1	1		32	1	1,874	78	26	1					2,408	-1			2,407
**Oregon and California Grant Lands, Allocation to Federal Housing Administration																2	100					2				2
Land and Water Conservation Fund	241	3,503	12	141	1	76		71		3		148	1	22,805	83	766	3	30		22		27,565	-4			27,561
Resource Conservation and Development	6	110	13	15	2	1		1				-2				48	6	678	79			851				851
Salaries and Expenses, Farmers Home Administration	1	33	33	2	2	3	3					13	13			24	24	25	25			100				100
Salaries and Expenses, Agricultural Research Service	32	293	60	66	13	17	3	20	4			40	8			58	12					494				494
WORKING CAPITAL FUND	1,057	12,179	35	214	1	132		509	2	66		17,903	52	27		3,473	10	2		104		34,609	-23		-14	34,572
PAYMENTS TO STATES, COUNTIES, ARIZONA AND NEW MEXICO, AND MINNESOTA																		85,558	10			85,558				85,558
SUBTOTAL	34,641	442,639	51	18,063	2	24,782	3	17,205	2	3,534		74,507	9	73,327	9	90,229	10	116,091	14	95		860,472	-2,230		-338	857,904
Allocations from Forest Service included above:																										
* Interior	-98	-751	-30	-144	-6	-30	-1	-14		-5		-188	-7			-1,379	-56					-2,511				-2,511
** Transportation	-16	-213	-20	-54	-5	-11	-1	-6	-1	-1		-2		-636	-58	-167	-15					-1,090				-1,090
*** General Services Administration																-155	-100					-155				-155
TOTAL, FOREST SERVICE OBLIGATIONS	34,527	441,675	51	17,865	2	24,741	3	17,185	2	3,528		74,317	9	72,691	9	88,528	10	116,091	14	95		856,716	-2,230		-338	854,148

Mr. NELSON. No, sir. An epidemic which threatens resources outside the wilderness would be suppressed, just as would a fire threatening outside resources.

I am sure you recognize that we are not on top of the insect and disease control programs.

Senator MCCLURE. I recognize you are not on top of any of these programs.

Thank you.

Senator HASKELL. Thank you very much, Mr. Nelson.

We may have some written questions for you to supply answers to for the record.

[Subsequent to the hearings the Department submitted the following:]

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., November 5, 1974.

Hon. JAMES A. MCCLURE,
U.S. Senate

DEAR SENATOR MCCLURE: Thank you for your inquiry requesting additional information for the record of the October 9 Wilderness Oversight Hearings. Answers to your questions are in the same order as they appeared in your letter of October 11.

1. *What is the Forest Service management policy regarding jet boats in the Wilderness System?*

We do not believe the use of jet boats, or other types of motorboats, is appropriate in Wilderness. Our policy is that they shall not be permitted except in unusual circumstances.

Section 4(d)(1) of the Wilderness Act does give the Secretary of Agriculture the discretion to permit the continued use of motorboats where that use has been previously established; however, we have never exercised that authority.

The Act is specific in its requirements for outstanding opportunities for solitude and retention and management for its primeval character. The presence of motorboats seriously affects these essential elements of Wilderness. The Act is also specific in outlining prohibitions of certain uses in section 4(c), among which is the use of motorboats.

Unless the use of such equipment constitutes the minimum necessary for the administration of the area for the purposes of the Act or in emergencies involving the health and safety of users within the area, it is not permitted.

Motorboats are permitted within portions of the Boundary Waters Canoe Area in Minnesota. However, this use is not discretionary with the Secretary. Provision for the continuation of the use in this area is specifically made in section 4(d)(5) of the Act.

2. *What is the Forest Service management policy regarding hunting camps in Wilderness?*

We presume this question is directed at Outfitter-Guide camps rather than the incidental use of camping areas by individual hunters.

Outfitter-Guide activities are permitted within Wilderness where there is a demonstrated need for the service and where the Wilderness has the capacity and capability to sustain the use. As with other uses and activities in Wilderness, Outfitter-Guide services are managed to be compatible with and have the least adverse effect on the Wilderness resource. Simple temporary facilities such as corrals or tent platforms may be permitted when they are the minimum necessary for the protection of the Wilderness and continuation of the services. No permanent facilities are permitted and temporary facilities are dismantled and removed when not needed. Special use permits authorize the use, and permit terms are developed to tailor the use to the individual Wilderness.

3. *What is the Forest Service management policy regarding insect buildup (such as bark beetles) in areas that would be part of a let-burn area in the Wilderness area?*

The policy regarding insect and plant disease in a managed fire situation in Wilderness is the same as it is without the managed fire situation. Insect and

disease occurrences and buildups are permitted to run their natural course in Wilderness insofar as other values will permit. They are closely monitored and if it appears that they will run their course within the Wilderness without unacceptable damage to private property or resource values outside Wilderness, no control measures are taken. If such is not the case, an evaluation is made and control measures least damaging to the Wilderness but effective in controlling the buildup are taken.

We believe this policy is in line with provisions of the Act citing Wilderness as". . . an area untrammeled by man, retaining its primeval character and influence, appearing to have been affected primarily by the forces of nature and managed to preserve its natural conditions."

4. *Should a "let-burn" fire damage private property values, as a result of the fire getting away, whose responsibility is it to pay for damages?*

A claim against the Government as a result of a managed fire situation would be the same as for any other type claim. The claim would be investigated, evaluated, and a decision rendered.

The Forest Service conducts managed fire situations under the same rules for safety and regard for private values as all other fire activities. A plan for managing natural fires in Wilderness is the result of very careful analysis of the Wilderness and all resources involved, including private property. Where private property is within the planning area, special provisions are made to insure its protection in the managed fire situation.

5. *What is Forest Service trail maintenance policy in Wilderness areas, such as provisions for use of powered tools, etc.?*

Policy regarding the use of powered equipment is guided by section 4(c) of the Wilderness Act. The use of powered tools is permitted only where there was no other reasonable alternative to construction or maintenance of the trail. Decisions regarding such use are always guided by ". . . the minimum requirements for the administration of the area for the purpose of this Act . . . ."

Trails are acceptable facilities in Wilderness; they are often essential to proper Wilderness management. Programs are developed for trail construction and maintenance in accordance with available funds and manpower. Wilderness trails will normally be developed and maintained to the minimum standards necessary for the purposes of the trail and every attempt is made to make the trail a part of the Wilderness rather than an intrusion on it.

We appreciate the opportunity to furnish you this information regarding Forest Service Wilderness policies.

Sincerely,

JOHN R. MCGUIRE, *Chief*

Senator HASKELL Our next witness is E. U. Curtis Bohlen, Deputy Assistant Secretary of the Fish, Wildlife, and Parks Department of the Department of the Interior.

STATEMENT OF E. U. CURTIS BOHLEN, DEPUTY ASSISTANT SECRETARY, FISH, WILDLIFE, AND PARKS, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY GEORGE TURCOTT, ASSOCIATE DIRECTOR, BUREAU OF LAND MANAGEMENT; AND JAMES GILLETT, CHIEF WILDERNESS PLANNER

Mr. BOHLEN. I have with me, today, Mr. George Turcott and Jim Gillett, our Chief Wilderness Planner for the Fish and Wildlife Service.

I am happy to report to the committee that the Department of the Interior has completed all of the wilderness studies required of it under the 1964 act in both the Fish and Wildlife Service and the National Park Service.

I have no prepared statement today because I was not sure exactly what you were searching for but I will be happy to answer any questions the committee may have.

Senator HASKELL. Perhaps I do have some questions.

Will you tell us how many wilderness proposals for national parks wildlife refuges are now in Congress and give us some idea as to how many wilderness proposals and in what time frame will they be submitted to us?

Mr. BOHLEN. As you may know, we have a wilderness message which is now completed and ready to be transmitted to the Congress as soon as the President has an opportunity to participate in a public ceremony announcing that transmittal. Including those wilderness proposals that will be in that message—and we hope it will be sent to the Congress very soon—we will have completed all of our responsibilities under the act of 1964. In the national park system we will have studied 56 units of the national park system totaling 28 million acres. Of these, 49 areas encompasing 15.5 million acres have been recommended for wilderness designation and 4 of the 49 have already been enacted. In the national refuge system we have 114 proposals, of which 26 have already been enacted and 66 are or will be awaiting action by the Congress as soon as this message goes up.

Senator HASKELL. This message is something the President has announced he is going to do and has not had a chance to do it?

Mr. BOHLEN. Yes.

We have completed all of the necessary work on it; in fact, it was scheduled 2 weeks ago and, because his wife became ill, the President had to postpone it.

Within the refuge system, we studied 29.5 million acres and the areas recommended include 8 million acres. There is an additional 13 million acres in Alaska on which we have deferred action pending the final village withdrawals under the Native Settlement Act.

Senator HASKELL. When will that take place? Do you have any idea? When will the withdrawals be concluded?

Mr. BOHLEN. The village selection has to be completed this December 18, and the regional selections are a year later.

You may be interested in the costs of these studies, inasmuch as you asked the previous witness about his costs.

We have found, in our experience, that the average cost per unit of the park system of making a wilderness study is about $22,000. In the refuge system, the average cost would run around $20,000 and this varies from some of the smaller units at about $4,000 to the bigger, more complicated ones as high as $60,000.

Senator HASKELL. Have you completed your survey of the lands that are subject to possible wilderness classification? Mr. Nelson, for example, in his testimony said the Forest Service had completed their surveys of their lands that could be included.

Are you in the same position?

Mr. BOHLEN. We have a slightly different requirement under the act.

The act specifically asked us to study all areas in the park system—with roadless areas of 5,000 acres or more and this we have done. In the refuge system, we had to study all roadless areas of 5,000 acres or more and all roadless islands. This we have completed.

Senator HASKELL. The results of completing those are what you just told me?

Mr. BOHLEN. Right.

Senator HASKELL. One of the problems that has come up has come up certainly on the east coast and possibly once on the west coast and

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that is the question of submerged lands, water areas in the wildlife wilderness.

I am particularly concerned about the question of placing the submerged lands in wilderness areas when we really do not have the jurisdiction over the water above. I think it is a problem.

Also, about the treatment of submerged land and water when we do have jurisdiction; particularly, there is some question of access to the land areas of the wilderness when the water surrounding those areas is declared wilderness, as well.

It is a particularly puzzling problem.

Have you given any thought to this problem?

Mr. BOHLEN. Mr. Chairman, we have given additional thought to the problem since the last time I testified before you and this subject came up.

We feel that there is justification for putting submerged lands in wilderness, even though we do not control the water columns. There are relatively few areas in the refuge system where we have legal control over the surface of the waters but we do have a number of areas where the submerged lands are within the refuge itself.

We feel the dredging and filling of marine areas and the extraction of minerals from the ocean bottom can permanently alter the natural environment of the water bottom; thus submerged lands are susceptible to spoiling as much as the fast lands.

Wherever the conditions warrant, we have included the submerged lands in wilderness proposals. It is difficult to establish a blanket rule on water columns. In many cases, the decision is taken out of our hands because we do not own the water column. We do not believe there is any anomaly in our recommending inclusion of submerged lands.

Now, in response to your question as to access; I think this was the stumbling block we had the last time I testified here. We reconsidered that particular proposal which was in Alaska and we have taken the surface of the water out of the wilderness because there is a requirement that both visitors and refuge managers reach the island. In that case, use of motors is necessary. The only time we would be likely to put surface waters into wilderness is when there is no administrative need for motors and no requirement that visitors use motors to get to the refuge.

Senator HASKELL. Could you do this? Could you have somebody on your staff submit, for the record, an analysis of this problem where you have split ownership, where you have identical ownership, and give us a thought as to whether or not additional legislation might be needed or what the problems are?

Senator Church, as you know, is the author of the Wilderness Act and he mentioned, the other day at a committee business meeting, that, at the time the Wilderness Act was enacted in 1964, they were probably thinking more in terms of western wilderness where this was not a problem and now it is.

We should have some careful thought given to this problem with recommendations and I would appreciate if it you would have some member of your staff do that.

Mr. BOHLEN. We will be happy to do it.

[Subsequent to the hearing the following information was received:]

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JAN 27 1975

Dear Mr. Chairman:

This responds to the request, at a hearing held by the Subcommittee on Public Lands on October 9, 1974, for a Departmental review of issues concerning water and wilderness proposals.

As a general rule, the inclusion of water in a wilderness area would bar the use of motorboats (section 4(c) of the Wilderness Act of 1964). The Congress could, of course, provide otherwise in legislation establishing a wilderness, as in the case of Okefenokee National Wildlife Refuge, Georgia (see infra).

Moreover, section 4(c) of the Act contains two provisions which in limited circumstances would permit the use of motorboats in wilderness. That subsection provides in part that, "subject to existing private rights, there shall be no commercial enterprise...within any wilderness area designated by this Act." For example, under this section if a body of water upon which there is a motorboat concession is included in a designated wilderness area, the Department would presumably be required to permit the motorboat use to continue until the contract has run its course (unless, of course, Congress directed that the contract be terminated). Subsection 4(c) also admits of the following exceptions to its generalized prohibition of motorboats in wilderness: "except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no...use of...motorboats...within any /wilderness/ area." Situations may arise where motorboats would be necessary to deal with health and safety matters or even to meet minimum administrative requirements for an area: the subsection appears to authorize such uses.

In addition to these exceptions, section 4(d)(1) of the Act can be read to provide discretion for the Secretary of the Interior to permit

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continued motorboat use within wilderness areas where such a use has "already become established." In order to reach this result, one must deal with the fact that as written section 4(d)(1) applies only to the Secretary of Agriculture. However, this Department has been recommending that language such as the following be incorporated into wilderness legislation: "Any reference in the Wilderness Act to the Secretary of Agriculture shall, where appropriate, be deemed to be a reference to the Secretary of the Interior." The Congress has generally added this or similar language in enacting wilderness legislation.

As noted, the authority to permit continued motorboat use is discretionary--the use "may be permitted to continue subject to such restrictions as the Secretary of /the Interior/ deems desirable." In exercising that discretion, we would generally recommend to the Congress that, in a situation where motorboat use is a prerequisite for access to a wilderness area or to the "parent" park or refuge, the waters affording such access be omitted from the wilderness area. Our reasoning would be that there is a basic incompatibility between motorized equipment and wilderness (one of the primary purposes of the Wilderness Act is to provide "outstanding opportunities for solitude or a primitive and unconfined type of recreation") and that exceptions to the spirit of the Act--whether by exercise of administrative discretion pursuant to section 4(d)(1) or by specific statutory provision--ought to be kept to a minimum.

One possible exception to this line of reasoning would arise if we had a situation where for some reason the need for motorboat use on certain waters were likely to be obviated. In such a case, the incompatibility of motorboat use with wilderness status would be only short-term, and we might well recommend that the water be included in the wilderness area.

An example will help to make the guidelines I have been discussing more concrete. In fashioning the Crater Lake National Park wilderness proposal, we declined to recommend the lake itself for wilderness designation. Crater Lake is both the source of the park's name and its raison d'etre. Thus, interpretation of the lake to the public is, in our view, an essential aspect of enjoyment of the park. It is also our judgment that such interpretation requires motorboat use. At present this use involves four 60-passenger motorcraft which take the public on sight-seeing tours of the lake and Wizzard Island. This use also entails support facilities--

two boathouses; docks and a comfort station on Wizzard Island; a snack bar, comfort station, docking and fueling facilities at Cleetwood Cave, where the tour originates.

As outlined above, the Wilderness Act contains more than one provision upon which designation of Crater Lake with motorboat usage could be based. We have argued against such designation, however, because we believe that the continuing presence of motorboats on the lake is incompatible with the meaning of wilderness. Since "outstanding opportunities for solitude and a primitive and unconfined type of recreation" are not now--and will not be in the foreseeable future--present at Crater Lake, we see no rational purpose to be served by calling it wilderness. And on the contrary, we perceive a debasement of the concept and the reality of wilderness if Crater Lake is included in the system.

One specific question which has been asked frequently at wilderness hearings is how we justify recommending submerged lands for wilderness designation without the water column above them. The extent to which the Department controls water columns bordering on its parks and refuges varies according to the statute or Executive Order which established the area. In cases where the Department controls the water column as well as submerged lands beneath it, we have generally tried not to separate the two in formulating wilderness proposals. In cases where we have control over submerged lands only, we have often recommended wilderness designation of these lands, even though it is entirely possible that activities could occur in the overlying water that are both beyond our control and incompatible with the solitude expected of a wilderness area. We believe that designation in such cases can be useful, however, as an added protection of the submerged lands.

In the remainder of this letter, I would like to discuss specific examples of areas where water has been prominently involved in wilderness proposals. In both Glacier Bay National Monument and Everglades National Park, water areas have been left out of the wilderness proposals. Like Crater Lake, Everglades is a national park in which water is a central attraction. There is simply no practical way of seeing the park except via motorboats. Because this situation is permanent, we have not recommended to Congress that the water routes of Everglades National Park be included in the wilderness. Despite its name, Glacier Bay National Monument is not as dependent on water for its attractiveness as are Crater Lake or Everglades. However, we have omitted the bay itself from the wilderness proposal because it is a source of access both to the monument and to commercial fishing activities: i.e., in addition to serving as the

"gateway" to the monument, the bay is a part of the local traffic patterns. Again, these are circumstances which are not likely to change; thus, rather than make a permanent exception for motorboat use, we have deleted the bay from the proposal.

With regard to refuge wilderness areas, it should be mentioned at the outset that the Congress has, by specific statutory provision, authorized the continued use of motorboats in the wilderness segment of Okefenokee National Wildlife Refuge, Georgia (P.L. 93-429). As to two other refuge proposals, the Department does not have jurisdiction over certain waters within the refuge boundaries and thus could not recommend these waters for inclusion in wilderness: these are Semidi National Wildlife Refuge, Alaska, and Chassahowitzka National Wildlife Refuge, Florida. Access to Simeonof National Wildlife Refuge, Alaska depends on motorboat use on waters within the refuge boundaries; since this is a condition which is not likely to change, we have not recommended the waters involved for wilderness designation. Waters within J. N. "Ding" Darling National Wildlife Refuge, Florida are subject to motorboat use by commercial fishing operations; since, again, this is likely to be a long-term situation, we have not recommended the waters for wilderness designation.

In three additional proposed wilderness areas--Parker River National Wildlife Refuge, Massachusetts; Cape Romain National Wildlife Refuge, South Carolina; and Assateague Island National Seashore--Chincoteague National Wildlife Refuge, Virginia and Maryland--the Department lacks jurisdiction over certain waters and thus could not recommend their inclusion in the proposals. As to all three areas, however, there is a special circumstance which warrants discussion. The proposals all extend in some areas to the mean low tide mark; water at this mark is navigable at high tide but not at other times. Since we lack jurisdiction over the water, we cannot bar motorboat use at high tides. Nonetheless, we believe that the lands extending to the low-tide mark should in all three cases be included in the proposals to obtain the supplementary protection which wilderness status entails.

We appreciate the opportunity to articulate this aspect of our wilderness policy. If there are additional questions, we would be pleased to provide further replies.

Sincerely yours,

Orson P. Wheeler

Acting Assistant Secretary of the Interior

Honorable Henry M. Jackson
Chairman, Committee on Interior
and Insular Affairs
United States Senate
Washington, D. C. 20510

Mr. BOHLEN. Do you have in mind, Mr. Chairman, putting some of the surface waters into the wilderness and thereby prohibiting motors?

Senator HASKELL. Maybe so. Maybe in proper cases that is the thing to do. Maybe there should be a flexibility so it could be done but this is the kind of discussion I would like to see.

Mr. BOHLEN. I personally feel that one cannot have a true wilderness experience in a refuge if motors are allowed up the channels that interlace the marshes.

We do not have control of that situation right now but the idea is definitely worth exploring and we will be in touch with you.

Senator HASKELL. Thank you very much.

My next question is: We have had a debate with the Forest Service—maybe we have had a debate with the Interior Department, too—on what activities should be allowed in wilderness areas, what management tools should be permitted; and I think the law is perhaps not completely clear as to this particular subject.

For example, certain times there have been pipelines going through wilderness areas requiring occasional maintenance. In certain wilderness areas—one in Georgia, for example—the only way you could get in, we allowed certain very small outboard motors.

In my State, I happen to know that there is a difference of opinion. There is a small irrigation ditch going through one of the proposed wildernesses. There is some dispute as to whether the irrigation ditch should be maintained by mechanical equipment. Certain people say it should be maintained by hand.

This is a difficult area; the area of what you can do in the wilderness.

Do you have any thoughts on that?

Mr. BOHLEN. We have wrestled with it at great length. As you say, it is a problem.

We believe we have come up with rational guidelines. I think one must remember that the Wilderness Act is quite specific in designating or putting an overlay of wilderness designation on a refuge or a park; the original purpose for which that park was set aside should not be affected and necessary administrative requirements should continue to be met, even though it is designated a wilderness.

Senator HANSEN. Mr. Chairman, if you will yield and make a personal observation; I can say, maintaining the irrigation ditches by hand, with a shovel is a backbreaking job. [Laughter.]

Senator HASKELL. I have done it myself.

Mr. BOHLEN. We have said, wherever a tool is required within a wilderness, is should be the minimum necessary to get the job done efficiently.

In general, we would not allow the use of motors except in emergency situations to control a fire or for the control of insect devastation. Generally, any maintenance would be done by hand, but there are exceptions, obviously.

Senator HASKELL. Mr. Bohlen, that is a vote and people have luncheon engagements.

If it is convenient for you, I will recess the hearing until 1:30 p.m. If you have appointments this afternoon, I will arrange for you to come back some other time.

Mr. BOHLEN. At 1:30 p.m. will be fine.

Senator HASKELL. We will recess until 1:30 p.m.

Thank you.

[Whereupon, at 11:35 a.m., the hearing was recessed, to reconvene at 1:30 p.m.]

AFTERNOON SESSION

Senator HASKELL. The hearing will continue.

I notice Mr. Bohlen is not in the room so I would ask Mr. Doug Scott, the northwest representative of the Sierra Club, Seattle, Wash., to come forward.

Mr. SCOTT. It might be useful if Mr. Crandell from the Wilderness Society joined me.

Senator HASKELL. That will be fine.

Step up, Mr. Crandell.

STATEMENT OF DOUGLAS SCOTT, NORTHWEST REPRESENTATIVE OF THE SIERRA CLUB, SEATTLE, WASH.

Mr. SCOTT. Thank you, Mr. Chairman.

My name is Douglas Scott. I am northwest representative of the Sierra Club with offices in Seattle.

I welcome this opportunity to discuss with you, on behalf of the Sierra Club, questions pertaining to the Wilderness Act and its implementation. The Sierra Club strongly supported the wilderness bill and has worked closely with the agencies and with Congress in its implementation. I am particularly happy to represent the club here today inasmuch as I have made a specialty of researching the background of American's wilderness policy, the legislative history of the Wilderness Act, and the progress of its implementation since 1964.

We hope these oversight hearings can result in constructive steps to achieve the objectives set forth in the Wilderness Act. If the attention of these hearings results in resolution of some of the policy questions which have arisen, then your efforts will have contributed importantly to the fulfillment of the promise of securing, for the benefit of this and future generations, an enduring resource of wilderness.

In view of the nature of these hearings and the short notice, perhaps it will be best if I respond to issues raised in your discussion with departmental representatives and to other questions you may pose. I would like, however, to make these introductory remarks.

We view the legislative purpose and intent embodied in the provisions of the Wilderness Act as having key importance in resolving current policy questions. This act was carefully drawn, in large part by individuals who realized the need to provide an effective, practical, and flexible mandate for the designation and administration of a practical and diverse wilderness system. Much thought, over more than 5 years, went into drafting of the bill prior to its first introduction by Senator Humphrey and the late Congressman John Saylor in 1956. There were 8 years of detailed hearings, innumerable revisions, and patient clarifications of meaning and intent. Some of those closely involved in all this are still here, notably Senators Jackson, Church, and Metcalf. But others are not, including key leaders such as Senator Clinton Anderson, Senator James Murray, Senator Richard Neuberger, Senator Gordon Allott, Senator Joseph O'Mahoney, and Congressman Wayne Aspinall and Congressman John Saylor.

These congressional leaders and their staffs, together with departmental officials and leading conservation group spokesman, discussed, fought, argued, and ultimately compromised on many of the details now embodied in the Wilderness Act. There are, if we can recall them or search them out, many solid indicators of legislative intent behind virtually every phrase. These clues should be of central importance in resolving issues which we, today, may think are new but which, for the most part, were anticipated and carefully prepared for by the framers of this act.

Let me cite two examples of the kind of clear guidance we can gain if the record of the Wilderness Act is fully recalled and applied.

One, sights and sounds—at one time, some in the wilderness managing agencies argue that lands subject to the sights and sounds of nonwilderness activities beyond their borders could not qualify as suitable for wilderness designation.

Thus, we were once told that a rather flat, sloping land surface in Lava Beds National Monument, Calif., could not qualify as wilderness because a person standing within it could discern, in the distance, the rectilinear landforms of agriculture which I take to mean hayfields.

At first blush, this may seem a reasonable standard but it is directly contrary to the intent embodied in the definition of wilderness in subsection 2(c) of the act. In fact, outside sights and sounds were not intended to have anything to do with suitability of an area. Senator James E. Murray, as a sponsor of the wilderness bill and as the then-chairman of this committee, made a careful record of the intent of subsection 2(c). An earlier version of the bill had, in defining wilderness, referred to "retaining their primeval environment and influence"—S. 1123, 86th Congress. On July 2, 1960, Senator Murray introduced a revised wilderness bill, S. 3809, incorporating many constructive changes which remain in the law as enacted. One of these changes was an amendment to the definition, changing the word "environment" to the word "character."

Senator Murray gave this explanation:

> The word "character" is substituted because "environment" might be taken to mean the surroundings of the wilderness, rather than the wilderness entity.

Thus, qualities of the wilderness entity itself, not its surroundings, were intended to be considered in determining suitability under this definition.

Two, purity standard for wilderness—as a broader example of the helpfulness of the legislative history, we can take the much-debated issue of purity. Some people profess to find, in reading subsection 2(c) of the act, some very strict, pure standard for wilderness suitability but the carefully recorded legislative history demonstrates that a more flexible standard was the intent of Congress. Another of Senator Murray's 1960 amendments added to the definition what is now the second full sentence of subsection 2(c), and he noted that:

> The added detail in the definition of wilderness is in response to requests for additional and more concrete details in defining areas of wilderness.

This "added detail" includes the key phrases that areas of wilderness were to be "without permanent improvements" and that they

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should comprise land which "generally appears to have been affected primarily by the forces of nature with the imprint of man's works substantially unnoticeable . . ." Note the modifiers which render this a practical and realistic standard, not a standard so strictly pure that no place could be qualified. The same point was driven home again, very clearly, by the then chairman of this committee and primary sponsor of the bill, Senator Clinton Anderson, when he opened the committee's hearings on S. 174 in 1961. He presented a detailed section-by-section analysis of the bill, explaining the intent of the language. Here, from the hearing record, is what he said about subsection 2(c):

> Section 2(b) contains two definitions of wilderness. The first sentence is a definition of pure wilderness areas, where "the earth and its community of life are untrammeled by man * * *." It states the ideal.
>
> The second sentence defines the meaning or nature of an area of wilderness as used in the proposed act: A substantial area retaining its primeval character, without permanent improvements, which is to be protected and managed so man's works are "substantially unnoticeable."
>
> The second of these definitions of the term, giving the meaning used in the act, is somewhat less "severe" or "pure" than the first. As a practical matter it has been determined that some economic activities, such as grazing and motorboating where they are established practices, should be permitted to continue and some temporary trails, roads and other facilities should be allowed to permit fire, insect, and disease control when it is necessary.
>
> The differences in these two definitions—the "pure" wilderness "untrammeled by man" and the somewhat more practical definition for the purposes of the act—characterize fairly accurately some of the concessions which have been made by the proponents of wilderness during our 4-year discussions, concessions which seem to me to meet the valid objections which have been made in the past to this proposal.

The legislative history of the Wilderness Act itself can also provide crucial guidance on certain management problems which have emerged as policy questions.

Three, primitive sanitary facilities. We have repeatedly heard it argued that designation of an area as wilderness prohibits even essential management practices.

Just last week, I encountered a land use planning publication from the Wallowa-Whitman National Forest in Oregon which flatly asserted, in discussing the alternative of wilderness designation, that "No primitive recreation facilities are allowed in wilderness."

But this is not at all what the Department of Agriculture stated as its official interpretation of the wilderness bill given to this committee in 1963. In its legislative report on S. 4 dated February 21, 1968 (S. Rept. 88–109, at pages 29–30), the Department of Agriculture said:

> Recreation uses of these wilderness-type areas are of the kind, including hunting and fishing, normally associated with wilderness enjoyment. These uses would continue [under the bill] Commercial services to the extent necessary for the recreational or other purposes of the wilderness system may now be performed, and could continue to be performed, in the areas. Hotels, resorts, summer homes, and other such types of recreational developments are not now, and would not be permitted.
>
> There are within these areas trails and facilities of a primitive nature for camping. These include primitive-type sanitary facilities. These will continue under our present policy and could continue under the bill.

If the policy of the Forest Service is now that such facilities are precluded from wilderness areas, that policy is not based upon the provisions of the Wilderness Act as the Department, itself, interpreted it for this committee.

As these examples illustrate, the careful reading of the Wilderness Act and its plentiful legislative history—so deliberately laid down by leaders like Senator Murray and Senator Anderson—can give us invaluable guides through the complicated policy questions that arise. In addition, we can look to the precedents already set down by the Congress as it has contended with some of these policy issues in acting on new wilderness proposals since 1964.

Four, private inholdings in interior wilderness areas. The Forest Service routinely recommends and Congress has enacted wilderness proposals which include, within their boundaries some parcels of private land, reserved rights, or partial interests such as mining claims.

The Department of the Interior, however, has gone quite a different way in its treatment of such inholdings. It is current Interior policy that any private lands within the boundaries of a national park or wildlife refuge wilderness proposal should be treated in the legislation as "Potential Wilderness Addition." That is, such inholdings become a separate legislative category, with provision that they may later be added to the wilderness by secretarial order, once they have been fully acquired. We view this to be a needlessly complicated procedure.

It is readily recognized that private lands which may be encompassed within the outer boundaries of a wilderness area are, nontheless, still privately owned. The use restrictions in section 4 of the Wilderness Act apply only to Federal lands within the boundaries and do not reach to private inholdings. Should such private lands be acquired, they, thereupon, become Federal and then, and only then, become subject to the use restrictions of the act.

Here, then, the two Departments follow quite different policies, giving the Congress two different versions of what is allowable under the Wilderness Act. In this case, we believe the Forest Service approach is correct; the Interior approach in error. (We do believe that the potential wilderness addition is a useful mechanism under some circumstances but not for routine private inholdings.)

The Congress has already dealt with just this problem for an Interior area. In designating the Great Swamp Wilderness in 1968, 940 acres out of a total 3,750-acre wilderness were in private ownership at the time the President signed the act. The Congress was aware of this and saw no problem in simply designating the outer boundary to encompass these lands. No "Potential Wilderness Addition" mechanism was felt to be necessary.

As the House Interior Committee said in its report on the bill:

> It should be pointed out that within the two units proposed for wilderness designation there are still substantial amounts of private land. Of the 2,400 acres in the M. Hartley Dodge unit, 338 acres are yet to be acquired, while in the Harding unit, 602 acres out of a total of 1,350 acres are still in private ownership. Present plans call for the Department of the Interior to acquire this acreage by 1970. These plans are independent of the designation of the area as wilderness * * *

We fail to see why this straightforward procedure cannot be adopted by the Department of the Interior for all cases involving private inholdings.

Mr. Chairman, the matters I have recited here are merely examples of some of the problems which have caused debate. Some are rela-

tively minor; some are quite significant in their impact on wilderness proposals.

We hope your considerations here can lead to definitive policy decisions and directions to the agencies. Once these policy disputes are resolved, the Congress will be in a much better position to catch up on the accumulating backlog of wilderness proposals awaiting action.

The 10-year period for primitive area, park, and refuge wilderness reviews established by the Wilderness Act is now over. Most of the required reviews have been completed (although we believe some areas have not been studied which were required to be). The final package of these mandated recommendations is expected to be sent up to the Congress by President Ford any day now. When they do come up, they will pile on top of an unfortunately long list of proposals, some of which have been stagnant before the Congress due to uncertainties over the kinds of policy questions we are discussing today.

It is the hope of the Sierra Club—and a hope we are eager to cooperate in fulfilling—that resolution of these various policy questions can be expedited and the orderly process of hearings and action on the many pending wilderness proposals can be accelerated sharply.

This need to accelerate the consideration of wilderness proposals in the Congress is not important simply to clear away the backlog. It is also necessary to clear the way for other wilderness proposals now being formulated. This category includes the proposals which will result from Forest Service study of the 274 "New Wilderness Study Areas" selected by the Chief through his Roadless Area Review and Evaluation process last year. It includes the proposals resulting from studies mandated in the Eastern Wilderness Areas Act originated by this committee (which we hope the House will approve this year). It also includes proposals which will result from studies of roadless national resources lands as a result of the wilderness review process included in the Organic Act for the Bureau of Land Management (which we hope the House will approve in an acceptable form).

But we must not forget, in concentrating on the existing backlog and these newly mandated studies, the most seriously endangered wilderness of all: those areas of roadless country which no agency has agreed to study and which lie vulnerable to adverse development. In many cases, such development may not be wisest court but it can occur without benefit of any detailed analysis of the relative wilderness values of these areas. Included are many national forest roadless areas not selected by the Chief for full wilderness study. Many citizens who live near these favorite areas—in Wyoming, in Colorado, in Arizona, Montana, Washington, and, indeed, in all the national forest States—are deeply concerned about their future. They are working to secure protection for these areas through the Forest Service land use planning procedures but these turn out to be of widely mixed quality and reliabiilty.

Mr. Chairman, these citizens recognize something the agencies sometimes seem to forget: Congress alone holds the authority under the Wilderness Act to designate areas and to determine their suitability. Having exhausted their "administrative remedies" in working to secure protection for these de facto wilderness areas, such citizens are

going to be turning their appeals to the Congress for direct help in saving these important wild places. Bills embodying this kind of proposal are now before the Congress, notably the excellent bills sponsored for Oregon areas by Senator Mark O. Hatfield and for Montana areas by Senators Lee Metcalf and Mike Mansfield.

If the full promise of a national wilderness preservation system is to be achieved, for the benefit of all the people and future generations, the Congress will need to be ready to respond to this kind of citizen wilderness initiative.

Mr. Chairman, there are innumerable other policy questions and elements of legislative provisions which we might touch on here. We, in the Sierra Club, are eager to be helpful to you and this committee in defining and resolving such issues.

Thank you.

I would like to comment briefly on some of the points discussed by departmental representatives this morning.

There was considerable discussion of allowing natural fires to burn in wilderness areas and Senator Hansen raised the question of possible concern for public timber that was lost by being burned up.

The point is that our objective is to maintain areas in which the forces of nature proceed to operate untrammeled, unrestrained by man's influence and it is not a correct argument, ecologically, to assert that cutting and removing of trees is, in some ways, analogous to having those same trees burned on the site. The ecological effects are quite distinct; therefore, if such proposals were made, we would point out this would be a real disturbance of the natural process.

The discussion of permits and the possibility of ultimately restricting the number of users in a wilderness area was of particular interest to us. This is a matter of some considerable controversy and discussion in the Sierra Club. The one point we might make on that subject is to stress, again, the wilderness areas and the wilderness system, as a whole, are not merely recreation areas. The recreational element of their use is important and the recreation element deserves great attention. But we should not be so concerned about the quality of experience of individuals using the wilderness area that we lose sight of the other important value of a wilderness area.

Your committee, in dealing with the Colorado wilderness proposal, the Flat Top, and others pointed this out in the committee report. You paid special attention to the value of that wilderness in preserving the scenic backdrop to areas that were going to be used outside of the area, such as Stillwater Reservoir.

We think that is every bit as important a use of a wilderness and value of a wilderness as the recreation experience of people in the wilderness area.

Senator HASKELL. Mr. Nelson of the Forest Service agreed with Senator Hansen in certain areas that had been overused and had been damaged.

They had instituted, in certain cases, the use of permits.

It seems to me that would have to happen in certain areas but would you concur strictly in the eastern wilderness areas which are usually very small?

Mr. SCOTT. In my personal view, I think it is true, but I think it is dangerously misleading. We are talking about the use of wilderness in a vacuum.

It is not like you can go out and create some back country somewhere else by administrative action and, thereby, relieve the pressure.

Those that we refer to as back country are de facto. They are being used. Some of them suffer the overuse that designated wilderness areas suffer.

This is a problem that is going to have to be handled by permits, by a wide variety of management tools which are only now being explored and debated in the conservation community and in the Forest Service.

In general, we favor actions to disperse use. We favor actions to allow those very minimum facilities, such as privies, which would result in allowing a higher level of use without degradation of water supplies, for example; and that kind of action to permit use in wilderness areas.

But we think the real answer is more wilderness areas.

What you are seeing is a rising demand—in Colorado, Wyoming, in the entire West, and now in the East—an enormously rising demand pattern, out of proportion to the demand for other forest resources. Figures I see speak of a 900 percent increase in wilderness use and that leads to one conclusion that, just as a timber demand means we have to accelerate timber production, so the rising demand of wilderness use says to us, you need a lot more acres in the wilderness system.

The acreage we have in wilderness is 11 million acres of congressionally designated lands. That is roughly the land the Forest Service has had since 1939. We have made precious little progress and, frankly, we are astonished that there is as much de facto wilderness left to be studied as there is.

It has survived only by sheer luck this far and before it, too, is given over to timber exploitation or mining or other development, we think the kind of land use planning the Forest Service is doing and, indeed, the much more detailed wilderness studies of the kind discussed this morning are absolutely essential.

If I may proceed.

We are interested in contributing in any way that we can to the policy decisions the committee has to contend with. We think that is the way to clear those policy decisions aside and get at the accumulating backlog of wilderness proposals and we feel that backlog has to be handled expeditiously by the Congress, not only to complete that job, but to clear the tracks for the many other wilderness proposals now being formulated.

I speak of the studies of the additional 274 areas; the 30 or more studies that you recommended and mandated in the Eastern Wilderness Act which we hope will pass the House this year; the studies that will be coming through the BLM as the result of these hearings; and then the studies we have to do.

I think the most endangered wilderness is the wilderness that no one has agreed to study, the kind of areas the Chief did not select, the kind of areas that will be lost most quickly if they are not protected.

Citizens are exhausting their administrative remedies in seeking Forest Service and BLM protection for these lands. If they are unsuccessful, they will turn to the Congress. We, in citizen groups, throughout the country, recognize that it is the Congress that designates a

wilderness; it is Congress that decides what is suitable and what is not and if we cannot succeed in preserving areas at the administrative level and having the support of the Forest Service and other agencies for these recommendations, then our only recourse is to come directly to the Congress in the way that Senator Hatfield has done for studies in Oregon and Senators Metcalf and Mansfield have for lands in Montana.

We hope some of these other things can be cleared from the tracks so this most endangered wilderness will receive attention from the Congress.

Senator HASKELL. Thank you.

[A supplemental statement of the Sierra Club follows:]

SUPPLEMENTAL STATEMENT OF THE SIERRA CLUB

MINERAL STUDIES AND WILDERNESS RECOMMENDATIONS

The Wilderness Act contains no requirement that mineral studies by the U.S. Geological Survey and the Bureau of Mines be completed prior to Congressional action on National Forest wilderness recommendations.

Subsection 4(d)(2) of the Wilderness Act refers to mineral studies. Its requirement, however, is that such studies be made, on a recurring basis, of National Forest wilderness areas *once they are established*. Thus, the Congress has every assurance that these wilderness areas will be routinely and repeatedly subject to thorough mineral surveys, reports of which will be made available to you. In designating additional National Forest lands as wilderness you are not "locking up" unknown mineral resources, nor "legislating in the dark."

Nonetheless, it has become the conventional wisdom that a full mineral study is a prerequisite for wilderness designation. Some people do believe such a requirement *should* exist. But as personalities change in the Congress, the actual provisions of the law ought not be misunderstood nor inadvertently misrepresented.

The *only* "provision" for prior mineral studies in the record of Congressional proceedings on the Wilderness Bill is found in the Statement of the Managers on the Part of the House which accompanied the Conference Committee bill. That Statement expresses the expectation of the conferees that mineral studies be prepared.

> The conference committee expects that the mining industry and the agencies of the Department of the Interior will explore existing primitive areas so that when legislation pertaining to such primitive areas is considered at a later date Congress will have the benefit of professional technical advice as to the presence or absence of minerals in each area. (H. Rept. 88–1829, at page 10)

There is no record of discussions or votes on any such expectation by either the House or the Senate or their respective Committees on Interior and Insular Affairs. There is no record of discussions or votes on any such expectation within the Conference Committee. It is our understanding, from participants (some of whom should be able to confirm or deny this), that the Senate managers in this Conference were not even aware that this expression of expectation was to appear in the Statement of the Managers prepared and filed by the House members, and learned of it only when the Report had been filed and it was a *fait accompli*.

There is no statutory requirement for prior mineral studies. Those who argue for such prior studies do so, therefore, as a matter of present conviction, not firm Congressional requirement.

We have previously testified, before the Subcommittee on Minerals, Materials and Fuels, in strong support of S. 1010, Senator Jackson's bill to, in effect, withdraw National Forest wilderness areas from further mineral entry. Existing valid claims and private rights must be respected, of course, but it is inappropriate, in our view, to permit and indeed encourage establishment of new claims in areas Congress finds to have unusually high surface values for another use, mainly as wilderness. Again, recurring mineral studies will be done, as subsection 4(d)(2) requires, once such areas are designated. They are not "locked up," for Congress has a perfectly workable key with which areas may be re-

opened if Congress finds that mineral values, in the national interest, outweigh wilderness values.

If the Congress chooses to insist on prior mineral studies before National Forest wilderness areas will be designated, then at the very least appropriations for such work must be greatly increased. For it is these studies which largely determine the rate at which the Forest Service can complete its recommendations. Millions of acres are likely to remain locked in controversy if this requirement is applied, and that controversy may well extend for decades upon decades.

Senator HASKELL. I have some questions but, perhaps, Mr. Crandell would like to make his presentation now and I can ask my questions of you both.

STATEMENT OF HARRY B. CRANDELL, THE WILDERNESS SOCIETY, WASHINGTON, D.C.

Mr. CRANDELL. Doug pretty well covered it, I think, Senator, so I will just submit my statement and answer any questions you may have.

I want to make one point. The citizen organizations have tried very hard, for 10 years, to implement the Wilderness Act and the directives of the Wilderness Act. The conflicts that arise between citizen conservationists and the agencies are largely an interpretation of the act and how it applies to the individual agencies.

One of the major problems we have seen is the attempt by the agencies to standardize the interpretation of the law as it applies to their particular function in goals, operations, and so forth but it is our contention that the Wilderness Act makes ample provision for a different kind of application amongst the three agencies and that it is clear to us that the law states the wilderness is supplementary to the primary purposes for which the particular unit of the national forests—like the wildlife refuges—is established and is administered.

Those words "and administered" applies to the wilderness.

If the agencies had not administered the area as a de facto wilderness, it would not qualify for entering the wilderness system.

We do have this kind of basic argument.

[The prepared statement of Mr. Crandell follows:]

STATEMENT OF HARRY B. CRANDELL, DIRECTOR OF WILDERNESS REVIEWS, THE WILDERNESS SOCIETY

Mr. Chairman, I am Harry Crandell, Director of Wilderness Reviews, The Wilderness Society, Washington, D.C. I appreciate the invitation to appear before the Subcommittee on the important subject of wilderness.

Unfortunately, Mr. Chairman, the staff of The Wilderness Society just returned this week from the annual meeting of our Governing Council and I have not been able to prepare a detailed statement. In the absence of such a statement, I offer the following points which might be pertinent to these proceedings.

1. *Forest Service "purity" arguments.* I believe that the so-called "purity" arguments between citizens and the U.S. Forest Service are generally understood. It is basically an argument on wilderness boundary location involving, in most cases, acceptance or rejection of certain past imprint of man's works. Rigid or negative interpretation of the entrance criteria of the Wilderness Law by the Forest Service is the principal bone of contention between citizens and the agency.

2. *Department of the Interior proposals.* Recent wilderness proposals by the Department of the Interior (National Park Service and Fish and Wildlife Service) have been generally supported by citizens, with exception of course. These exceptions being mainly a difference of opinion on boundaries of the specific wilderness.

Again the principal bone of contention between citizens and the agencies is in interpretation of qualifying criteria of the Wilderness Law (Sec. 2(c)). While the Forest Service applies rigid and strict interpretation of these standards to its areas (sometimes to the point where virtually nothing qualifies except that which the agency in its wisdom determines), the Interior Department applies a more flexible interpretation of Sec. 2(c) but a rigid interpretation of Sec. 4—Uses of Wilderness Areas—of the Wilderness Act. Yet, this interpretation has caused discussion because the agencies search high and low in an attempt to locate what each considers to be "management exceptions" to the management standards of the Wilderness Act and have come up with "special management provisions" covering these so-called "exceptions" in proposed legislation submitted by the Department of the Interior.

There is universal agreement among citizen conservationists that the management provisions of the Wilderness Act itself are plenty flexible to accommodate these faulty recommendations except in the most extreme cases. It is our opinion that each one of these "special provisions", if enacted, would in fact, amend the parent law, thus setting a different standard, individually, than that established by the Wilderness Act.

3. *BLM Lands.* If the so-called "Organic Act for the Bureau of Land Management" should be enacted. BLM will be in the wilderness review business. As is the case with the other three wilderness agencies, the responsibility for identifying and reviewing qualified areas will be delegated to the agency which is where it ought to be and not on citizens.

Mr. Chairman, I apologize for the sketchy nature of my statement. I am pleased to be here today and will be happy to answer any questions the Committee might have on this subject.

Thank you.

Senator HASKELL. What are the policy differences between your views—the views of your organization and the views of the Interior Department or the Forest Service?

Mr. CRANDELL. I think one difference is that wilderness is primarily a recreational resource. We do not view it that way. We view recreational use as a very valid objective of a wilderness. It is just one of the many values of it.

If I can go to our favorite areas, Flat Top and Eagles Nest, I would say that the primary value of Flat Top and Eagles Nest is in a watershed, not in recreation.

In the wildlife refuge system, under the laws by which the system operates, a wilderness establishment does not automatically open it to a recreational use. It has to be administered in accordance with the laws that operate the system.

Senator HASKELL. In the Georgia wilderness, for example, there is limited use of certain outboards and there are other areas that will obviously require maintenance from time to time. Some people say it should not be in a wilderness area. If you let the vehicles in, it spoils the wilderness. Others argue to the contrary.

Mr. CRANDELL. Senator, we may have to confront the problem of pipelines running across these wilderness areas. We try to apply the law. If it does not interfere with the character of the wilderness area, then it is OK. For example, there is one gas line I recall in an established wilderness area in New Mexico. El Paso Natural Gas maintains that area by overflight by aircraft. That is, they monitor. If it ever broke, of course, they would have to go in and fix it but, in recognizing that as a need, insofar as it did detract from the wilderness character of the area, go ahead and put it in the wilderness system.

On the other hand, there are pipelines across other desert areas that are huge things. They have to be monitored by four-wheel-drive

vehicles. They have to have road maintenance and, obviously, nobody would suggest that this not be done.

Senator HASKELL. Your suggestion is to apply the rule of reason.

Mr. CRANDELL. Yes.

Senator HASKELL. Mr. Bohlen is going to have his Department make an analysis of this problem but there is the subject of water where you do not own the surface but you have submerged land. It is a real problem.

Can you really have submerged lands as wilderness and everybody can go across the top in Chris-Crafts.

Mr. CRANDELL. Here, again; it is similar to the pipeline, Senator.

The case that comes to my mind is the Symian Refuge in Alaska where the submerged lands are really central and key to the objectives of that particular refuge. The kelp beds are necessary to protect and produce sea otters. It is also a feeding ground for sea birds.

It is the submerged lands that it is the object to protect there, not the surface.

It seems to me the wise thing to do would be to protect the submerged lands for the purpose for which the area was established which was the protection of wildlife. Insofar as the surface is concerned, I do not think it has a bearing on whether the area is qualified as a wilderness or not.

For this reason, Senator, I think we might have an image of somebody in a scuba diving outfit. In this particular part of Alaska, that is certainly not going to happen.

Senator HASKELL. All right, gentlemen.

Thank you very much.

At this point, I will insert in the record a lengthy, highly thought-provoking letter from you, Mr. Crandell, to me on the general subject of agency policies under the Wilderness Act.

The Wilderness Society 1901 Pennsylvania Avenue NW, Washington D.C. 20006
~~729 Fifteenth Street, N.W., Washington, D.C. 20005~~

August 6, 1974

Senator Floyd K. Haskell
204 Old Senate Office Building
United States Senate
Washington D.C. 20510

SEN. FLOYD K. HASKELL
AUG 9 1974
WASHINGTON, D. C.

Dear Senator Haskell:

At recent hearings by the Subcommittee on Public Lands of the Senate Committee on Interior and Insular Affairs on various wilderness proposals, you asked me to expand on my oral presentation by providing certain information for use by the Subcommittee. I am pleased to provide the following information for your use and for the hearing record.

In my opinion, the most disturbing feature of the hearings was the agencies' misinterpretation of Wilderness Act provisions governing entrance of an individual wilderness unit into the National Wilderness Preservation System and use and management of that same area afterwards.

The Wilderness Act makes a clear distinction between criteria (Sec. 2(c)) governing entry of an area to the National Wilderness Preservation System and how that same area is to be managed after it is declared to be wilderness by affirmative Act of the Congress (Sec. 4). For example, Sec. 2(c) does not state that works of man cannot be present in a potential wilderness thus disqualifying it from entry into the Wilderness System. What the Act does state is that an area must generally appear to have been affected primarily by the forces of nature with the imprint of man's work substantially unnoticeable. In addition, the word untrampled does not appear in the Wilderness Law. The word that does appear in Sec. 2(c) is untrammeled, which has an entirely different meaning than "abused." Likewise, works of man which are historical in nature do not have to be excluded. Therefore, the message of the Wilderness Law is clear -- a wilderness may contain man's works when such works meet the test of being substantially unnoticeable; or are historical in nature; or do not inhibit natural processes allowing it to operate in an unrestrained, unshackled or unconfined way, which untrammeled means.

Now, let's take a look at Sec. 4 -- Use of Wilderness Areas -- of the Wilderness Law, which comes into play after an area becomes wilderness. In our opinion, the entire section has to be looked at in tandem and not in an isolated self-serving manner. Important disclaimers to agency purity arguments are contained in this section.

Sec. 4(a) states that, "The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forests and units of the national park and national wildlife refuge

systems are established and administered . . . " To us this means existing laws, rules, regulations and policies governing administration of a wilderness need not and are not changed by statutorily designating an area as wilderness. For example, national wildlife refuge system areas are closed to public recreational use until opened; thus, wilderness designation does not automatically open a wildlife refuge to public use and, furthermore, such public use remains limited to those kinds of activities which the agency nas been granted by law to permit; namely, wildlife-oriented recreation, not necessarily wilderness-oriented types of recreation.

Sec. 4(b) contains an important management direction to wilderness agencies in that each agency ". . . shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character."

Sec. 4(c) prohibits a number of uses in statutory wilderness areas (roads, vehicles, mechanized equipment, etc.), but contains important exceptions. To wit: ". . . subject to existing private rights . . .". and ". . . except as necessary to meet minimum requirements for administration of the area for the purpose of this Act . . ." Thus, Sec. 4(c) is plain in its intent to provide agency administrators with needed flexibility to properly administer a wilderness, yet places the burden squarely on the agency to predetermine that a temporary road, use of motor vehicles, mechanized equipment, etc. is the minimum necessary to properly administer an area for the purposes for which it was established and as wilderness.

Sec. 4(d) also contains important disclaimers in that previously existing use of aircraft, motorboats, and grazing may continue, subject to reasonable restrictions and regulations. Also, ". . . such measures may be taken as may be necessary in the control of fire, insects, and diseases . . ." We presume and accept that motorized equipment may be required to accomplish these latter tasks authorized by the Wilderness Law not only to protect the public lands, but persons and private lands near or adjacent to wilderness. (Fire fighting needs at Aqua Tibia, for example).

Several points came up at wilderness area hearings this year which pointed out rather graphically that the agencies were confusing wilderness entrance criteria and wilderness management criteria and, in some cases may have been deliberately misinterpreting pertinent sections of the law in order to fortify their "purity" arguments. For this reason, I attached to my formal statement at the Subcommittee hearing on June 24, 1974, a copy of an introductory talk by Senator Frank Church (D-Idaho) when opening a hearing on various wilderness proposals on May 5, 1972. Senator Church, then Chairman of the Subcommittee on Public Lands, set forth certain principles, standards, and criteria by which agencies could and should make determinations on entrance qualifications to the National Wilderness Preservation System. Citizen conservationists throughout the country have been following the directives laid down by Senator Church when conducting their own field studies, while the agencies have not in all cases. Apparently not all the agencies present that day heard him;

or they chose to ignore him.

In any event, following is a discussion of some of the major points of discussion at this year's wilderness hearings and further explanation of the position of The Wilderness Society on them:

1. Grazing. Previously established grazing is permitted to continue after wilderness establishment. (Sec. 4(c)(4)(2)) It goes hand in glove, then, that necessary existing facilities such as fences, stock watering tanks etc. and maintenance thereof are permissible as well. New facilities or structures would not be permitted, however. But, in the event new facilities might be required they would have to meet the "minimum necessary" test and be required to "preserve the wilderness character" of the area, not to accommodate the permit holder. Also, a grazing permit actually is a contract between the Federal Government and the permit holder and could be interpreted as being an "existing private right."

2. Motorboats. Previously established motorboat use may be permitted to continue in a wilderness area. (Sec. 4(d)(1)). Because of this language already in the parent law, the "special language" as related to Okefenokee, Georgia and Chassahowitzka, Florida is redundant. The standard language in previously enacted wilderness bills makes the motorboat clause in the 1964 Act applicable in these cases. The language is as follows:

> "Wilderness areas designated by or pursuant to this Act shall be administered in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary who has administrative jurisdiction over the area."

Furthermore, legislating the maintenance of trails in Okefenokee to accomodate this previously established watercraft use is not necessary either.

Moreover, the water surface at Chassahowitzka is not within the wilderness proposal which consists of the submerged lands and emerged Keys only. If this special provision should be enacted, the Congress will be granting the Secretary of the Interior the authority to control uses over the surface of the water which he actually is not presently authorized to control. We believe it to be a dangerous precedent to utilize the Wilderness Act processes to legislate outside the boundaries of a given wilderness unit, since this procedure opens the door to amendments and special provisions "hostile" to wilderness classification and future management and protection.

3. Access. Wilderness classification is supplemental to the purposes for which various units were established and are administered. (Sec. 4(a)). Thus, previously established legal "rights" are protected under the various mandates by which the different agencies acquired the

lands or waters in the first place.

In our view "special language" permitting the Coast Guard to periodically check an automated light located in a historical lighthouse on West Sister Island, Ohio; and similar language guaranteeing access from outside the wilderness at Okefenokee, Georgia, is not necessary and could establish precedents far more serious than those in question here. Also, water rights are "private rights" and the Wilderness Law does not deny access or maintenance of ditches or reservoirs needed to exercise that right. (In Flattops, for example)

4. Works of Man. As stated previously, the Wilderness Law permits areas to qualify for entry into the System which contain works of man, providing they meet the test of being "substantially unnoticeable." Historical structures (old mines, lighthouses, trappers cabins, ditches, trails, etc.) and facilities necessary to accomodate "existing private rights" and "previously established" uses, are exempted, of course. For example, the mosquito ditches at Brigantine, New Jersey, are substantially unnoticeable. The ditches were small to begin with, and, over the years, the marsh has reclaimed and revegetated them. The ditches are only noticeable from high-flying aircraft.

5. Submerged Lands. The Wilderness Act does not bar entry of submerged lands to the National Wilderness Preservation System. Entrance criteria in Sec. 2(c) ". . . an area where the earth and its community of life are untrammeled by man . . ." is not restricted to high mountain peaks, trackless deserts, huge swamps or endless rolling plains. Submerged lands along our coasts are perhaps the most fragile and threatened of all the nation's landscapes. Most are state-owned. Those few areas controlled by the Federal Government which clearly meet wilderness criteria must be given the added protection which wilderness classification affords.

6. Fishing. Fishing is a compatible public use of many wilderness areas throughout the country. The attempt to legislate fishing use of Okefenokee is actually an attempt to legislate management of the wildlife refuge and has no bearing on wilderness classification since wilderness is "supplemental to" the primary purposes of the wildlife refuge. In our view, attempting to "manage" a wildlife refuge in this manner, clearly within the present statutory authorities of the Secretary of the Interior, is a dangerous precedent, since it opens the door to future "management" amendments designed to lock existing management in place thus frustrating future management flexibility as new concepts evolve.

7. Precedents. You also asked me to provide some precedents to substantiate my oral remarks at hearings. Following are a few such precedents some of which may be applicable to some of the proposals which the Subcommittee on Public Lands has had under consideration this year. I should like to point out that we do not consider precedents as always being universal since each wilderness proposal should be able to stand on its own merits with the governing criteria for entry to the National Wilderness Preservation System, as outlined in this letter, being the Wilderness Law itself. Yet, precedents are useful tools because all of us don't have to "reinvent the wheel" each time an individual wilderness proposal is being reviewed, and, more importantly, those folks hostile to wilderness may be assured that wilderness "purity" standards are not being lowered and the Wilderness Act

violated when so-called "exceptions" occur. I haven't had a chance to fully explore each and every existing wilderness and list each and every "exception". However, your request did stimulate an interest in this area of concern and we are in the process of developing a list. Here is a hastily assembled start on such a list:

1. Water Reservoirs and Catchments. Desolation, California -- A concrete dam and several rock catchments are in this wilderness. Water is delivered outside the wilderness.

2. Grazing. Many of the Forest Service Wilderness areas in the West have active grazing programs. Facilities necessary to properly manage livestock grazing are permitted.

3. Ditches. Seney Wilderness, Michigan contains old ditches built to deliver water to float logs in the late 1800's. Pelican Island Wilderness contains mosquito ditches.

4. Stock Ponds. Sycamore Canyon Wilderness, Arizona has a couple of stockponds the maintenance of which by mechanized equipment was recognized and accepted during hearings in the Congress. Wichita Mountains, Oklahoma also contains two stockponds.

5. Buildings. St. Lazoria Wilderness, Alaska contains an old abandoned World War II military camp which is substantially unnoticeable.

6. Pipelines. Salt Creek Wilderness, New Mexico contains a buried gas pipeline very similar to the line within the Besque del Apache wilderness proposal.

7. Roads and Trails. Virtually all Forest Service wilderness areas contain man made and maintained trails. Great Swamp, New Jersey has a road (which is reverting to nature). Lava Beds Wilderness California has a fire road.

8. Standard Wilderness Language. The Congress has developed simple, standard language for adding an area to the National Wilderness Preservation System. We believe this approach to be wise and fully in accord with the processes initiated by the parent Wilderness Law. We believe that this precedent should be followed except in a most unusual case where exception language may be needed. To date none has appeared which we believe warrants such drastic action.

Mr. Haskell, we recognize that certain individuals and organizations, however well intentioned or motivated they might be, are anti-wilderness and often use "purity" arguments in their zeal to frustrate the wilderness review process. We also recognize that if false standards of purity were allowed to prevail little if any wilderness would meet the proposed standards of anti-wilderness proponents, simply because there probably isn't a square inch of the earth's surface that at some time in the past has not felt the "imprint of man", however slight.

The purity point could be stretched far enough so that virtually nothing qualifies -- airplanes have flown over wilderness making nosie and polluting

the skies; prospectors have walked in and pecked at high mountain wilderness; reproduction capabilities of penguins in the Antarctic have been influenced by DDT; and people from all walks of life are today walking in and enjoying many wilderness areas (statutory and proposed) leaving their "imprints" even though slight. It is our contention that we have to be realistic after all, and the Wilderness Act is a realistic piece of legislation.

Our country was settled by the late 1800's and in the process little if any land was by-passed and left completely virginal and untouched. But nature has marvelous recuperative powers far beyond our comprehension. We believe that the Wilderness Law is a flexible measure, providing the means by which certain non-conforming activities and intrusions by works of man, many of which are temporary, can be accommodated as wilderness, recognizing that they will eventually be restored by natural processes with the passage of time. Of course, most wilderness proposals do not involve these questions, but in the few cases where they arise, the Wilderness Act has the flexibility to allow inclusion of the lands affected.

I'm sorry to be so slow in responding to your request. Please accept my most sincere apologies.

Sincerely yours,

Harry Crandell

Harry B. Crandell
Director of Wilderness Reviews

Senator HANSEN [presiding]. Mr. Chairman and gentlemen, I am sorry I was not here when you made your statements. I was over on the floor and I am certain you would share my interest in proposals to consider dredging of waterways in order that the supertankers could go into areas such as the Chesapeake up as far as the major cities. I think Philadelphia is one and that is why I was not able to be here.

Mr. Crandell, let me ask you, under the Wilderness Act, Federal agencies including the National Park Service are called upon to review any roadless areas in the territories they manage and to make such recommendations as may be indicated, in their judgment, with respect to the setting aside of areas as part of the wilderness system.

My question to you is: Do you believe the Park Service has demonstrated the capacity wisely to manage all of the areas within the National Park Service and there is no need to set aside any areas within the system as part of the wilderness system or what are your feelings?

Mr. CRANDELL. The first part of the question, Senator; I would have to respond that the Park Service, historically, has done a pretty fine job. I do believe there are instances where management has been somewhat like a yo-yo in going from one extreme to another; say preservation to overdevelopment.

It depends on the individual park but, generally speaking, I think the Park Service has done a fine job, as has the Forest Service and the Fish and Wildlife Service.

The question of wilderness; I think wilderness has a role, a place in the administration of the National Park System. We believe, if it is compatible in a park with the purpose for which the area was established, the reason the park is in existence, then it certainly should be a part of the objectives and the management of that part.

Senator HANSEN. Pull the mike a little closer. I am not sure I understood every word you were saying. I am keenly interested in what you are saying.

Would you just repeat what you said?

Mr. CRANDELL. We believe, Senator, that wilderness has a very definite part in the management and administration of a national park unit, particularly those areas where it augments and supports the purpose for which the individual park was established.

We feel this will strengthen the park administrator's means of administering the park for the purposes for which the park was established.

I am thinking of Yellowstone when I say that.

Now, other park units, obviously, do not qualify. I do not remember the exact figures but I think it is something like 200 individual national park units of which around 70 were determined to contain potential wilderness areas in the review processes of the Department.

Senator HANSEN. The oldest unit in the system, as you know, is Yellowstone. I am not sure how you would classify Yellowstone.

It has been estimated as much as 90 percent of Yellowstone would qualify as de facto wilderness.

Do you share that view?

Mr. CRANDELL. Yes.

Senator HANSEN. Is it your view that, absent wilderness designation, the Park Service is likely not to protect the values the system was set up to protect and cherish?

Mr. CRANDELL. It depends.

If we are going to talk only about Yellowstone, I would have to say yes. That is, the 90 percent. I think there are large chunks of Yellowstone that the Park Service will always maintain as wilderness but, as far as the 90 percent figure, I think we are very skeptical that the Park Service could continue to protect the 90 percent wilderness level—de facto wilderness level at Yellowstone.

Senator HANSEN. Can I infer, from your response, that it is your belief that 90 percent should be maintained, absent wilderness designation, and it is necessary to specifically include whatever part of Yellowstone you feel might be indicated into the system to make certain the Park Service discharge their responsibility which became its mandate under the act of 1916?

Mr. CRANDELL. That is correct.

Senator HANSEN. You do not believe the park personnel will do the job, by law they are charged with doing unless we impose the prohibitions and restrictions as contained in the Wilderness Act?

Mr. CRANDELL. I think, looking into the far distant future, Senator, we would have to conclude that the population pressures and demands made on the Park Service would, quite likely, force them to give up part of that 90 percent.

Senator HANSEN. What would generate those pressures?

Mr. CRANDELL. I think population increase, more leisure time, the ability of people to move around the country faster and more quickly in the future might put those kind of pressures on the administrators of those parks.

Senator HANSEN. Your feeling is that we should take steps now to insure the Park Service does not respond affirmatively to those pressures you see in the far distant future, arising?

Is that what you are saying?

Mr. CRANDELL. I think there is plenty of time to respond affirmatively to affirmative pressure but to respond negatively to negative pressures.

Senator HANSEN. I gather what you are saying Mr. Crandell, is that you think we should take action now, before these increased population pressures become more apparent later on to preclude the Park Service from—I suspect I am putting words into your mouth now—from doing what most people want them to do.

Is that what you are saying?

Mr. CRANDELL. I am thinking mainly, Senator, in terms of overdevelopment and, again, I am thinking of Yellowstone in terms of roads, communications systems, possible laundromats, hamburger stands, this kind of thing.

I think we would prefer to see the gateway entry towns handle this kind of thing and the wilderness experience may be just cruising along the road and not so much the backpacking.

Senator HANSEN. Have you talked recently with Superintendent Anderson at Yellowstone?

Mr. CRANDELL. No. I have not.

Senator HANSEN. How long has it been since you have talked with the Superintendent?

Mr. CRANDELL. I think Mr. Bud Beall was the last Superintendent.

Senator HANSEN. Did he leave you with the impression that they would yield to the pressures you anticipated?

Mr. CRANDELL. No.

Senator HANSEN. What gives you the impression that the personnel in the Park Service would yield to those pressures?

Mr. CRANDELL. Because they have in Yosemite.

Senator HANSEN. What has happened in Yosemite?

Mr. CRANDELL. In Yosemite, until recently, there was a reversal of the direction by Nat Reed and Mr. Boland.

Senator HANSEN. Would that reflect the concern you share?

Mr. CRANDELL. Yes.

Senator HANSEN. Then I am a little confused.

I thought your response indicated, as more people came into being in this country, there would be a continual downgrading of the pristine characteristics that we all recognize and cherish in the parks and the Service would yield to those pressures and more and more of these pristine qualities would be lost.

But does not what has happened recently in Yosemite indicate a trend in just the opposite direction?

Mr. CRANDELL. I think that is largely due, Senator, to the excellent leadership of Assistant Secretary Reed. Assistant Secretary Reed will not be here in the year 2000.We will have a succession of people.

What we would like to do is see some of the wilderness established in this park so that option has to be studied.

What wilderness really does in a national park is give the Park Service the mandate to continue the management they have in the past. Otherwise, it would not be considered as a possible candidate for entry into the wilderness system.

Senator HANSEN. What is your feeling about game and wildlife in a park? Do you think there may be occasion or necessity to go in and bring about reductions in game numbers in order to maintain an equilibrium between forage and other game requirements?

Mr. CRANDELL. The Wilderness Society has always supported the Park System policy of nonhunting in national parks.

Senator HANSEN. I did not say hunting. I said management of game. I want to make that distinction.

I do not support hunting in national parks and I do not feel many people do, but in Grand Teton, as you know, we have a management program which does, indeed, bring about a reduction in game numbers.

It is accomplished by deputizing hunters as deputy park rangers in order to go in and take the numbers of elk that the Park Service believes, in time, would become very excessive and would tend, in part, to destroy the habitat.

I am not trying to quibble over terms but I want to ask you again: Do you believe it is necessary or may be necessary, from time to time, for the Park Service to bring about a managed reduction in game animals?

Mr. CRANDELL. Yes. I do.

Senator HANSEN. How would you contemplate that reduction be accomplished?

Mr. CRANDELL. I think the Teton Park experience you just mentioned is one method. Another one might be the establishment of a new park such as in Alaska where hunting is a real economic need, particularly for subsistence purposes so that when designating a park as a unit of the park system, Congress may legislate this.

Senator HANSEN. May legislate hunting?

Mr. CRANDELL. Yes, hunting zones or whatever.

I think there are several ways to do it. I do not think we have any particular hangup on that.

Senator HANSEN. Would you feel the way it has been done in Yellowstone in times past, by rangers taking these animals and removing the carcasses—I guess it has mostly been done, recently, at least, by snowplane or snowmobile and it represents a fairly good way of doing that.

Would that be your opinion?

Mr. CRANDELL. I think, the Park Service has done a pretty good job. I have to again say, personally I think there might be other ways you could do it.

Senator HANSEN. Name one.

Mr. CRANDELL. Deputizing hunters.

That is my personal view.

Senator HANSEN. To go into Yellowstone, you mean?

Mr. CRANDELL. Yes.

Senator HANSEN. Do you think most of your membership share that view?

Mr. CRANDELL. No. They do not.

Senator HANSEN. So, in this specific instance, that reflects your view and not that of the Wilderness Society?

Mr. CRANDELL. That is right.

Senator HANSEN. Let's assume, if the Park Service were to continue its reduction as, on occasion, may be required—as nearly as I know there has been the taking of these game animals, I believe, probably by motorized equipment of one kind or another, and the carcasses have been given to Indian tribes, I believe, and perhaps to other agencies that are concerned with the people who might obviously be entitled or receive consideration for the meat—hospitals, institutions, that kind of thing—do you support that kind of disposition of the carcasses?

Mr. CRANDELL. I think, under the circumstances, that is the best way—to needy people, people in need, such as Indian folk on the reservation—yes.

Senator HANSEN. Would it be your recommendation that about 90 percent of Yellowstone be included in the wilderness system to make doubly sure we have the kind of area you believe necessary for long-range interest of the people?

Mr. CRANDELL. Yes, sir.

Senator HANSEN. Would it disturb you to see continued—now, if I may ask you to speak or respond as best you can for the Society and not to reflect your own personal views—would it conform with the Society's position to have deputized park rangers go in when the snow falls and they can go in, after the season is closed so visitors do not see this sort of taking of game animals that might be repugnant to them which you and I, I think, could agree would be after the snow comes.

Would it conform with the Society's position if the rangers go in snowplanes or snowmobiles and take the animals?

Mr. CRANDELL. Yes.

Senator HANSEN. In your judgment, would that conform with the provisions of the wilderness bill?

Mr. CRANDELL. Yes.

Senator HANSEN. Do you believe it is all right, then, to take motorized equipment into a wilderness area?

Mr. CRANDELL. It is all right to take motorized equipment into a wilderness area when it is an emergency, when it is for public safety or to properly administer that wilderness or the park; whatever the case might be.

The Administrator has quite a few options for use of motorized equipment in a wilderness area, in our view.

Senator HANSEN. The Grand Teton, when officials there were considering the impact that mountain climbers were having on that rather restricted, heavily used area, they recognized the need for sanitary facilities and for some provisions for camping, for overnight stops.

I think it was the consensus, at least in the official report and there were several different approaches taken—one was to establish enclaves within the area that had been under study for inclusion in the system and to provide the sanitary facilities, the toilets, with tanks in them which would enable the park system to go in and pick up, by helicopter, the human waste that would accumulate.

What is your feeling about handling people in an area such as Grand Teton? Do you have any specific response to that proposal? How would you handle the people, having in mind the accommodating of as many as can be accommodated, on the one hand, to climb, ministering to their physical needs as was reflected by the stationing of latrines and fire sites and that sort of thing and to conform, at the same time, with the Wilderness Act?

Mr. CRANDELL. First of all, Senator, we believe the Park Service is ducking the issue by drawing a circle on a map and saying, this is a privy that we have to service with a helicopter so, therefore, they draw a circle on a map and pretend it was not in the wilderness area when it was.

In our view, the act gives the authority necessary to accommodate people, provided it is the minimum necessary. The argument should be, in our view, over whether it is minimum and not whether it is necessary.

The job of taking care of the public—their physical needs and so forth.

Senator HANSEN. May I read, if it may be helpful to you—and you may know the act much better than I do—but I would like to read from the act. This is subsection (c):

> Except as specifically provided for in this act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment, or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

Now, my question is, having in mind that particular section, as you have observed the administration of Grand Teton and other units of the national park system, do you believe the kind of administration we have does achieve, presently, without official wilderness designation, the objectives of this act?

Mr. CRANDELL. I believe I would have to answer yes, Senator. I know what you asking, but I would have to say yes.

Senator HANSEN. I guess what you are saying, if I understand you, is, despite the track record which is more than 100 years old now, you have fear with people yet on board and the pressures they will generate that the Service, itself, will not be able to maintain the type of management that generally has characterized it. Is that right?

Mr. CRANDELL. In the far distant future, yes. Over a long period of time, we believe that to be the case.

Senator HANSEN. I share your enthusiasm and great respect for Nat Reed. I have known a number of Directors of the Service. I have known firsthand, on a fairly intimate basis, a number of people in the Park Service. I just have to say, Mr. Crandell, I have more faith in them than you apparently have. I gather you do not believe there will be many more Nat Reeds to come down the pike.

Mr. CRANDELL. Nat Reed, in my opinion, Senator, would be a hard act to follow.

Senator HANSEN. Of course, Albright was not an easy act to follow. Would you not agree?

Mr. CRANDELL. Yes.

I think we always agree that we have good public officials, good park officials, but I also believe the wilderness designation of a park will give them an added measure of responsibility and give them a means by which they can administer the parks for the purposes for which they were established far into the future.

Senator HANSEN. I read the wilderness proposal for Grand Teton, and I read every one of the letters, every one of the comments—both official and unofficial. I read the comments of the Forest Service.

I think I was as much persuaded by the logic in their comments as I was in any other one Federal agency's position in finally concluding that we did not need, nor would a wilderness designation in Grand Teton serve any useful purpose.

Without trying to recall precisely what the Forest Service said, in general, I gained the feeling, in reading their testimony, that they have really tried, and I do not mean by that, that other agencies have not, but I think the Forest Service has really tried to administer the act as nearly conforming to the legislative intent of the Congress as possible.

Obviously, when people have been hurt, they, too, will make allowances for someone to go in and pick up an injured person. On occasion, if the person dies, it is no longer an emergency. In that case, you pack him out by packhorse. If he is still breathing, you pick him up by helicopter.

I will say this: They were concerned about the contrast, I gather, among other things, that would be presented by the type of administration they were providing, on the one hand, and that which would be presented, on the other, in areas that oftentimes might be contiguous, and they were concerned about the general confusion that likely would

result among people. If they were in a wilderness area in the Forest Service one moment and stepped across the line to a wilderness area in the Park Service in the next instance. When I read the number of mountain climbers there are in Grand Teton, when I tried to contemplate, as best as I could, the problems that arise from that many bodies climbing up there on hot summer days, I could not help concluding that the Park Service is doing a pretty good job the way it is.

About all we could do, if we were to impose, additionally, wilderness designation on a national park, would be to complicate and compound the problems of park officials and add to the confusion and the lack of understanding that would result among the public, generally.

Does what I have just said make any sense to you, Mr. Crandell, or do you disagree with that?

Mr. CRANDELL. Senator, we have similar backgrounds so the words made sense, but I would like to state that the Park Service in the last 10 years and, again, until the appearance of Mr. Reed on the scene, was engaged in a number of studies across the country on development within the national parks. Included in this development was the study and even the recommendation of a number of trams in several areas. I do not recall if there was a proposal for a tram in Grand Teton or not, but you see, if the Grand Tetons were in the Wilderness System, the Park Service would have to come before this committee to get approval for that tram.

Under present circumstances, they do not. That is the kind of protection I am talking about that would help them administer the area of what we consider to be the purposes that it was established to preserve those mountain ranges for people to look at with the least interference and imprint of man.

Senator HANSEN. I know you will recall our mutual and dear friend, Olaus Murie, very well and very favorably as I do.

When Grand Teton was extended, before the East Side Highway was built, there was a rather lively discussion taking place as to what improvements, if any, and the degree of sophistication of those improvements, should be incorporated within Grand Teton.

I remember Dr. Murie felt a visitor to Grand Teton would have a more meaningful experience if he were not driving on an oiled highway and could walk through the sagebrush, off to the bluff, overlooking the Snake River until the impulse caught up with him.

I know Dr. Murie—sharing your admiration for him as I do, I know he was absolutely sincere.

I must say, as I drive along the East Side Highway now, in a very practical sense, I have to say I think Laurence Rockefeller's idea and the idea of the Superintendent and of the Park Service, at that time, wisely prevailed.

I do not want the kind of park system for our country that would make practicable that sort of approach. I want to broaden the use to a degree that will demand that there be access by well-maintained highways.

I think it is entirely appropriate that we have the turnouts that we have which are also paved areas. We have fences on some of the places to restrain people so they will not make trails down off hills.

I do not say that in any way to be critical of Dr. Murie, but rather to say that it seems to me more important that more people can enjoy

the park, as they do now, than safely could enjoy it under the concept I know Dr. Murie held dear to his heart.

Would it be fair to ask you what your position is with respect to the restriction of people visiting national parks? If we do not make some accommodation for numbers, would you think, in order to safely accommodate tourists, we would have to restrict the numbers who could enter a national park?

Mr. CRANDELL. I believe the Park Service is entering a phase in its management where they are engaged in attempting to determine the carrying capacity of human beings in a national park and we support that.

We do not think a national park has to, necessarily, be developed to a Coney Island or a public playground for everyone. There are going to have to be some sort of restrictions in the future. We hope they come up with a better method than they did this summer, however.

Senator HANSEN. You are speaking of the Park Reservation System? I heard a little bit about that.

I think we did a pretty lousy job.

Mr. Crandell has been a long time friend of mine, Mr. Chairman. We seldom disagree but we may have some basic disagreement here and, if we do, let me make clear, for the record; I have known a number of people in the Park Service I have great respect for them. I have not known any branch of government with any more dedicated servants than we find there and I, for myself, have to say; whatever the demands, whatever problems may be presented by the future, I can think of no group of public servants better qualified and who have demonstrated more objective ability to serve the public good than they do.

I am sorry you do not share that view.

Mr. CRANDELL. I share that view, Senator. I really do. You bet I do.

Senator HANSEN. I misunderstood you. I though you felt they would yield to pressures and would not respond.

Mr. CRANDELL. That is what we fear.

Senator HANSEN. Then you do not quite share that view.

Mr. CRANDELL. Well, I have a lot of friends in the Park Service and they do a good job. They have done a good job in the past.

Senator HANSEN. Thank you, Mr. Crandell.

Now, Mr. Scott, just one or two questions.

I would invite your comment, written—I know there are other witnesses. If you would like to comment in writing, if that would save time, I would just ask one question.

What is the position of the Sierra Club with respect to the establishment of wilderness units within the National Park Service System?

Mr. SCOTT. Senator Hansen, our position is that the Congress directed that these areas be studied exactly for that purpose. We share the view that the men in the National Park Service, Mr. Reed, Secretary Morton, are men of great judgment and ability. It is their judgment and ability that have led to the recommendations that these areas be designated as wilderness. It's those fine men who say to you, 90 percent of Grand Teton Park qualifies and should be and we would welcome——

Senator HANSEN. Who says this?

Mr. SCOTT. The existing National Park Service leadership. Again and again I have spoken to park superintendents throughout the country who say we welcome the strengthening of our hands to protect the basic resources.

Senator HANSEN. Mr. Scott, I am sure you have documentation for your statement.

I was not aware that the Park Service leadership had recommended that 90 percent of Grand Teton be designated as wilderness.

Mr. SCOTT. The portion recommended by the President——

Senator HANSEN. I thought you said 90 percent by the Service.

Mr. SCOTT. I apologize. I was just using that figure.

Senator HANSEN. Maybe you would like to write me, then, because I suspect, judging from what you have now said, you might take me out of context because I did not take 90 percent of Grand Teton.

I did say 90 percent of Yellowstone.

My question to you is: Has the National Park Service leadership recommended the inclusion——

Well, now, let's speak about Yellowstone. I did say 90 percent there.

What is their recommendation in Yellowstone?

Mr. SCOTT. For approximately 90 percent of the park to be designated as wilderness, pursuant to the act, and we support their judgment. This is a good purpose.

I would like to supplement and I would write to you on this point but I would point out that, as recent experience indicates, in many cases, the National Park Service can be full of the best people now and in the future but the Office of Manangement and the Budget may not be.

Senator HANSEN. I do not know where you would get such a funny idea. [Laughter.]

Mr. SCOTT. I call attention to the 5-year battle waged by conservation groups against the Echo Park Dam proposed to be placed in the Dinosaur National Monument, in which the Park Service's hands were tied. A director resigned under fire or was fired—it was not clear which—because the administration put a clamp of secrecy and silence on the Park Service's desire to defend the park. It took 5 long years for organizations like ours to stop that outrage. That is a sample of what can happen in the future; that experience and others like it. Interfaith chapels on the south rim of Grand Canyon, a hundred unit trailer camp in Crater National Park that we stopped only after enormous, lengthy, and expensive discussion of people at the level of Secretary Reed, and a building on the rim of Crater National Park that we could not stop.

The Wilderness Act will put the Congress in the driver's seat.

You spoke of the Park Service living up to its responsibilities under the act of 1916. I speak of the Congress living up to its responsibilities under the Constitution to make provision for the disposition of the public lands.

We heard again and again from the chairman of the House committee and members of this committee during the debate on the Wilderness Bill, itself, that it was time for Congress to resume the decision-making power on the fate of public lands and that is all you are doing.

We are going to recoup the power we have under the Constitution to make sure it remains and help you do a stronger and better job.

That, to my mind, is the very point.

I could name—but I will not—the numerous park superintendents who have spoken to me of their hopes for large wilderness designations in their parks to help them do their job.

Senator HANSEN. I know it will be instructive to all Members of Congress to be advised of their responsibilities as you have done and I will do my best to see that they are informed, Mr. Scott.

Let me say, if I understand the Wilderness Act, it does, indeed, call for a study of all of the roadless areas within those public land management agencies, including the Park Service.

It does not say that, following that study, there shall automatically be inclusions and I want to make that observation so as not to leave the impression that what the wilderness bill calls for has not yet been achieved.

I would think, very wisely, the Park Service should do—and, indeed, no choice except to do—what, by law, it is required to do. The purpose of these hearings is to explore; by this oversight operation, to explore what is being done and what has to be done.

Thank you very much.

Mr. CRANDELL. As a parting shot, here—with Dr. Murie the man he was, I think he would be the first fellow to admit that he was wrong. He was that kind of man.

Senator HANSEN. I have to say this, Mr. Crandell.

Dr. Murie was a very honest and distinguished scientist. I like to think all true scientists do not argue with facts.

I do not mean, in having said that, to imply Dr. Murie's position would be changed. I think he was a purist of the old school who felt the values he saw and recognized which are not there, just as they were back in the early 1920's when he first came to Jackson Hole, in his judgment, were still important enough and worthwhile enough that even if it meant denying the easy, ready access that oiled roads provide, nevertheless I think he would adhere to his conviction that that is the way it ought to be and if people needed to take more time—as I am inclined to believe, oftentimes, they should take—that is the way it ought to be.

I would say this. I think one of the errors, one of the many errors we make as human beings is trying to jam in as many log miles during a 2 week vacation as we can. I think there would be far less gas consumed and far more enjoyment obtained if people would pick out one area to go to and then stop there and take the time to walk around and see it on foot and not see how many national parks——

I have talked to people who have proudly pointed to all the stickers on their windshield showing where they were last summer. I will bet half of the trip was made after dark and they did not see a darn thing but they still like to tell how many national parks they have visited.

I was pleased this summer. Grand Teton joined with my hometown of Jackson in trying to encourage the concept of the destination area; you do not try to see how many places you can visit. You go to one place, have some fun, enjoy a visit and relaxation while you are there.

I agree with you, Harry, far more than I disagree with you.

Mr. CRANDELL. Thank you, Senator.

Senator HANSEN. Now, Mr. Bohlen, the chairman suggested you are willing to return to the witness stand.

FURTHER STATEMENTS OF E. U. CURTIS BOHLEN, DEPUTY ASSISTANT SECRETARY, FISH, WILDLIFE AND PARKS, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY GEORGE TURCOTT, ASSOCIATE DIRECTOR, BUREAU OF LAND MANAGEMENT, AND JAMES GILLETT, CHIEF WILDERNESS PLANNER

Senator HANSEN. Secretary Bohlen, are you familiar with the Bicentennial Commission's recommendations concerning designation of wilderness areas in the National Park System?

Mr. BOHLEN. I read it sometime ago, Senator; yes.

Senator HANSEN. Are you aware of the specific recommendation on wilderness areas designation within the National Park Service that was contained in that draft report?

Mr. BOHLEN. No. I am not.

Senator HANSEN. If you are not, I suspect the other questions I have would not be very meaningful at this time.

Just for the record, if I could, let me read two other questions that follow on and then, if you like, at a convenient opportunity you can review them. You can make a written response, just for the record. I think it might be helpful.

My next question was to have been: Do you know why this recommendation of the commission was deleted in the final report? And my final question was: What is the National Park System's response to the recommendation of the National Park Centennial Commission?

Since you have not read the report, obviously, I would not expect you to answer these questions now.

Let me just say, having had firsthand exposure to some of the problems in managing an area such as the mountain climbing in the high country and the Grand Teton, talking with the superintendent and some of the rangers, I was persuaded that certain physical structures which would not be found in a wilderness system normally were indicated there for a number of reasons and, as a consequence, I, along with others spoke about the track record of the Park Service, on the one hand, and what would be their restricted capacity or latitude in dealing with the problems of literally thousands of people in an area trying to conform to as great a degree as possible with the intent of the law, as well as the letter of the law.

As a consequence, it occurred to those of us on the Centennial Commission that there should be no wilderness areas established within National Parks.

We had a specific recommendation to that effect. As the publication or the final report was being put together, we checked from time to time to find out—to make certain—to reassure ourselves that that specific recommendation was contained in the final report.

We were assured it was and, when we got the final report, I was somewhat disappointed and surprised to find it was deleted.

I will say, most of the arguments that supported the conclusion reached by the Centennial Commission were in the report so not all of its thrust was lost by any means, but I could not help deploring the fact that it was a little less than honest, in my judgment, for the recommendation of the Commission to have been deleted as it was.

I just make that observation. If you have any comment, I would be happy to hear it. I do not ask you if you have.

Mr. BOHLEN. In answer to your first question, I am not in a position to give an answer as to why it was deleted.

In answer to your second question as to the attitude of the Park Service, it has been my experience that the vast majority of superintendents and rangers and other professionals I have talked to support the thrust and intent of the Wilderness Act.

I think, perhaps, we make a mistake in implying, as I think Mr. Crandell did, that the act is necessary to insure that the Park Service behaves itself. I happen to think they have an excellent track record and have done a brilliant job of managing the parks.

I look at the Wilderness Act as more of an assist to the professional park people. As you know, the Act of 1916 contains in it a certain dichotomy. On the one hand, we are instructed to preserve these great natural wonders for future generations and, on the other hand, it talks about providing enjoyment of them by the people.

This can obviously be interpreted several ways. Many people, myself included, interpret it that our first responsibility is to preserve these areas and to provide that degree of use which will not do permanent harm to the resource. There are others who feel we should have a balance in every National Park between preservation and intensive use.

This interpretation has varied over the years either because we get a new Park Service Director or a new superintendent or receive greater pressure from the public to go one way or the other.

I believe many of the professionals would like Congress to express itself through individual acts creating wilderness in parks as to what the long range management philosophy should be.

I would point out that in every case I know of, a wilderness plan is based on the long-range plan for that park. It is part of the master plan. In no case that I know of is the wilderness being imposed on an area which was not going to be managed as wilderness, anyway. It is not wilderness versus some other use. It is a law, a declaration of Congress, to really help the park superintendent protect an area he thinks ought to be preserved as it is now.

Senator HANSEN. Is it true that the parameters that are laid down, despite the fact that there is some dichotomy in the Act of 1916, are considerably more restrictive than are the uses, recognition of lawful, legal uses that may be made, for instance, of the BLM lands in the country or the forest lands?

Mr. BOHLEN. Absolutely.

Senator HANSEN. I guess that fact reflects my feeling of assurance and conviction that the Park Service will continue to manage Park areas in a very acceptable fashion.

While we may occasionally start down the wrong path or a divergent road, sooner or later, with the great and increasing interest that is exhibited among all people—with our growing awareness of what is going on in the park—I am certain, if some wayward superintendent should tend to stray off the reservation, it would not take very long for his attention to be called by an editorial in the New York Times or the Los Angeles Examiner to the fact he was losing sight of that fact.

I observe that because, when we were arguing over possible extension of the Jackson Hole Airport, I became immediately and acutely

aware of the fact that what went on in Jackson Hole—the place where I was born and raised—is of interest to people far beyond the exterior boundaries of the Grand Tetons. They, as much as anyone else, want to make certain that we are conscious of the fact that this is a national park, that the standard in the activities that are carried on there and the uses made of it are of concern to everyone, not just those who live in that area.

Thank you very much, Secretary Bohlen, for coming back this afternoon.

I have no further questions but I do have a question that Senator Haskell has asked me to direct to you.

As you undoubtedly know, both BLM Organic Acts, the one passed by the Senate and proceeding through the House Interior Committee, have Wilderness review provisions. Of course, your Department is in opposition to those provisions. However, I would assume, given the advanced state of the legislation, that you have given some consideration as to how you will implement those provisions, should they become law.

I wonder if you might divulge what your present thinking is concerning implementation of the BLM Lands Wilderness Review provisions.

Mr. BOHLEN. Maybe I could ask Mr. Turcott of BLM to respond to that.

Senator HANSEN. I am sure if Senator Haskell were here, he would be pleased to have Mr. Turcott respond.

Mr. TURCOTT. I believe some of the earlier written pronouncements of the Secretary of the Interior and the administration expressed some opposition to the wilderness provisions now found in the Senate-passed version of the Organic Act but that is moot now. It is being accepted.

I think in discussing wilderness with respect to BLM-administered lands and national resource lands, I would have to give a little summary of the background. In addition, sir, I can only speak in conjecture. I cannot speak for the Department because both of the bills call for the promulgation of regulations by the Secretary of the Interior. That, of course, has not been done because the Acts have not passed.

As you well know, the use and disposition of public lands has, for Nevada, even parts of Utah, the land grants—the railroad land we call national resource lands. In southern Wyoming, northern Nevada, even parts of Utah, the lands grants—the railroad land grants— checkerboard the area. The States of Nevada and Utah, southern Wyoming, parts of Idaho, and eastern Oregon do have large contiguous blocks but you have to keep in mind that fragmentation has taken place.

In addition, you must keep in mind the cultural development by man, the influence of man on these lower lying lands, the foothill lands.

Many of the areas, especially in terms of large acreages—now being designated as wilderness by the Congress—and being studied in various phases for wilderness designation—are in the National Forest, the National Wildlife Refuges System, and the National Parks, coming, in the Western States, almost wholly from the true public domain.

As you mentioned, we have to look at the myriad of land laws that call for the development, along with the western movement into the western States.

There are areas administered by the Bureau of Land Management that we feel may have Wilderness values under the criteria of the Wilderness Act.

To date, through our management framework planning system, we have identified some 38 areas in the west totalling 1,800.000 acres which we feel have wilderness value and we formally recognize them as such.

In addition to that, we are studying another 4 million acres found in 128 areas where we think there may be wilderness potential.

Senator HANSEN. If I could interrupt you for a moment, Mr. Turcott.

If you like, I am sure we would be happy to have you submit a list, a breakdown of that for the record. I must say, Senator Haskell is not here and, very possibly, he might have some follow up questions. Since he is not, if you would like to do that.

I did not mean to cut you off.

Mr. TURCOTT. I am leading up to one key point I wanted to make. That is—well, there are actually two points.

First, we do plan to continue the use of our very well developed land use planning system to inventory and to assess the values of these areas, this includes public meetings and public input as part of the process up to the point where we make the management decision and, at that point, it would be de facto.

It must be brought out that we would continue to use the 5,000 acres or more of roadless areas as a first cut, just as the proposed legislation now reads.

I think, with respect to BLM administered land, that, has to be used with a great deal of discretion for further potential study.

I think that item number four of the criteria under the Wilderness Act has a great effect on the BLM. I would like to read it.

> Areas may also contain ecological or other features of scientific, educational or scenic or historical values.

In my home State where I was raised, in northern Nevada, we can go up on the Owayhee Desert and I can find you five times 50 blocks of areas that have solitude, very little use, very little effect of man's influence. It seems to me, in BLM's practical situation, that the first cut can be the 5.000 roadless acres or more but we have to give great weight to legislative item No. 4 of the Wilderness Act.

That is my personal view. I wanted to make it a matter of record.

In addition to that, there is some conjecture as to what the various legislative proposals in the Senate and the House mean with respect to the mining laws. I read the committee report of this committee and I believe that the Senate version is not too clear; but that the House provision is clear.

It would be our view that we would want to follow the approach in the Wilderness Act that you assign to the Forest Service. If the legislation that may eventually come out as an Organic Act is not made clear in that respect, if it were legally possible to do it, we would attempt to write regulations that way.

The other opportunity would be when any wilderness proposal comes before the Congress. They could legislate that point.

I believe that is all I have to say.

Senator HANSEN. Thank you very much, Mr. Turcott.

Senator McClure has three questions which he would like to ask the Interior witnesses.

The first one is: Is it true that no mineral survey is made on Interior lands under study for wilderness—in Wildlife Refuges and National Parks.

Mr. BOHLEN. I could answer that with a little bit of background.

The Wilderness Act specifically called for mineral surveys in National Forest wilderness areas but made no such requirement for refuges or parks.

As you well know, all but four or five parks are closed to mining and most of our refuges are, also. There was considerable discussion several years ago, within the Congress, as to whether mineral surveys should be required and our Senate Appropriations Committee put in specific language which forbade the use of any money by the Geological Survey to make mineral surveys in the refuges and parks——

Senator HANSEN. Let me interrupt at that point, if I may, Secretary Bohlen, just to read the rest of the first question which, I suspect, might be helpful to you. If so, why is that procedure different than that followed on Forest Service lands where primitive areas are examined for minerals prior to recommendations for wilderness designation.

I wanted you to have the benefit of the first full question.

Mr. BOHLEN. Not having explicit Congressional guidance on this issue we decided that, in order to meet the September 1974 deadline for submission of all our wilderness proposals, we had little choice but to proceed without mineral surveys in most areas. This made little difference because the areas were closed to mining anyway.

In the case of game ranges within the National Refuge System that are open to mining, the Secretary has determined that, even where surface lands have been judged suitable for wilderness, it would be unwise, at this time, to put them into wilderness until a mineral survey has been done. The recommendations that have been sent to Congress and will be sent in this new package specify what land in the game ranges is suitable for wilderness, but recommends that Congress defer action until such time as a mineral survey is done. This would require a positive act on the part of Congress to authorize the mineral survey and to appropriate money for the same.

Senator HANSEN. Senator McClure's next question is: It has been reported that the USGS mineral survey conducted on primitive areas is, at best, an extensive one, hampered by restrictions and inadequate staff members.

In your opinion, what would be needed to provide a thorough study of mineral potential in addition to the surface reconnaissance by geophysical and geochemical methods now employed?

That is a long question. Would you like to have it before you?

Mr. BOHLEN. No. I have it. Thank you.

I cannot speak for primitive areas which are strictly Forest Service but I can give you an example. In Nevada, USGS estimates a mineral survey of the Desert Game Range would cost about 2 million dollars and would require about 12 man-years. We have similar estimates for the other areas.

Senator HANSEN. A third question by Senator McClure is: What is the background for the reasons Interior lands, National Park Areas, National Wildlife Areas are not studied for minerals as part of the total review for suitability?

Mr. BOHLEN. I think maybe my first answer answered that one.

Senator HANSEN. I share that view.

There are no further questions. Thank you all very much.

Unless there is someone else to be heard from, the hearing is concluded.

[Whereupon, at 3 p.m., the hearing was adjourned.]

APPENDIX

The Wilderness Act of 1964

Public Law 88-577
88th Congress, S. 4
September 3, 1964

An Act

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

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

Wilderness Act.

SHORT TITLE

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

WILDERNESS SYSTEM ESTABLISHED STATEMENT OF POLICY

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. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be designated as "wilderness areas" except as provided for in this Act or by a subsequent Act.

(b) The inclusion of an area in the National Wilderness Preservation System notwithstanding, the area shall continue to be managed by the Department and agency having jurisdiction thereover immediately before its inclusion in the National Wilderness Preservation System unless otherwise provided by Act of Congress. No appropriation shall be available for the payment of expenses or salaries for the administration of the National Wilderness Preservation System as a separate unit nor shall any appropriations 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 National Wilderness Preservation System.

78 STAT. 890.
78 STAT. 891.

DEFINITION OF WILDERNESS

(c) A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (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; and (4) may also contain ecological, geo-

logical, or other features of scientific, educational, scenic, or historical value.

NATIONAL WILDERNESS PRESERVATION SYSTEM—EXTENT OF SYSTEM

SEC. 3. (a) All areas within the national forests classified at least 30 days before the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness", "wild", or "canoe" are hereby designated as wilderness areas. The Secretary of Agriculture shall—

(1) Within one year after the effective date of this Act, file a map and legal description of each wilderness area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and 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.

(2) Maintain, available to the public, records pertaining to said wilderness areas, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. Maps, legal descriptions, and regulations pertaining to wilderness areas within their respective jurisdictions also shall be available to the public in the offices of regional foresters, national forest supervisors, and forest rangers.

Classification.

(b) The Secretary of Agriculture shall, within ten years after the enactment of this Act, review, as to its suitability or nonsuitability for preservation as wilderness, each area in the national forests classified on the effective date of this Act by the Secretary of Agriculture or the Chief of the Forest Service as "primitive" and report his findings to the President. The President shall advise the United States Senate and House of Representatives of his recommendations with respect to the designation as "wilderness" or other reclassification of each area on which review has been completed, together with maps and a definition of boundaries. Such advice shall be given with respect to not less than one-third of all the areas now classified as "primitive" within three years after the enactment of this Act, not less than two-thirds within seven years after the enactment of this Act, and the remaining areas within ten years after the enactment of this Act. Each recommendation of the President for designation as "wilderness" shall become effective only if so provided by an Act of Congress. Areas classified as "primitive" on the effective date of this Act shall continue to be administered under the rules and regulations affecting such areas on the effective date of this Act until Congress has determined otherwise. Any such area may be increased in size by the President at the time he submits his recommendations to the Congress by not more than five thousand acres with no more than one thousand two hundred and eighty acres of such increase in any one compact unit; if it is proposed to increase the size of any such area by more than five thousand acres or by more than one thousand two hundred and eighty acres in any one compact unit the increase in size shall not become effective until acted upon by Congress. Nothing herein contained shall limit the President in proposing, as part of his recommendations to Congress, the alteration of existing boundaries of primitive areas or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value. Notwithstanding any other provisions of this Act, 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,

Presidential recommendation to Congress.

Congressional approval.

78 STAT. 891.
78 STAT. 892.

Colorado, if the Secretary determines that such action is in the public interest.

(c) Within ten years after the effective date of this Act the Secretary of the Interior shall review every roadless area of five thousand contiguous acres or more in the national parks, monuments and other units of the national park system and every such area of, and every roadless island within, the national wildlife refuges and game ranges, under his jurisdiction on the effective date of this Act and shall report to the President his recommendation as to the suitability or nonsuitability of each such area or island for preservation as wilderness. The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendation with respect to the designation as wilderness of each such area or island on which review has been completed, together with a map thereof and a definition of its boundaries. Such advice shall be given with respect to not less than one-third of the areas and islands to be reviewed under this subsection within three years after enactment of this Act, not less than two-thirds within seven years of enactment of this Act, and the remainder within ten years of enactment of this Act. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress. Nothing contained herein shall, by implication or otherwise, be construed to lessen the present statutory authority of the Secretary of the Interior with respect to the maintenance of roadless areas within units of the national park system.

Report to President.

Presidential recommendation to Congress.

Congressional approval.

(d)(1) The Secretary of Agriculture and the Secretary of the Interior shall, prior to submitting any recommendations to the President with respect to the suitability of any area for preservation as wilderness—

Suitability.

(A) give such public notice of the proposed action as they deem appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land;

Publication in Federal Register.

(B) hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the respective Secretaries involved deem appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: *Provided*, That if the lands involved are located in more than one State, at least one hearing shall be held in each State in which a portion of the land lies;

Hearings.

Publication in Federal Register.

78 STAT. 892.

78 STAT. 893.

(C) at least thirty days before the date of a hearing advise the Governor of each State and the governing board of each county, or in Alaska the borough, in which the lands are located, and Federal departments and agencies concerned, and invite such officials and Federal agencies to submit their views on the proposed action at the hearing or by no later than thirty days following the date of the hearing.

(2) Any views submitted to the appropriate Secretary under the provisions of (1) of this subsection with respect to any area shall be included with any recommendations to the President and to Congress with respect to such area.

(e) Any modification or adjustment of boundaries of any wilderness area shall be recommended by the appropriate Secretary after public notice of such proposal and public hearing or hearings as provided in subsection (d) of this section. The proposed modification or adjustment shall then be recommended with map and description thereof to the President. The President shall advise the United States Senate and the House of Representatives of his recommendations with respect to such modification or adjustment and such recom-

Proposed modification.

mendations shall become effective only in the same manner as provided for in subsections (b) and (c) of this section.

USE OF WILDERNESS AREAS

SEC. 4. (a) The purposes of this Act are hereby declared to be within and supplemental to the purposes for which national forests and units of the national park and national wildlife refuge systems are established and administered and—

(1) Nothing in this Act shall be deemed to be in interference with the purpose for which national forests are established as set forth in the Act of June 4, 1897 (30 Stat. 11), and the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215).

16 USC 475.
16 USC 528-531.

(2) Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act (Public Law 539, Seventy-first Congress, July 10, 1930; 46 Stat. 1020), the Thye-Blatnik Act (Public Law 733, Eightieth Congress, June 22, 1948; 62 Stat. 568), and the Humphrey-Thye-Blatnik-Andresen Act (Public Law 607, Eighty-fourth Congress, June 22, 1956; 70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture.

16 USC 577-577b.
16 USC 577c-577h.
16 USC 577d-1, 577g-1, 577h.

(3) Nothing in this Act shall modify the statutory authority under which units of the national park system are created. Further, the designation of any area of any park, monument, or other unit of the national park system as a wilderness area pursuant to this Act shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with the Act of August 25, 1916, the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area, including, but not limited to, the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 432 et seq.); section 3(2) of the Federal Power Act (16 U.S.C. 796(2)); and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

39 Stat. 535.
16 USC 1 et seq.
41 Stat. 1063.
49 Stat. 838.

(b) Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

78 STAT. 893.
78 STAT. 894.

PROHIBITION OF CERTAIN USES

(c) Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

SPECIAL PROVISIONS

(d) The following special provisions are hereby made:

(1) Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, 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.

(2) Nothing in this Act shall prevent within national forest wilderness areas any activity, including prospecting, for the purpose of gathering information about mineral or other resources, if such activity is carried on in a manner compatible with the preservation of the wilderness environment. Furthermore, in accordance with such program as the Secretary of the Interior shall develop and conduct in consultation with the Secretary of Agriculture, such areas shall be surveyed on a planned, recurring basis consistent with the concept of wilderness preservation by the Geological Survey and the Bureau of Mines to determine the mineral values, if any, that may be present; and the results of such surveys shall be made available to the public and submitted to the President and Congress.

Mineral leases, claims, etc.

(3) Notwithstanding any other provisions of this Act, until midnight December 31, 1983, the United States mining laws and all laws pertaining to mineral leasing shall, to the same extent as applicable prior to the effective date of this Act, extend to those national forest lands designated by this Act as "wilderness areas"; subject, however, to such reasonable regulations governing ingress and egress as may be prescribed by the Secretary of Agriculture consistent with the use of the land for mineral location and development and exploration, drilling, and production, and use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including where essential the use of mechanized ground or air equipment and restoration as near as practicable of the surface of the land disturbed in performing prospecting, location, and, in oil and gas leasing, discovery work, exploration, drilling, and production, as soon as they have served their purpose. Mining locations lying within the boundaries of said wilderness areas shall be held and used solely for mining or processing operations and uses reasonably incident thereto; and hereafter, subject to valid existing rights, all patents issued under the mining laws of the United States affecting national forest lands designated by this Act as wilderness areas shall convey title to the mineral deposits within the claim, together with the right to cut and use so much of the mature timber therefrom as may be needed in the extraction, removal, and beneficiation of the mineral deposits, if needed timber is not otherwise reasonably available, and if the timber is cut under sound principles of forest management as defined by the national forest rules and regulations, but each such patent shall reserve to the United States all title in or to the surface of the lands and products thereof, and no use of the surface of the claim or the resources therefrom not reasonably required for carrying on mining or prospecting shall be allowed except as otherwise expressly provided in this Act: *Provided*, That, unless hereafter specifically authorized, no patent within wilderness areas designated by this Act shall issue after December 31, 1983, except for the valid claims existing on or before December 31, 1983. Mining claims located after the effective date of this Act within the boundaries of wilderness areas designated by this Act shall create no rights in excess of those rights which may be patented under the

78 STAT. 894.
78 STAT. 895.

provisions of this subsection. Mineral leases, permits, and licenses covering lands within national forest wilderness areas designated by this Act shall contain such reasonable stipulations as may be prescribed by the Secretary of Agriculture for the protection of the wilderness character of the land consistent with the use of the land for the purposes for which they are leased, permitted, or licensed. Subject to valid rights then existing, effective January 1, 1984, the minerals in lands designated by this Act as wilderness areas are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

Water resources.

(4) Within wilderness areas in the national forests designated by this Act, (1) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting for water resources, the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (2) 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.

(5) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou Roadless Areas, in the Superior National Forest, Minnesota, shall be in accordance with regulations established by the Secretary of Agriculture in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages: *Provided*, That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats.

(6) Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

(7) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

78 STAT. 895.
78 STAT. 896.

(8) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

STATE AND PRIVATE LANDS WITHIN WILDERNESS AREAS

SEC. 5. (a) In any case where State-owned or privately owned land is completely surrounded by national forest lands within areas designated by this Act as wilderness, such State or private owner shall be given such rights as may be necessary to assure adequate access to such State-owned or privately owned land by such State or private owner and their successors in interest, or the State-owned land or privately owned land shall be exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary of Agriculture: *Provided*, *however*, That the United States shall not transfer to a State or private owner any mineral interests unless the State or private owner relinquishes or

Transfers, restriction.

causes to be relinquished to the United States the mineral interest in the surrounded land.

(b) In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

(c) Subject to the appropriation of funds by Congress, the Secretary of Agriculture is authorized to acquire privately owned land within the perimeter of any area designated by this Act as wilderness if (1) the owner concurs in such acquisition or (2) the acquisition is specifically authorized by Congress. Acquisition.

GIFTS, BEQUESTS, AND CONTRIBUTIONS

SEC. 6. (a) The Secretary of Agriculture may accept gifts or bequests of land within wilderness areas designated by this Act for preservation as wilderness. The Secretary of Agriculture may also accept gifts or bequests of land adjacent to wilderness areas designated by this Act for preservation as wilderness if he has given sixty days advance notice thereof to the President of the Senate and the Speaker of the House of Representatives. Land accepted by the Secretary of Agriculture under this section shall become part of the wilderness area involved. Regulations with regard to any such land may be in accordance with such agreements, consistent with the policy of this Act, as are made at the time of such gift, or such conditions, consistent with such policy, as may be included in, and accepted with, such bequest.

(b) The Secretary of Agriculture or the Secretary of the Interior is authorized to accept private contributions and gifts to be used to further the purposes of this Act.

ANNUAL REPORTS

SEC. 7. At the opening of each session of Congress, the Secretaries of Agriculture and Interior shall jointly report to the President for transmission to Congress on the status of the wilderness system, including a list and descriptions of the areas in the system, regulations in effect, and other pertinent information, together with any recommendations they may care to make.

Approved September 3, 1964.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 1538 accompanying H. R. 9070 (Comm. on Interior & Insular Affairs) and No. 1829 (Comm. of Conference).
SENATE REPORT No. 109 (Comm. on Interior & Insular Affairs).
CONGRESSIONAL RECORD:
Vol. 109 (1963): Apr. 4, 8, considered in Senate.
Apr. 9, considered and passed Senate.
Vol. 110 (1964): July 28, considered in House.
July 30, considered and passed House, amended, in lieu of H. R. 9070.
Aug. 20, House and Senate agreed to conference report.