

DESIGNATING CERTAIN ENDANGERED PUBLIC LANDS FOR PRESER-
VATION AS WILDERNESS, PROVIDING FOR THE STUDY OF ADDI-
TIONAL ENDANGERED PUBLIC LANDS FOR SUCH DESIGNATION,
FURTHERING THE PURPOSES OF THE WILDERNESS ACT OF 1964,
AND FOR OTHER PURPOSES

JULY 27, 1977.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. UDALL, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

together with

SUPPLEMENTAL AND MINORITY VIEWS

[To accompany H.R. 3454]

The Committee on Interior and Insular Affairs, to whom was re-
ferred the bill (H.R. 3454) to designate certain endangered public
lands for preservation as wilderness, to provide for the study of addi-
tional endangered public lands for such designation, to further the
purposes of the Wilderness Act of 1964, and for other purposes, having
considered the same, report favorably thereon with an amendment
and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, beginning on line 3, strike out all after the enacting clause
and insert in lieu thereof the following:

That this Act may be cited as the "Endangered American Wilderness Act of
1977".

STATEMENT OF FINDINGS AND POLICY

SECTION 1. (a) The Congress finds that—

(1) many areas of undeveloped public lands possess and exhibit outstand-
ing natural characteristics giving them high value as wilderness and will,
if properly preserved, contribute as an enduring resource of wilderness for
the benefit of the American people;

(2) certain of these undeveloped public lands meet all statutory criteria
for suitability as wilderness as established by subsection 2(c) of the Wild-
erness Act (78 Stat. 890), but are not adequately protected and lack statu-
tory designation pursuant to the Wilderness Act as units of the National
Wilderness Preservation System;

servicing of wilderness consideration. Thus, it was not until 1972 that the Forest Service initiated a Roadless Area Review and Evaluation (RARE) of these 56 million acres of "de facto" wilderness areas to determine which areas, if any, merited further wilderness study.

Of the 1449 roadless areas identified during the 1972 RARE review, only 274 were ultimately targeted by the Forest Service for further study as to their potential for inclusion in the Wilderness System. Some 1,175 roadless areas containing over 44 million acres of "de facto" wilderness, plus hundreds of square miles of additional roadless areas overlooked by the Forest Service, were not considered for potential wilderness designation. Subsequent Forest Service land use planning has designated many of these nonselected areas for timber harvest and other activities incompatible with wilderness values, thereby endangering their inherent wilderness characteristics.

While no group or interest is suggesting that all 56 million acres of "de facto" wilderness (plus those areas overlooked by the Forest Service) be added to the Wilderness System, intense criticism has been leveled at the criteria and rating system used by the Forest Service to disqualify the 44 million plus acres of nonselected "de facto" wilderness areas. Among other things, the 1972 Forest Service RARE review: (1) arbitrarily fragmented large roadless tracts into smaller units thus lowering possible points given to an area on the Forest Service's rating system for "solitude"; (2) deducted rating points for areas containing commercial timber reflecting a Forest Service policy that designated Wilderness Areas should not have significant volumes of commercial timber—a policy which is definitely not contained in the Wilderness Act; and (3) adopted a "purity" definition and concept of wilderness so stringent as to preclude most "de facto" wilderness from further wilderness study.

The latter concept of wilderness, the so-called "purity" issue, has involved extensive debate. Testimony presented during nine days of Subcommittee hearings on H.R. 3454 repeated allegations that the Forest Service has been unduly restrictive in setting wilderness evaluation criteria which relied solely on the most stringent possible interpretation of the definition section (section 2(c)) of the Wilderness Act. For example, instead of recommending further wilderness studies in areas where "the imprint of man's work (is) substantially unnoticeable" as stated in section 2(c) of the Wilderness Act, the Forest Service's 1972 RARE review generally disfavored areas where any trace of man's activities was present. Further, many areas, including the Lone Peak and Sandia Mountain proposals in H.R. 3454, received lower wilderness quality ratings because the Forest Service implemented a "sights and sounds" doctrine which subtracted points in areas where the sights and sounds of nearby cities (often many miles away) could be perceived from anywhere within the area. This eliminated many areas near population centers and has denied a potential nearby high quality wilderness experience to many metropolitan residents, and is inconsistent with Congress goal of creating parks and locating wilderness areas in close proximity to population centers. The committee is therefore in emphatic support of the Administration's decision to immediately discontinue this "sights and sounds" doctrine.

Numerous other aspects of the so-called "purity" issue have been debated over the past several years, and especially during the hearings on H.R. 3454. In some instances, the strictest interpretation of the Wilderness Act has led to stringent "purity" criteria, which have prejudiced the potential recommendation of an area for further wilderness consideration. In others, it has led to public opposition to wilderness proposals based on what is, and what is not, perceived to be—sometimes erroneously—permissible in wilderness areas under the provisions of the 1964 Wilderness Act.

After more than a decade of experience, the committee recognizes the problems which differing interpretations of the Wilderness Act create. The committee was pleased to receive the new Administration's less stringent interpretation of the Wilderness Act and agrees that this new direction is in order. To further clarify matters, the committee considers it appropriate to comment in some detail on some of the issues which current policies attempt to resolve and to offer its guidance as to how the Wilderness Act should now be interpreted as it relates to certain uses and activities:

Hunting and Fishing.—Hunting and fishing are among the prime uses of many wilderness areas, and are permitted in all cases subject to applicable State and Federal laws and regulations (Wilderness Act, section 4(d)(8)), and such other reasonable restrictions as may be necessary under principles of sound land management. The committee concurs in Assistant Secretary of Agriculture Rupert Cutler's observation that suggestions that hunting and fishing will be phased out in the National Wilderness Preservation System over the next 20 years are "absurd". They will actually be improved.

Trails, Bridges, Trail Signs.—Trails, trail signs, and necessary bridges are all permissible when designed in keeping with the wilderness concept. These are often important to the recreational access and use of a wilderness area. Trail construction or maintenance can include the use of mechanical equipment where appropriate and/or necessary.

Fire, Insects, Disease.—Section 4(d)(1) of the Wilderness Act permits any measures necessary to control fire, insect outbreaks or disease in wilderness areas. This includes the use of mechanized equipment, the building of fire roads, fire towers, fire breaks or fire pre-suppression facilities where necessary, and other techniques for fire control. In short, anything necessary for the protection of the public health or safety is clearly permissible.

Cabins.—Cabins exist in several designated wilderness areas and are entirely appropriate where they are necessary for the proper administration of the area, for the protection of the public, or as a management tool for the protection of the wilderness area.

Sanitary Facilities.—Sanitary facilities (such as pit toilets) are permissible in wilderness areas, and in many cases, may be vital to the protection of water quality and the health of the public. Servicing of sanitary facilities may be accomplished by mechanical means (such as helicopters) where practical alternative means of servicing do not exist.

Mechanized Equipment.—In general, the use of motorboats, airplanes, trail bikes, 4-wheel drive vehicles, snowmobiles and the like is prohibited in wilderness areas. However, subject to such restrictions as

he deems appropriate, section 4(d)(1) of the Wilderness Act allows the Secretary to permit motorboat and aircraft use in wilderness areas where the use had become established prior to addition of the area to the Wilderness System. Of course, common sense dictates that mechanized vehicle use may be necessary and appropriate in emergencies or for the proper administration of an area. As a rule, there should be no altitude limits on aircraft overflight in wilderness areas.

Fisheries Enhancement.—Fisheries enhancement activities and facilities are permissible and often highly desirable in wilderness areas to aid in achieving the goal of “preserving the wilderness character of the area” as stated in section 4(b) of the Wilderness Act. Such activities and facilities include fish traps, stream barriers, aerial stocking, and the protection and propagation of rare species.

Shelters, Campside Facilities.—Trailside shelters or lean-tos should not be provided in wilderness areas except where necessary under section 4 (b) or (c) of the Wilderness Act for the protection of the wilderness, or for the health and safety of the user. In general, fire rings, hitching posts, non-permanent tent platforms or pads, and other temporary structures used by outfitters may be allowed at the discretion of the Secretary, and the Committee feels that these should not have to be removed each winter if they can be stored in an unobtrusive fashion.

Weather Modification Special Equipment.—Snow gauges, water quantity and quality measuring instruments, and other scientific devices are located in many wilderness areas and are entirely appropriate to further the scientific, educational, and conservation purposes of wilderness areas as stated in sections 2 and 4 of the Wilderness Act. Weather modification activities should also be permissible, if they do not impair the ecological balance and wilderness qualities of an area. The strongest case for weather modification exists in drought years when necessary to augment precipitation in order to aid in “preserving the wilderness character” of an area as set forth in section 4(b) of the Wilderness Act, or to enhance watershed values.

The committee hopes the above guidelines will prove instructive in future deliberations on wilderness areas and legislation, and will eliminate much of the confusion and uncertainty surrounding alleged uses, or prohibitions of uses, within wilderness areas.

Recognizing the many deficiencies of the 1972 RARE program, the committee approves the plan to initiate a new roadless area review and evaluation (RARE II) which will take another complete look at the National Forest “de facto” wilderness areas incorporating the new guidelines outlined above. This review will be, as described by Assistant Secretary Cutler, “more innovative in managing around objectionable features to minimize their impacts” while at the same time enabling the inclusion of lands in the Wilderness System which are “not entirely free of marks of mankind, but (which are) fully capable of providing, in the long term, wilderness benefits to many people.” This attitude represents a new philosophy which should enable the RARE II program to more fully comply with the spirit of the definition of wilderness in section 2(c) of the Wilderness Act as an area where “the imprint of man’s work is substantially unnoticeable” than did the 1972 RARE review.