

Forest Plan Revision for the Colville, and Okanogan-Wenatchee National Forests

-- Briefing -- Demystifying the Wilderness Act Public Law 88-577

This paper provides a general overview of the Wilderness Act. Quotes from the Act are shown below in italicized text.

The Wilderness Act was signed September 3, 1964 which created the Wilderness Preservation System and immediately established 54 Wilderness Areas across the nation. The Act provides for adding new wilderness areas to the system. It also gives guidance on how to manage an established wilderness area.

The Act

The Wilderness Act continues to be the guiding piece of legislation for all wilderness areas. The Act describes wilderness as follows:

"...lands designated for preservation and protection in their natural condition..." Section 2(a)

"...an area where the earth and its community of life are untrammelled by man..." Section 2(c)

"...an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvement or human habitation..." Section 2(c)

"...generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable..." Section 2(c)

"...has outstanding opportunities for solitude or a primitive and unconfined type of recreation..." Section 2(c)

"...shall be devoted to the public purposes of recreation, scenic, scientific, educational, conservation and historic use." Section 4(b)

The Act directs the Secretaries of Agriculture and Interior to review federal public lands to determine their suitability for wilderness designation. This is why the Forest Service conducted Roadless Area Review and Evaluations (RARE I and II) in the 1970s. The results of those reviews were additions to the National Wilderness System and a set of Inventoried Roadless Areas.

Key Sections of the Act – Uses, Prohibitions and More

Section 4 of the Act spells out what is allowable versus prohibited in wilderness. Section 4 (b) provides the legal mandate for the agencies to preserve wilderness character (wilderness character is described above in quotes from the Act).

Section 4 also describes prohibited wilderness uses and exceptions to those prohibitions. These are described on the following page.

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 structures or installation within any such area.

Special provisions for exceptions to the above prohibitions are allowed under very specific circumstances. These exceptions are...

- **Aircraft and motorboats** - within the areas designated by the 1964 Act, *where these uses had already become established, they may be permitted to continue subject to restrictions the Secretary of Agriculture deems desirable.*
- *Measures may be taken as may be necessary in the control of fire, insects, and diseases...*
- **Mining.** The Act allowed for prospecting and allowed filing of mineral claims up until December 31, 1983. The Act allows for development of facilities necessary for mining or drilling such claims, and allows cutting of trees to support mine infrastructure, but also requires restoration of the surface of the land once the facilities have served their purpose. Effective January 1, 1984, minerals in lands designated by the Act were withdrawn from all forms of appropriation under mining laws. In other words, you could not file a claim after that date.
- *The President may, within a specific area..., 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 road construction and maintenance essential... to these projects.*
- *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.*
- ***Commercial services (outfitters and guides)** 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.*
- The Act does not affect state **water laws**.
- The Act provided a disclaimer recognizing that states have jurisdiction over **wildlife and fish** on national forests.

The last three sections of the Act explain how state and private in-holdings are treated, how to donate lands or money to the Wilderness System, and a requirement for submission of annual reports to Congress from the Secretaries of Agriculture and Interior.

Other Interesting Facts and Information

You have done it! You now know the key points in the Wilderness Act of 1964. Similar to the legacy of establishing National Parks and National Forests, this Act established the first wilderness system in the world. Many other countries have now followed this model to identify some lands for preservation of their natural qualities. The National Wilderness Preservation System now totals 704 areas protecting 107,514,938 acres of land in 44 states (as of July 2008). The smallest wilderness is the 5-acre *Rocks and Islands Wilderness* in northern California, and the largest wilderness is the *Wrangell-Saint Elias Wilderness* in Alaska (9,078,675 acres).

To obtain more facts on wilderness including the full text of the Wilderness Act of 1964, or any of the subsequent acts including the Washington Wilderness Act of 1984 visit www.wilderness.net.