

ESTABLISHING A NATIONAL WILDERNESS PRESERVA-
TION SYSTEM FOR THE PERMANENT GOOD OF THE
WHOLE PEOPLE, AND FOR OTHER PURPOSES

JULY 27, 1961.—Ordered to be printed

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

REPORT

together with

MINORITY AND SEPARATE VIEWS

[To accompany S. 174]

The Committee on Interior and Insular Affairs, to whom was referred S. 174 to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes, having considered same, report favorably thereon with amendments and recommend that the measure, as amended, do pass.

AMENDMENTS

The amendments and their purposes are as follows:

On page 4, line 1, strike the word "fifteen" and insert the word "ten."

This will require the Secretary of Agriculture to make a review of primitive areas in the national forests in 10 instead of 15 years, speeding determination as to which portions of each such primitive area should continue to be preserved as wilderness and which portions should revert to ordinary forest land status and again be subject to normal forest uses. Department of Agriculture officials believe that the work can be done on the remaining 39 primitive areas in that time and that it would be well to accelerate final decisions on the 7.9 million acres of land involved, reopening any areas not predominantly of wilderness value to normal use, while making known positively those areas which are to be preserved and giving them legislative protection as wilderness.

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On page 4, strike everything beginning after the period on line 5 through line 19, inserting instead the following:

Before the convening of Congress each year, the President shall advise the United States Senate and House of Representatives of his recommendations with respect to the continued inclusion within the wilderness system, or exclusion therefrom, of each area on which review has been completed in the preceding year, together with maps and definition of boundaries: *Provided*, That the President may, as a part of his recommendations, alter the boundaries existing on the date of this Act for any primitive area to be continued in the Wilderness System, recommending the exclusion and return to national forest land status of any portions not predominantly of wilderness value, or recommending the addition of any contiguous area of national forest lands predominantly of wilderness value: *Provided further*, That following such exclusions and additions any primitive area recommended to be continued in the wilderness system shall not exceed the area classified as primitive on the date of this Act. The recommendation of the President with respect to the continued inclusion in the Wilderness System, or the exclusion therefrom of a primitive area, or portions thereof, shall become effective subject to the provisions of subsection (f) of this section: *Provided*, That if Congress rejects a recommendation of the President and no revised recommendation is made to Congress with respect to that primitive area within two years, the land shall cease to be a part of the Wilderness System and shall be administered as other national forest lands: *And provided further*, That primitive areas with respect to which recommendations are submitted to Congress on the eighth, ninth, and tenth years of the review period herein provided shall retain their status as a part of the Wilderness System until the expiration, in respect to each area, of a full session of Congress, two years for resubmission of revised recommendations to Congress by the President, and, if so resubmitted, until the expiration of a full session of Congress thereafter. Recommendations on all primitive areas not previously submitted to the Congress shall be made during the tenth year of the review period. Any primitive area, or portion thereof, on which a recommendation for continued inclusion in the wilderness system has not become effective within 14 years following the enactment of this Act, shall cease to be a part of the Wilderness System and shall be administered as other national forest land.

This amendment prescribes a more exact procedure than in the original language for determination of portions of primitive areas which are to be continued in the wilderness system and for the return of areas which are not of wilderness character to ordinary national forest land status, as well as to make mandatory that a recommendation on continued inclusion in the wilderness system be submitted to Congress on each and every primitive area. It also limits the size of any primitive area recommended for permanent inclusion in the

wilderness system to an area not exceeding, after exclusions and additions, the present size of the primitive area involved.

On page 8, line 24, strike all of the line starting with "the Congress," strike all of line 25, and on page 9, line 1, strike all through the word "recommendation," substituting the following:

neither the Senate nor the House of Representatives shall have approved a resolution declaring itself opposed to such recommendation: *Provided*, That, in the case of a recommendation covering two or more separate areas, such resolution of opposition may be limited to one or more of the areas covered, in which event the balance of the recommendation shall take effect as before provided.

On page 9, line 1, strike the word "concurrent".

On page 9, line 16, strike the word "concurrent".

These three amendments provide that either the Senate or the House of Representatives may reject a recommendation from the President for the inclusion or exclusion of an area from the wilderness system, instead of requiring that it be done by a concurrent resolution of both houses. Either the House or the Senate can prevent the enactment of a law. The amendments give either body the ability to stop a wilderness recommendation within the time provided.

On page 9, line 8, strike the first word "The" and insert after the words "public notice" the words "when given".

This amendment makes the sentence read more clearly.

On page 10, line 1, after the word "specific" insert a comma and the word "affirmative".

This amendment makes certain that only the national forest, park system, and wildlife areas specifically dealt with in the bill shall be included in the wilderness system under the review and recommendation procedure authorized by section 3(f) in the bill, and that the inclusion of any other area or areas of public lands in the wilderness system shall be done only by the enactment of a law to that effect.

On page 10, line 8, strike the period, substitute a comma, and add: "subject to the approval of any necessary appropriations by the Congress."

This amendment prevents the making of commitments or contracts to buy lands with appropriated funds without congressional approval. It is not intended to limit any existing authority of the agencies involved to acquire privately owned holdings inside wilderness area boundaries by exchange of land or with donated funds.

On page 11, beginning after the period in line 5, strike all through line 10, and substitute the following:

Except as otherwise provided in this Act, the wilderness system shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use. Subject to the provisions of this Act, all such use shall be in harmony, both in kind and degree, with the wilderness environment and with its preservation.

This amendment inserts the phrase "except as provided in this Act," before the original language for purposes of clarification.

On page 12, line 14, after the word "works," add "transmission lines."

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This amendment is for clarification.

On page 12, line 25, change the word "may" to "shall" and after the word "restrictions" add "and regulations".

This amendment is to make it clear that the enactment of S. 174 shall not be cause for reducing or terminating grazing in areas in the national forests where the grazing of livestock was well established prior to its enactment. It is not intended, however, that the amendment will in any way affect the authority of the Secretary of Agriculture to regulate and control grazing in such areas. He will continue to have the authority to reduce or terminate grazing within these areas for all other purposes or reasons that he can take such action with respect to other national forest areas.

On page 14, after subsection (7), add a new subsection (8) as follows:

(8) Nothing in this Act shall be construed to prevent, within national forest and public domain areas included in the wilderness system, any activity, including prospecting, for the purpose of gathering information about mineral resources which is not incompatible with the preservation of the wilderness environment.

Section 6(2)(a) provides that the President may authorize prospecting and mining in wilderness areas when he determines it will better serve the interests of the Nation and the people than will its denial. It will be necessary to have facts upon which to base an application to the President for any such authorization. This amendment permits gathering of information about mineral deposits in wilderness areas, on which to base any application to the President, by means which are not incompatible with the wilderness environment.

On pages 14 and 15 strike all of section 7 and substitute the following new section:

SEC. 7. The Secretary of the Interior and the Secretary of Agriculture shall each maintain available to the public, records of portions of the wilderness system under his jurisdiction, 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. Within a year following the establishment of any area within the national forests as a part of the wilderness system, the Secretary of Agriculture shall file a map and legal description of such 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 with the approval of such committees. Within a year following the establishment of any area in the national park system or in a wildlife refuge or range as a part of the wilderness system, the Secretary of the Interior shall file a map and legal description of such area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives. Clerical and typographical errors in such legal descriptions and maps may be corrected with the approval of such committees. Copies of maps and

legal descriptions of all areas of the wilderness system within their respective jurisdictions shall be kept available for public inspection in the offices of regional foresters, national forest superintendents, forest rangers, offices of the units of the national park system, wildlife refuge, or range.

Inasmuch as designation of an area of the wilderness system carries with it restrictions on the public's use of the area involved, and because modifications of boundaries, additions or eliminations, are subject to the approval and will of Congress, this amendment requires that maps and legal descriptions of all wilderness areas be filed with the Interior Committees of Congress and be maintained at offices reasonably accessible to all interested citizens. The amendment recognizes the possibility, if not probability, that inadvertent clerical and typographical errors may occur in the preparation of such voluminous and precise descriptions and provides for correction of such errors with the assent of the committee only. However, any changes which modify the original boundaries approved by Congress will require congressional consideration under section 3(e) of the bill, or, if an addition or elimination of land area, under section 3(h).

On page 15, after section 8, add the following new section:

LAND USE COMMISSIONS

SEC. 9. With respect to any State having more than ninety percent of its total land area owned by the federal government on January 1, 1961, there shall be established for each such state a Presidential Land Use Commission (hereinafter called the Commission). The Commission shall be composed of five persons appointed by the President, not more than three of whom shall be members of the same political party, and three of whom shall be resident of the State concerned. The Commission shall advise and consult with the Secretary of the Interior on the current utilization of federally owned land in such State and shall make recommendations to the Secretary as to how the federally owned land can best be utilized, developed, protected and preserved. Any recommendations made to the Congress by the Secretary of Interior pursuant to the provisions of this Act shall be accompanied by the recommendations and reports made with respect thereto by the Commission.

This amendment is applicable only to the State of Alaska, where more than 99 percent of the land area is owned by the United States. More than 25 million acres in the new State have been set aside as parks, monuments, or wildlife areas. Inasmuch as there is less known about the nature and resources of these areas than of those in other States, this amendment authorizes a Presidential Land Use Commission which will, in connection with studying and advising on best use of the Federal land holdings in Alaska, also make recommendations to the Secretary of the Interior in regard to the designation of wilderness areas in the national parks, monuments, and wildlife refuges and game ranges within that State.

BACKGROUND

Less than a century after the establishment of the United States, proposals were made to set aside some of the scenic wonders and great primitive areas of our new Nation for future enjoyment.

In 1864, President Abraham Lincoln signed an act which transferred to the State of California for preservation an area of including the present Yosemite National Park, which was returned to the Federal Government after the national park concept was established.

In 1872 Congress established Yellowstone National Park.

In 1894, an article was written into the New York State Constitution directing the preservation of a forest preserve in that State that now comprises nearly 2.5 million acres, a constitutional provision which the citizens of the State have repeatedly sustained in referendum. In all, there are today about 3 million acres of "wilderness" being preserved in a dozen State parks. California has about 500,000 acres in six State parks.

Shortly after the turn of the century, Congress adopted the National Monuments and Historic Sites Act of 1906 which authorized the President to set aside landmarks, historic and prehistoric structures, and other objects of historic and scientific interest on Federal lands.

Individual park acts followed.

NATIONAL PARK WILDERNESS-TYPE AREAS

In 1916, Congress established the National Park Service and the park system, directing the conservation of "the scenery and the natural and historic objects and the wildlife" of the areas in its jurisdiction. The same act directed that the park system should be administered to—

provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

In the years which have followed, the Park Service has attempted to establish a pattern of "preservation with reasonable access" which would accommodate the increasing flow of visitors to the parks but conserve and preserve as much as possible of their outstanding primitive and wilderness values. Increases in park visitors have caused mounting pressure for more roads and service facilities which impinge on remaining primitive areas.

There is now approximately 22 million acres in 27 parks, 20 national monuments, and 1 seashore recreational area regarded as suitable for consideration as part of the wilderness system. Of this total, 7,150,000 acres are in Alaska.

NATIONAL FOREST WILDERNESS-TYPE AREAS

In 1924, under the leadership of Aldo Leopold and others in the U.S. Forest Service in New Mexico, the regional forester established a wilderness area in the Gila National Forest. Later, under the designation "primitive area," this was confirmed by the Forest Service and the Secretary of Agriculture who also set aside other wilderness-type areas for protection.

In the twenties and thirties, 83 such areas of great scenic beauty and wilderness value, and relatively poor accessibility or value for other purposes, were set aside in the 181 million acres of national forests. They compose 14.6 million acres. The areas were first designated as "primitive" areas, without an acre-by-acre study, and protected to the extent possible under Executive powers against exploitation or development that would destroy their primitive character and wilderness values. These areas were excluded for consideration for timber sales. Prospecting was strictly regulated to minimize damage to natural conditions. Grazing was permitted in some areas.

After this first designation of "primitive areas," the Forest Service set about reviewing each area carefully. Areas more valuable for timber, mining, and other purposes than for wilderness preservation have been eliminated by such reviews. Some additional contiguous forest land areas, most valuable for preservation, have been added. At the conclusion of each review there have been public hearings, revision of recommendations, and finally classification by the Secretary of Agriculture of the adjusted area as "wild" if under 100,000 acres, or "wilderness" if more than 100,000 acres.

The review work, started in 1939, has been handled by the regular Forest Service staff as a "spare time" job when regular duties were least pressing.

Out of the original "primitive areas," there are now 14 "wilderness areas" in the national forests containing 4,888,173 acres. There are 29 "wild" areas containing 998,234 acres. There is one "canoe" area of 886,673 acres. There are 39 "primitive areas" in various stages of review which now comprise 7,890,973 acres.

(A table of these areas by States appears as appendix I.)

WILDLIFE REFUGE AND GAME RANGE AREAS

Out of more than 275 federally owned wildlife refuges and game ranges, there are approximately a score, comprising totally between 22 million and 23 million acres, which contain large areas of primeval lands suitable for saving as wilderness. (More than 18 million acres of these areas are in Alaska.)

The U.S. Fish and Wildlife Service has advised the committee that—

the future of many species of wildlife and game resources generally is dependent in a large measure upon the wild lands in public ownership retaining their present character. The Bureau of Sports Fisheries and Wildlife has endeavored, through the national wildlife refuge program, to preserve wilderness characteristics of the refuge properties * * * some species of wildlife are dependent upon an undisturbed environment.

The Service advised that it would welcome designation of appropriate areas in its jurisdiction, where wilderness would be compatible and contribute to the primary wildlife preservation purposes of the Service, as parts of a wilderness system.

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LEGISLATIVE REFERENCE SERVICE STUDY, 1948-49

In 1948, at the request of Members of Congress, the Legislative Reference Service, Library of Congress, undertook one of the first studies made of the desirability of a Federal policy and program in regard to wilderness preservation. It was an analysis of opinion on the problem directed by Mr. C. Frank Keyser.

A questionnaire was widely distributed to Federal agencies, States, and interested citizens, seeking opinions on whether wilderness preservation was desirable and, if so, who should preserve it, and how, as well as for data on available wilderness areas being preserved and many other details.

The replies indicated the availability of wilderness areas in national forests, parks, and wildlife refuges and game ranges (discussed above), and on unreserved public domain and Indian lands under Federal ownership or jurisdiction.

There was a wide variation of understanding of the term "wilderness." There was a wide variation of views as to how wilderness preservation should be handled. The replies reflected a wide belief that wilderness areas should be preserved for recreational, scientific, scenic and cultural reasons, sustaining this comment by the director:

In recent years there has been an increasing awareness by the Government and the people of the United States of the many problems of land use. With the growing population and the resulting utilization of more and more previously unutilized land it is becoming evident that before many years have passed there is danger that the original wilderness which was met and conquered by our forefathers in building our country will have disappeared entirely. It will exist only in the history books. If, then, there is reason for preserving substantial portions of the remaining wilderness it must be decided upon before it is too late.

The report was issued in September 1949.

LEGISLATIVE HISTORY OF THE WILDERNESS BILL

The first major wilderness bill introduced in Congress was filed in March 1957—S. 1176 of the 85th Congress. It was a slight revision of a study bill, S. 4013 of the 84th Congress, introduced to stimulate broadened discussion.

More than 7 years of study, conferences by proponents of wilderness preservation with agencies, drafting, redrafting, and adjustment of views intervened between the study and this first introduction of a wilderness bill. Hearings were conducted June 19 and 20, 1957. They reflected concern among the Federal agencies administering public lands about the need for a congressional declaration of policy in support of wilderness preservation to strengthen the hand of agencies attempting the job under executive authority. There was continued disagreement on details of administration, and opposition to a proposed "Wilderness Council" which, although limited to assembling facts, publishing lists of areas in the wilderness system and making policy recommendations, was regarded as a threatening new agency which might assume administrative authority over some or all of the lands and attempt to "build its own empire."

There were further conferences and in 1958 a revised bill—S. 4028 of the 2d session, 85th Congress—was introduced. Hearings were held in Washington, D.C., on July 23, 1958, and, during November 1958, in Bend, Oreg.; San Francisco, Calif.; Salt Lake City, Utah, and Albuquerque, N. Mex.

Another revised bill, S. 1123 was introduced in the 1st session of the 86th Congress and field hearings were held on it at Seattle, Wash., and Phoenix, Ariz.

At this point, more than 500 witnesses had been heard and more than 2,213 pages of hearing record filled.

During subsequent staff and committee conferences on S. 1123, three successive redrafts of the bill were prepared, printed as committee prints and circulated for comment. The proposal to establish wilderness system units on Indian lands, and later modified to require the assent of affected tribes, was dropped altogether. The proposed Wilderness Council was dropped. In executive sessions of the Interior and Insular Affairs Committee on Print No. 3 of S. 1123 in 1960 the Departments of Interior and Agriculture assented to passage of the bill but the measure was not voted upon nor reported by the committee.

THE PRESENT WILDERNESS BILL

S. 174, herein recommended for passage as amended, was introduced in the 87th Congress on January 4, 1961. Hearings were conducted February 27 and 28, 1961. The committee heard or received statements from more than 180 organizations and individuals plus hundreds of letters of which only a sampling could be printed in the hearing record.

GENERAL

S. 174 establishes a national policy of wilderness preservation and brings into existence a National Wilderness Preservation System to be comprised of Federal lands also serving other purposes. It designates as part of the new system, 6,773,080 acres in 44 wild, wilderness, and canoe areas in the national forests which have already been carefully reviewed and classified by the administering department. It establishes a procedure for the review by both the administering agency and Congress of the wilderness character and value of each of certain additional areas in the national forests, national park system, and wildlife refuges and game ranges under which the areas, or portions of them, may finally become designated parts of the wilderness preservation system. It leaves all lands under the administration of the agency now in charge and provides no interference with the basic purposes which the areas are now serving. In 14.6 million acres of national forest lands (approximately 8 percent of total national forest), or portions finally designated as part of the wilderness system, new mining operations, reservoirs or certain other commercial operations will require authorization by the President upon a finding that such operations will better serve the people than continued preservation as wilderness.

In a large measure, S. 174 gives Statutory sanction and protection to maintenance of the status quo of the Federal wilderness lands involved and provides that the wilderness character of each area finally included in the National Wilderness Preservation System shall

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not be changed except on authorization at the highest levels of Government—by the President and/or Congress.

EXPLANATION OF THE BILL

Section 1 states the title as the "Wilderness Act."

Section 2(a) is a statement of Congress' belief that increasing population and human developments will occupy or modify all areas of the Nation except those set aside for preservation in their natural condition; it declares congressional policy to assure the Nation of an enduring resource of wilderness and establishes a National Wilderness Preservation System to be composed of appropriate federally owned areas.

Section 2(b) defines wilderness in two ways: First, in an ideal concept of wilderness areas where the natural community of life is untrammelled by man, who visits but does not remain, and, second, as it is to be considered for the purposes of the act: areas where man's work is substantially unnoticeable, where there is outstanding opportunity for solitude or a primitive or unconfined type of recreation, which are of adequate size to make practicable preservation as wilderness, and which may have ecological, geological, or other scientific, educational, scenic, and historical values.

Section 3 sets out the areas of Federal lands in the national forests, park system, and wildlife refuges and game ranges which are to be designated as part of the wilderness preservation system, or considered for such designation. A procedure is established that will assure review of every area by both the executive agency in charge of it and by the Congress prior to its final inclusion in the wilderness system.

Section 3(b) provides that four categories of wilderness-type areas in the national forests will become units of the wilderness preservation system: wild, wilderness, roadless (canoe), and primitive. Inasmuch as the wild, wilderness, and roadless areas have already been carefully reviewed by the Forest Service and reclassified as such by the Secretary of Agriculture, the enactment of S. 174 will complete their designation as part of the new wilderness preservation system.

The 39 unreviewed primitive areas are put into the wilderness system subject to a review by the Secretary of Agriculture and recommendation to Congress by the President with such boundary adjustments as are deemed proper to include only areas of predominant wilderness value. The President may recommend exclusion of parts of any primitive area not of predominant wilderness value. He may recommend the inclusion of national forest lands adjacent to the primitive area which are of predominant wilderness value but not to exceed, after exclusions and inclusions, the original size of the primitive area. Following the receipt of the President's recommendation in respect to each primitive area, it is provided in section 3(f) that either the House of Representatives or the Senate may disapprove at any time during the next following complete session of Congress. In the event of such a disapproval, the primitive area may again be reviewed and resubmitted to Congress within 2 years, affording the executive branch an opportunity to take into account congressional reasons for disapproval and make adjustments to meet them if it is possible and desirable. All primitive areas must be reviewed and recommendations submitted to Congress within 10 years. All such areas not

continued in the wilderness system under the procedure within 14 years—10 years plus time for congressional consideration and a resubmittal—return to the same status as other national forest lands.

Section 3(c) provides for the inclusion of national park system lands in the wilderness system. The Secretary of the Interior is directed to conduct a review of park system units containing 5,000 acres or more of contiguous, roadless lands, and report his recommendation for the incorporation of each such unit into the wilderness preservation system. His recommendations to the President are to include a description of parts of each park system unit, determined in accordance with section 4, the Administrative Procedure Act, which should be reserved for roads, motor trails, buildings, accommodations for visitors and administrative installations. Before the convening of Congress each year, the President is to advise Congress of his recommendations with respect to the incorporation of the reviewed areas into the wilderness system. As in the case of national forest areas, either the House of Representatives or the Senate may disapprove at any time during the next following complete session of Congress under section 3(f).

Section 3(d) deals with wildlife refuges and game ranges. It provides for inclusion in the wilderness preservation of such portions of such areas as the Secretary of the Interior may recommend to the President within 10 years, the President recommends to Congress, and neither the House nor the Senate disapproves under section 3(f). The Secretary of the Interior may also recommend inclusion in the wilderness system, by the same procedure, portions of new refuges or ranges added to his jurisdiction in the next 15 years. Such recommendation is to be made by the Secretary of the Interior within 2 years after the addition of the new unit.

Section 3(e) provides that any modification or adjustment of boundaries of a portion of the wilderness system may be made only after publication of public notice in the vicinity, public hearing in the area, and submission of a recommendation to Congress under the procedures of section 3(f).

Section 3(f), referred to above in regard to finalizing inclusion of forest, park, and wildlife areas in the wilderness system, and in modifying or adjusting boundaries, provides that a recommendation of the President in regard to one of the proposed wilderness areas shall become effective upon the adjournment sine die of the first full session of Congress following receipt of the President's recommendation by the Senate and House of Representatives if neither body has passed a resolution of disapproval prior to sine die adjournment. Resolutions of disapproval are made subject to procedures in the Reorganization Act of 1949 which provide that any Member of either body may, after a resolution of disapproval has been before committee for at least 10 days, move to discharge the committee and bring the resolution to the floor.

The provisions of this section assure the Senate and House of Representatives opportunity to pass on each unit or area proposed for inclusion in the wilderness system separately, without effecting any other unit or area, and assure each Member of the two bodies the right to bring before the body of which he is a Member a resolution of disapproval of any area which may be recommended to Congress by the President.

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Section 3(g) provides protection for areas intended to be proposed for wilderness from any and all appropriation under public land laws, to the extent deemed necessary by the appropriate Secretary, pending their review and consideration for wilderness status. Such segregation ends in 5 years if no proposal has been submitted to Congress within that time for inclusion of the area in the wilderness system, or upon the rejection of the proposal by the President or by Congress.

Section 3(h) provides that no area, other than the national forest, park system, and wildlife refuge and game range lands specifically provided for in the act, shall be added to or eliminated from the wilderness system except by "specific, affirmative authorization by law * * *." This limits the application of the procedure of Presidential recommendations which become effective if not disapproved by the Senate or House of Representatives, to the areas specifically dealt with in subsections (b), (c), and (d) of section 3. Beyond those areas, no Federal lands can become a unit of the wilderness system except by the enactment of a law to that effect.

Section 4 authorizes the Secretary of the Interior and the Secretary of Agriculture to acquire private land holdings within any portion of the wilderness system subject to the approval of necessary appropriations by the Congress. Acquisition of such lands with donated funds, or under existing authority to exchange lands, is not prohibited.

Section 5 authorizes the Secretary of Interior and the Secretary of Agriculture to accept gifts of land for preservation as wilderness, subject to regulations in accordance with agreements incident to the gift or bequest which are consistent with the policy of the act.

Section 6 deals with the administration and use of lands in the wilderness preservation system. Section 6(a) provides that nothing in the act shall interfere with the purposes stated in the establishment of, or pertaining to, any park, monument, national forest, wildlife refuge, game range, or other area involved except to make the administering agency responsible for preserving the wilderness character, and to so administer each area for its other purposes "as also to preserve its wilderness character." Subject to the provisions of the act, the wilderness system is to be administered for recreational, scenic, scientific, educational, conservation, and historical use in harmony with the wilderness environment and its preservation.

During committee consideration of S. 174, an amendment was offered which provided that mining should be allowed to continue in national parks in each instance where the act establishing the park permits such mining. Inquiry was made of Secretary of the Interior Udall of the need for an amendment for the purpose. Secretary Udall's reply follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 27, 1961.

HON. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

DEAR CLINT: Your letter of June 13, 1961, addressed to Director Wirth of the National Park Service states that a suggestion has been made that the wilderness bill, S. 174, should be amended so as not to

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interfere with mining activities in park areas where mining is now permitted.

In our opinion, such an amendment is unnecessary in order to permit mining activities in those few park areas where mining is now permitted. We believe that sufficient protection is afforded to mining by the language of the bill on page 6, lines 16 through 22, as recommended by our report of February 24, 1961, to your committee. Also, section 6(a) contains further assurance that such limited mining would be continued. Inclusion of specific provision on mining might cast doubt as to the retention of other uses under the language cited.

Although a number of park areas were established initially subject to existing rights, there are now only four park areas which are open to the acquisition of mineral rights in addition to those rights in existence at the time the park area was established. In each of these four areas, certain mining and prospecting activity is specifically allowed by statute. These four areas and the authority for mining activity in each area are as follows:

1. Mount McKinley National Park, act of February 26, 1917 (39 Stat. 938, 16 U.S.C., sec. 350).
2. Death Valley National Monument, act of June 17, 1933 (48 Stat. 139, 16 U.S.C., sec. 447).
3. Organ Pipe Cactus National Monument, act of October 27, 1941 (55 Stat. 745, 16 U.S.C., sec. 450z).
4. Glacier Bay National Monument, act of June 22, 1936 (49 Stat. 1817).

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Secretary Udall's interpretation of the act as written, in which he refers to this provision and a portion of section 3(c)(2), coincided with that of the committee, so the proposed amendment in regard to mining in parks was set aside as not necessary.

Section 6(b) prohibits any commercial enterprise in the wilderness system, except as provided in the act (i.e., the continuation of grazing in some areas and mining as cited above), and subject to existing private rights. Also prohibited are construction of permanent roads, use of motor vehicles or motorized equipment, motorboats, landing of aircraft, or use of any other mechanical transport. The construction of temporary roads or structures or other installations is limited to the minimum necessary to the administration of the area for the purposes of the act, including measures required in emergencies involving the health and safety of persons within wilderness areas.

Section 6(c) contains eight special provisions as follows:

(1) Provision for continued use of aircraft and motorboats where their use is a well-established practice, and authorization of necessary measures to control fire, insects, and disease.

(2) Provision that within national forest and public domain areas included in the wilderness system, the President may authorize prospecting, mining, exploration for and production of oil and gas, establishment and maintenance of reservoirs, water conservation works, transmission lines, and other facilities needed in the public interest when he determines that such use is in the best public interest. Also, that grazing of livestock shall be permitted to continue in areas of national forest or public domain

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where it is a well-established practice, subject to such restrictions and regulations as the appropriate Secretary deems necessary.

(3) A provision that various acts applicable to the Boundary Waters Canoe Area in Minnesota are to continue to be applicable to the area and are not modified by S. 174.

(4) Authorization of performance of commercial services within wilderness areas which are necessary to realizing the recreational or other purposes of the system, such as provision of horses and guide service to wilderness visitors by persons headquartered and conducting their business operations outside the wilderness area, or taking of pictures or observing and recording of scientific data for pay.

(5) Permits the continuation of any existing use or form of appropriation authorized in executive orders or laws establishing a national wildlife refuge or game range which may be included in the wilderness system.

(6) Provides that nothing in the act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(7) Provides for the maintenance of the present jurisdiction and responsibilities of the several States in respect to fish and wildlife in the national forests.

(8) Authorizes gathering of information about mineral resources in national forest areas included in the wilderness system by means, including prospecting, not incompatible with the preservation of the wilderness environment.

Section 7 provides for the maintenance of maps and legal descriptions of areas in the wilderness system at locations convenient to citizens who may be effected, and maintenance of copies of regulations and other records in regard to wilderness system actions, available to the public, by the Secretary of Agriculture and the Secretary of the Interior. Maps and legal descriptions of each wilderness area are to be filed with the Interior and Insular Affairs Committees of the House of Representatives and Senate within 1 year after their inclusion in the wilderness system. Provision is made for the correction of typographical or clerical errors in these descriptions with the approval of the committees, but modifications of intended boundaries involving elimination from or additions to a wilderness area must be cleared by Congress in accordance with section 3(e) or section 3(h), as appropriate. Section 3(e), governing modification of boundaries, is intended to provide for relatively small adjustments to regularize boundaries, to serve administrative convenience, and similar purposes. Section 3(h), requiring that additions or eliminations from the wilderness system beyond those specifically provided for within the act, provides that they shall be done only by specific, affirmative authorization by law. This provision covers the establishment of any new or additional wilderness system unit, or any addition to or elimination from a previously established unit within the wilderness system. The act does not include a specific acreage limit on areas which may be involved in a modification of boundary under section 3(e) since such modifications are subject to disapproval by either the House of Representatives or the Senate. It is not intended, however, that section 3(e) governing modification of boundaries shall be used to achieve a change primarily for the purpose of adding to or eliminating an area of land from, the wilderness system.

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Section 8 authorizes the Secretary of the Interior and the Secretary of Agriculture to accept contributions and gifts to be used to further the purpose of the act and makes such gifts for public purposes subject to the usual deduction for purposes of income, estate, and gift taxes in accordance with the provisions of the Federal Revenue Code of 1954.

Section 9 authorizes the establishment of a Presidential Land Use Commission in any State having more than 90 percent of its total land area owned by the Federal Government and defines the duties of such commissions. The section is applicable only to the State of Alaska, where more than 99 percent of the total land area is federally owned. The Commission is to be composed of five members, including not more than three from one political party and including three members from the State affected.

The Commission will advise and consult with the Secretary of the Interior and make recommendations on the utilization, development, and protection of Federal land areas in Alaska generally. It is charged specifically with making recommendations to the Secretary of the Interior in regard to inclusion of Alaskan areas in the wilderness system. The Commission's recommendations are to accompany each recommendation made to Congress, under this act, for designation of a wilderness area in the State.

REASONS FOR THE ALASKA AMENDMENT

Section 9, constituting the "Alaska amendment" was approved by the committee for a number of reasons, including the unusual preponderance of Federal land holdings in the State, the comparatively large acreages in national parks and in game refuges and ranges in the State, and the uncertainty in such a new area as to how the pattern of settlement and economic development will occur.

There are no primitive areas in the national forests in Alaska. The committee is advised by the Forest Service that it does not intend to designate any further primitive areas either in Alaska or any other State, but to eliminate this temporary interim classification through reclassification of existing primitive areas under the provisions of this act if it is passed.

There are, however, 25,818,884 acres in Alaska in national parks, monuments, game ranges, and wildlife refuges—approximately a third of the total in the whole Nation. While the committee did not feel that establishment of wilderness system areas in Alaska should be delayed, it did believe that because of unusual and unparalleled circumstances in Alaska that concurrently with the establishment of such wilderness system areas there should be informed consideration of the needs and best uses of all of the Federal lands in the State. Section 9 provides for such concurrent study and consideration of overall land needs and uses and establishment of wilderness areas.

OPPOSITION TO S. 174

S. 174 has been vigorously opposed by groups with a legitimate and real concern with restriction of the use of portions of federally owned lands. These groups included segments of grazing, mining, petroleum and the timber industries.

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The same growth of population which makes imperative the establishment of a wilderness system and preservation of some of the Nation's primitive areas for their unique values, also increases pressure for lands for other uses. Conflict between land use interests will intensify in the future, making decisions between various uses of available lands—all necessary in a healthy and vigorous nation—increasingly difficult.

Serious consideration has been given to the various competitive uses. Provisions have been included in the bill for future modifications in the wilderness system, or in regulations governing specific areas, if it is the finding of the President of the United States that a nonwilderness use is in the greater public interest than is wilderness use in some specific area. Congress itself can at any time enact legislation making changes.

Wilderness system areas are not "locked up" and the key thrown away. Physicians, scientists, soil conservationists, sportsmen, irrigators concerned about their high mountain watersheds, advocates of a resource reserve for future generations, and spokesmen for other interests, as well as recreationists, have testified eloquently and convincingly of the multiple values that will flow at all times from wilderness areas and a wilderness system. These very real values must be weighed against the urgency of the needs and the values of competitive uses.

The majority of the committee is convinced that the potential effect of S. 174 on competitive use industries has been considerably overdrawn and that it is clearly in the greatest public good to establish a wilderness preservation system.

THE EFFECT ON MINING AND OIL OPERATIONS

With the exception of the four park areas where mining is and will continue to be permitted under S. 174, national park system areas are now closed to these industries and the mining law is not applicable.

National wildlife refuges and game ranges are now strictly regulated and all but closed to mining and petroleum activity.

The greatest effect which S. 174 will have on the mining industry—and it does not affect any existing private rights—is in relation to the approximately 14.6 million acres of national forest areas—an almost miniscule fraction of the Nation's 2,271,304,320 acres of land area in the 50 States.

Mining laws are now applicable to these wild, wilderness, roadless and primitive areas in the national forests. But executive department regulations to protect their wilderness character, prohibiting use of motorized equipment which leave wheel tracks that erode into ruts, forbidding bulldozer exploration which leaves giant scars, and similar practices, makes them relatively inaccessible for exploration today—and little explored. Further, much of the area has already been prospected, some repeatedly.

To the extent that nonwilderness lands in the primitive areas are excluded from the wilderness system in the review required under S. 174, and the primitive areas comprise 7.9 million acres of the 14.6 million acres of national forest lands involved, the mining industry will be aided by the passage of S. 174. The excluded areas will again be open for prospecting and mining without cumbersome regulation.

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Areas of national forest lands finally designated as part of the wilderness system will continue to be subject to exploration by means not inconsistent with the preservation of the wilderness character of the lands. If minerals are found, and the President finds mining in the area would be in the greater public good than preservation of wilderness, he is empowered to authorize such mining. Congress can at any time, by enactment, remove areas from the wilderness system.

The extreme contention is not true that S. 174 might lock up in the wilderness system some now unidentified mineral on which the Nation's fate might hang. In any such eventuality the wilderness system could and undoubtedly would be opened to exploration for the mineral and, if found, mined with the consent of the President.

In view of the vast unexploited land areas of the Nation that remain and the safeguards written into S. 174, the majority of the committee does not feel that the mining industry will actually be injured by the bill, and that the release of some primitive lands will be of advantage to it.

THE TIMBER RESOURCE SITUATION

The Nation can have a wilderness system and an abundance of timber next year, and for many, many years ahead with prudent management.

There is no timber harvest today from the lands being considered for inclusion in the wilderness system under S. 174. Parks and wild-life lands are restricted from extensive timber exploitation by the basic legislation creating them.

The national forest lands affected by S. 174 are not now subject to exploitation for timber. Timber sales were barred by executive regulation, with rare exceptions, when the 14.6 million acres of national forest primitive areas were set aside in the twenties and thirties for preservation as wilderness. Actually, because of their inaccessibility, there was little need for such a regulation. Most of the areas were, as they always had been, and still are, too inaccessible for exploitation.

The States with national forest wilderness areas have 65.9 million acres of commercial national forest lands, outside wilderness, with an allowable annual cut, on a sustained-yield basis, of 8.475 billion board feet. In 1960 only 7.835 billion board feet were cut, including special cuttings in some areas due to fire salvage. The gap between actual timber cut and the amount which could have been cut was in excess of 1 billion board feet of timber, making allowance for the special salvage operations.

In the years immediately ahead, there is a margin of allowable cut over actual cut to support a considerable expansion of timbering. The gap in Montana alone, some 524 million board feet, is more timber than all national forest wilderness-type areas could produce if they were committed to exploitation and it was economically feasible to exploit them.

The commercial timberlands in the wilderness-type areas are not a significant portion of our timber resource for future years. Only 4.7 million acres of the 14 million acres in the wilderness-type areas involved is designated as commercial timberland. This does not give consideration to the fact that the wilderness forest is at higher than

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average elevation, resulting in a lower ability to produce timber. They are also relatively inaccessible, making the cost of exploitation high due to expensive access road construction costs. And some of the 4.7 million acres involved will unquestionably be excluded from the wilderness system during review of primitive areas required by S. 174.

The Nation's best opportunities to provide an abundance of timber in future years is in sound management of its forest lands.

There are 52 million acres of accessible forest land needing reforestation in the United States. Planted to trees, these idle acres could produce 6 billion board feet annually—at least 12 times the potential capacity of the higher, less accessible wilderness forest lands.

The annual national loss of sawtimber in the Nation from insects, fire, disease, and other causes is 43.8 billion board feet, including direct mortality and growth impact, or retardation of growth caused by insects, fire, and disease. This is more than 80 times the growth capacity of the wilderness forest areas and nearly equal to our present annual timber cut.

The need is for the application of modern forestry techniques to all the 488 million acres of commercial forest lands in the Nation, outside the forest wilderness areas, rather than to cut over the nine-tenths of 1 percent of such lands in the areas of wilderness value to permit a few more days of procrastination. Wilderness forest could supply us with only about 4 days additional supply of wood on an annual harvest basis if the heavy costs, in real dollars and wilderness values, were disregarded and they were exploited. Needed reforestation could provide nearly 50 days additional supply. Arresting losses by application of modern forestry techniques could add up to 320 days additional supply.

THE EFFECT ON GRAZING RESOURCES

S. 174 does not reduce grazing in areas in the national forests which are put into the wilderness system. The bill provides that it shall be continued where it is a well-established practice without diminution as a result of the passage of the act.

Should public domain lands be put into the wilderness system by an affirmative act of Congress in the future, the same provision for continuation of grazing will apply under S. 174.

The effect of S. 174 on grazing parallels that of our forest resource. S. 174 will not diminish the amount of the resource immediately available to this important industry. And the best opportunity for expansion of livestock range is not on the higher altitude, less productive wilderness lands, where plant growth is slow and increasingly sparse, but by the application of known, modern management practices to the vast areas of more accessible and more productive grazing lands which need seeding, brush, pest and weed control, fencing, water facilities, soil conservation, and other improvements.

The Bureau of Land Management program Twenty-Two released in 1960 for its 161-million acre holdings estimated that the forage production of BLM rangelands could be increased profitably from 17 million animal-unit months of forage at the time of the survey to 29 million by 1980 and 46 million by the year 2012.

The BLM study reflected a need for brush control on 32 million acres of its lands and for seeding on 12.3 million acres—areas vastly in excess of wilderness tracts involved.

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In the national forests, outside wilderness-type areas, there are 4.4 million acres which need to be revegetated under the short-term phase of the program for the national forests.

EFFECTS ON WATER RESOURCES

The Federal Power Commission has estimated that within areas which might go into the wilderness system under S. 174, there is existing 748,900 kilowatts of generating capacity and another 257,000 kilowatts under construction. These licensed projects are not effected by S. 174.

It is estimated that there is in the prospective wilderness areas other potential power capacity, of undetermined economic feasibility, of 2,870,000 kilowatts and about 265,000 acres of prospective powersite lands, comprising less than 4 percent of Federal lands withdrawn nationally for power purposes.

During hearings, reclamation groups have expressed concern that establishment of the wilderness preservation system may interfere with development of necessary future reservoirs and water supply facilities for irrigation and other uses.

S. 174 has been amended to provide that the President may authorize the construction of water facilities in national forest and public domain wilderness areas when he finds such use in the greater public interest than its continued preservation as wilderness. Congress can, of course, at any time enact a statute authorizing a water facility anywhere on the public lands and will continue to have that power after S. 174 is enacted.

S. 174 does not, therefore, make it forever impossible to construct water facilities within wilderness system areas. It establishes a procedure by which the value to the people of the Nation of competing uses for Federal lands shall be weighed and a decision made between such uses, by the President in this instance, subject always to either affirmative or negative intervention by Congress through legislative action.

The committee is convinced that the values of wilderness areas, largely intangible values, are great, and in many instances outweigh the values of competing uses which may be forfeited by wilderness preservation. It recognizes, also, that primitive areas, once exploited, will never again be primitive, and that some must be set aside for preservation now if they are to be preserved in their natural state and retain certain irreplaceable values.

It is not in man's power to foresee accurately what the comparative values of competing uses for land may be for many years ahead.

During its lengthy hearings on the wilderness proposal, there were no separate instances of conflict, or vigorous protests that establishment of the wilderness system would interfere with specific, currently planned and urgently needed water projects.

S. 174 has consequently been written to designate the finest available lands suitable for wilderness preservation—approximately 2 percent of the Nation's more than 2 billion acres—to be preserved in their primitive condition for their wilderness values until a use in the greater good of the people of the Nation has been clearly demonstrated.

S. 174 recognizes that it may become necessary to sacrifice some tracts of wilderness for other uses, including water facilities, and makes

provision for such eventualities. If citizens are threatened by a water shortage which cannot be met by means other than a reservoir in a wilderness area, it can be built. If food needs require irrigation water which cannot be caught and stored below a wilderness area, or otherwise supplied, the power of the President or Congress to authorize a water project within a wilderness area can be exercised.

For the present, there appears no necessity for additional water developments in the proposed wilderness areas to meet current needs. As in the case of other resources, the area involved is comparatively small—approximately 2 percent of the Nation's 2 billion acres of land. In some instances alternative sites for water facilities can be found. Alternative sources of energy may alter the need for hydropower in the future. Saline water conversion may in a few years lessen the urgency of projects involving runoff waters. Or an upsurge in population might increase the urgency for water development and other uses of wilderness.

S. 174 establishes a wilderness preservation system and provides that areas within it may not be yielded to other uses except after examination of the issue at the highest levels of government. But it does not, and is not intended, to lock every acre of the wilderness system up against all contingencies.

THE USES AND VALUES OF WILDERNESS

Lands devoted to wilderness provide benefits beyond those identified as wilderness benefits and are truly multiple-use lands.

They provide watershed protection and clear, pure water for users below them.

They provide game which, if it could be produced at all, would cost tens of millions of dollars to maintain, propagate, and produce in artificial facilities. Scientists testify that some species cannot exist except in wilderness.

Under the provisions of S. 174, areas of the wilderness system will continue to supply forage for domestic livestock.

And they supply the recreational, scenic, scientific, educational, conservation, and historical use values to which S. 174 directs emphasis in future management of the wilderness preservation system.

Although these values are most often described as intangible, unmeasurable values, their worth to the Nation and to mankind is becoming increasingly easy to perceive and to estimate, even in dollar terms, as the Nation attempts to reacquire title to lands for necessary outdoor recreation areas facilities, or for wetlands essential for fish and game, or to build museums in which relatively miniscule evidences of natural history may be preserved for scientific, educational, and historical purposes.

RECREATIONAL VALUES

Wilderness areas, as distinguished from park-type facilities where mass recreation is available, are being used by 2 to 3 million persons annually.

The use is less casual than use of other types of recreational facilities. Trips into wilderness are frequently of many days or weeks duration. They are often a once-in-10-years event in life, or even a once-in-a-lifetime expedition to some remote scenic or historic mountain or area.

As a consequence of the nature of wilderness use, annual visitor figures—even if more adequately and reliably gathered—would not be indicative of the proportion of citizens interested in wilderness recreation.

In 1957 testimony, the Forest Service reported 450,000 persons used Forest Service wilderness areas in the preceding year. There is similar use of wilderness and primitive areas in the national park system, some on public domain lands, wildlife range and refuge areas, and State and private holdings.

Commenting on the national forest policy toward wilderness, Chief Richard E. McArdle testified:

* * * we are not providing for 450,000 people in the wilderness. We are providing for many more. We are looking ahead 100 years, 150 years. That number will increase. It will not be 450,000.

Wilderness recreation has values not present in other types of recreation. Doctors have testified of the therapeutic value of an experience in a natural area. Many individual witnesses in their pleas for passage of S. 174, or one of its predecessors, in often eloquent descriptions of scenes, sunsets, historic and scientific objects, and educational observations in wilderness, have confirmed that both the intangible spiritual and therapeutic values and benefits claimed for wilderness recreation are realities which greatly enrich the lives of those who experience them.

SCENIC VALUES

John Ruskin wrote in his second volume on "Modern Painters," published in 1846:

* * * beautiful things are useful to men because they are beautiful, and for the sake of beauty only; and not to sell, or pawn, or in any other way turn into money.

In spite of Ruskin's injunction, paintings and objects of art are evaluated in economic terms. They are bought to satisfy pride of possession. Admissions are paid to view them. They are a basis of economic activity.

Similarly, the scenic wonders of our forest, park, and public lands have their greatest value to men because they are beautiful—a beauty that can be lost if the areas are opened to physical exploitation and not preserved substantially as the Creator has presented them to us.

At the same time, these same scenic wonders have direct monetary values as tangible as the forests and minerals on and within them. They are the magnets that energize travel, tourism, and economic activity which, in some States, ranks among the first few sources of income.

SCIENTIFIC, EDUCATIONAL, AND HISTORIC VALUES

Separation of the scientific, educational and historic values of wilderness into neat categories is not possible.

The wilderness hiker, primarily interested in recreation, observes evidences of geological and natural history, resource management and conservation by natural forces, the interrelationships of various forms of life. His recreation is flavored and enriched by the other values.

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Students using wilderness as a laboratory for observation of geological, biological or other categories of phenomena, reap recreational values.

Excerpts from the statements of a few of the many educators, scientists and scientific groups who have supported a wilderness preservation system, are indicative both of the separate and inter-related values which will flow from natural areas and must be appraised in making a sound determination on the desirability of setting aside primitive areas for protection as such.

Dr. Walter P. Cottam, professor of botany at the University of Utah, testified:

Besides the great spiritual and recreational blessings afforded to all the people living and unborn, this bill also provides laboratory sanctuaries for biological research that should prove to be of inestimable academic and economic worth. One of the most perplexing problems in land management today is the lack of available wilderness areas from which comparisons can be made and lessons learned on the life histories, on food chains, and other ecological interactions of myriads of living forms whose impact on the future of man himself may well prove to be far greater than any of us can possibly realize.

Speaking as an educator, Dr. Angus M. Woodbury, emeritus professor, University of Utah, testified:

The bill sets up areas which can be used as yardsticks, or experiments, by which things as they are in used areas, can be compared with these as they were before they were disturbed, and this proposal to make everything available for use destroys that ability, especially for educators who need samples which they can teach to their children or to their students, to show what was, as a basis for comparison, for the future guidance and control of biological resources in the country.

A resolution of the Wildlife Society, composed of scientists concerned with wildlife management, adopted in 1947, and reiterated at the committee's hearings, said:

* * * the remnants of primitive America and of irreplaceable value to science as sites for fundamental research and as check areas where none of the human factors being compared by investigators have been operative.

* * * * *

* * * the science of wildlife management is peculiarly concerned with the perpetuation of primeval areas as check areas against which the practices in game production on lands under management can be measured.

The American Society of Mammologists said in a resolution adopted in 1946, and submitted to the committee in 1958:

* * * the few remaining representative areas of American wilderness are of value not only as a heritage of the past and as unique recreational areas, but also as the scenes of research

and as locations for check areas in connection with scientific investigations involving comparison of conditions on natural areas with those on farms, rangelands, and other areas under management.

Luna B. Leopold, Chief of the Water Resources Division of the U.S. Geological Survey, has emphasized the value of untouched areas of significant size as "benchmarks" in connection with water problems, including falling water tables.

A similar value in connection with observation of transpiration from plant life into the atmosphere, and effect on climate and rainfall, has been suggested.

Historical, scientific, educational and other values of wilderness were well epitomized by Howard Zahniser, spokesman for wilderness proponents, in his description of a primitive area as: "a piece of the long ago that we still have with us."

The very real values of having some of it cannot be questioned.

SOME DOLLAR CONSIDERATIONS INVOLVED

SHORELINE—AN EXPENSIVE PURCHASE PROGRAM

On January 2, 1935, the National Park Service submitted to the Secretary of the Interior a study indicating that the Federal Government could and should acquire 427 miles of seashore frontage in areas embracing 602,000 acres at an estimated cost of \$11,988,000.

Only one of them was acquired, the present Cape Hatteras Seashore Recreation Area.

Today, the Senate Interior Committee is considering a bill to acquire 88 miles of Padre Island, off Texas, at a cost of \$4 million for acquisition alone. In 1935 the entire 117-mile island could have been acquired for one-eighth of that amount.

Other areas listed in 1935 have been developed or otherwise made unavailable, so the Nation has belatedly turned elsewhere in search of comparatively small tracts of seashore which can be acquired to assure some public access to our oceans. Cape Cod, approved by the Senate, will cost more than the whole 427 miles would have cost in 1935. Cost of Point Reyes, Calif., is estimated at \$30 million—nearly three times the 1935 estimate on 427 miles.

Twenty-five years after the original seashore report to the Secretary of the Interior, it is not difficult to see that expenditure of \$11 or \$12 million at that time would have saved the Nation tens of millions of dollars.

There is an opportunity to establish a significant wilderness preservation system in the United States today without any cost of acquisition to the Government, for it would be on lands still in Government hands.

Even though the acreage remained in Government hands, if it were exploited commercially and lost its wilderness character, the Government would inevitably in the future be confronted—as it is confronted today in relation to seashores—with buying and preserving remnants of wilderness in private ownership to meet the needs for fast vanishing wilderness recreation and other wilderness values.

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MUSEUMS WITHOUT COST

We take it for granted—
says Dr. Luna Leopold—

that there is some social gain in the erection of a museum of fine arts, a museum of natural history, or even an historical museum. Sooner or later we ought to be mature enough to extend this concept to another kind of museum, one which you might call the museum of land types consisting of samples as uninfluenced as possible by man.

This quotation presents another concept of the value of a wilderness preservation system.

The budget estimate for the Smithsonian Institution in 1962 which includes \$10 million for additions to the natural history building and \$13.6 million for the museum of history and technology, as well as approximately \$9 million for salaries and expenses, totals \$35,162,000. While this figure covers both construction and operating expenses of a museum of many fields of interest, it is nonetheless indicative of a dollar evaluation which could be placed on the natural museums which our wilderness areas represent. The fields of scientific interest represented by the proposed wilderness preservation system areas are far wider than the single purpose—museums of land types— which Dr. Leopold suggested. They would be living museums of geological, biological, ecological and many other values which could not be duplicated by a future generation at any cost, although they are available today without expense to the Government.

WETLANDS—A \$150 MILLION COST ITEM

The present generation cannot criticize its forebears for disposing of wetlands once owned by the Government, nor for draining a part of them. They had no way to know that the existence of wetlands would in a few generations be a critical need. Nonetheless, there is before Congress today a bill—passed by the House of Representatives—authorizing a 10-year, \$150 million program to buy up just 4½ million acres of wetlands to provide habitat for migratory wild-fowl and related purposes. The sum is to be liquidated by receipts from duck-hunting stamps, without interest.

This situation is another indication of the opportunity which S. 174 presents.

CONCLUSION

We know that there has long been a genuine demand for wilderness preservation. Theodore Roosevelt recognized in it his first annual message to Congress on December 3, 1901, when he said:

Some at least of the forest reserves should afford perpetual protection to the native fauna and flora, safe havens of refuge to our rapidly diminishing wild animals of the larger kinds, and free camping grounds for the ever-increasing numbers of the men and women who have learned to find rest, health, and recreation in the splendid forests and flower-clad meadows of our mountains.

It is not too late in our disposition of the public lands and land holdings to meet the fast growing need for wilderness without damaging other interests, requiring real sacrifices, entailing enormous expenses, or requiring the acceptance of second rate remnants.

If we act promptly by the enactment of S. 174 we can preserve without cost for the present and future generations, truly priceless areas.

If we do not we shall have no valid excuse to leave to our progeny for our delinquency.

Reports of the executive agencies on S. 174 follow:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 24, 1961.

Hon. CLINTON P. ANDERSON,
*Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.*

DEAR SENATOR ANDERSON: Your committee has requested a report on S. 174, a bill to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes.

We urge the enactment of this proposal. We suggest hereafter certain minor amendments to the bill that we believe would be desirable.

Wilderness resources contain basic values and provide undeniable benefits to the American people. We believe this has been amply demonstrated from the previous hearings of your committee on wilderness proposals. In our opinion, the establishment of a wilderness system, along the lines outlined in this bill, is in the public interest.

This proposal recognizes equitably the various facets to the problem of wilderness preservation. We believe that it resolves many, if not all, of the objections that have been raised in the past to wilderness proposals. It clearly delimits the wilderness system to well-defined areas and prescribes an orderly method for establishment of the system. It prescribes sound procedures applicable to both the executive and legislative branches of the Government in determining the particular areas or parts of Federal reservations to be included in the wilderness system.

The system to be established by this bill would be composed of federally owned lands. Portions of the national park system, wildlife refuges, and game ranges administered by the Department and portions of the national forests administered by the Department of Agriculture would be included in the system. It should be noted in this connection that the national park system areas, wildlife refuges, and game ranges that we administer would not be included immediately following enactment of the proposal in the wilderness system. Portions of these areas would be selected and included in this system over a 10-year period, in accordance with prescribed procedures set forth in the bill. In the case of the national forest areas, however, there would be included in the wilderness system immediately upon enactment of the legislation those national forest areas classified by the Department of Agriculture as wilderness, wild, primitive, or canoe. The primitive group of areas, however, would be subject to

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subsequent review over a 15-year period in order to determine which of these areas should be retained in the system.

One of the major provisions of the bill is contained in section 3(h). This subsection provides that the addition of new wilderness areas to the system or the elimination of the areas from the system that are not specifically provided for by the bill shall be made only after specific authorization by law for such addition or elimination. We believe this requirement is desirable.

Section 2 of the bill contains a statement of policy that would express the desire of the Congress to secure for present and future generations the benefits of an enduring resource of wilderness. Sections 2 and 6 contain the general provisions that would govern the administration of wilderness areas as well as prescribe the purposes and uses of the system. Significantly, the bill provides that the system shall be administered for the use and enjoyment of the American people, in such manner as will leave the system unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of the areas and the preservation of the wilderness character. This provision is very similar to the requirements now applicable, pursuant to the basic National Park Act of 1916 (16 U.S.C. 1-3), to the national park system. On this point we observe that wilderness-type areas constitute an important segment of the national park system and have contributed heavily over the years to the enjoyment by the American people of wilderness values.

We believe that section 6(a) is worthy of special note. This subsection provides that nothing in the act shall be interpreted as interfering with the purposes stated in the establishment of, or pertaining to, any park, monument, or other unit of the national park system, or any national forest, wildlife refuge, game range, or other area involved, except that any agency administering any area within the wilderness system shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes and also to preserve its wilderness character. This provision, we believe, has the effect of preserving the status quo to the maximum extent in the management of the Federal reservations in question, subject however to the overall requirement that the administering agencies carry out the essential requirements set forth in the bill for wilderness preservation.

While the bill prohibits, consistently with wilderness preservation, as prescribed in section 6(b), commercial enterprises within the wilderness system, roads, motor vehicles, motorized equipment, et cetera, it provides in section 6(c)(4) that commercial services may be performed within the wilderness system to the extent necessary for activities which are proper for realizing the recreational or other purposes of the system.

In addition to the general provisions relating to administration of the wilderness system, there are specific provisions in the bill that are applicable to national forest areas. These provisions would permit certain uses to continue that are already well established within the forest areas in question. Also, certain additional uses may be authorized by the President 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. In the case of wildlife refuges and game ranges, the bill provides that any existing

use or form of appropriation authorized or provided for in the Executive order or legislation establishing such areas and which use exists on the effective date of the act may be continued under such authorization or provision. In this connection, we note that the bill makes no provision for special uses within the national park system. We believe this is appropriate and is consistent with long-established policies and standards, established by the Congress for administration of that system.

There are other provisions that are worthy of mention. Boundary adjustments may be made in wilderness areas in accordance with certain prescribed procedures whereby the appropriate Secretary, after public notice and hearing, subsequent recommendations to the President, and transmittal of such recommendations to the Congress, the boundary adjustment may be accomplished if the Congress makes no objection thereto. We note that in the case of areas of the national park system the bill provides for the inclusion of those areas of more than 5,000 acres where such areas exist without roads. The Secretary would be required to determine what portions of the parks would be required for roads, utilities, et cetera. The bill contains no minimum acreage limitations regarding wildlife refuges and game ranges to be included in the system.

We recommend the following amendments to this bill:

(1) On page 5, line 7, strike out the word "ten" and insert in lieu thereof the word "fifteen".

This amendment is suggested in the interest of uniformity. Fifteen years are allowed in the bill for the review of certain national forest areas to determine their suitability for inclusion in the wilderness system. We believe that national park system areas, as well as the wildlife refuges and game ranges, should be governed by the same requirement.

(2) On page 6, line 16, beginning with the word "Further", strike out the language in the sentence up to and including the word "area" in line 20, and substitute in lieu thereof "The purposes of this Act are hereby declared to be within and supplemental to but not in interference with the purposes for which parks, monuments, and other units of the national park system are administered".

This amendment is desirable in the interest of clarification. It is in harmony with a similar provision relating to national forests in section 3(b)(2).

(3) On page 7, line 10, strike out the word "ten" and insert in lieu thereof the word "fifteen".

As previously explained regarding a similar amendment relating to national parks, this amendment is suggested for the purposes of uniformity. If this amendment is adopted, in the interest of promoting further clarification, the next amendment would be desirable.

(4) On page 7, line 10, insert a period immediately following the word "Act" and strike out the rest of the sentence beginning with ", and" in line 10 and ending with the word "jurisdiction." in line 16.

(5) On page 8, line 10, following the word "shall" insert ", if found to be justified by the Secretary,".

(6) On page 9, revise line 8 to read "(g) Public notice when given by either the Secretary of the".

We consider this amendment to be desirable in the interest of clarification. Subsection (g) provides that "The public notice by

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either the Secretary of the Interior or the Secretary of Agriculture that any areas to be *proposed* under the provisions of this Act for incorporation as part of the wilderness system shall segregate such area from any or all appropriation under the public land laws to the extent deemed necessary by such Secretary." [Emphasis supplied.] The only requirement for the giving of public notice, however, is contained in subsection (e) concerning modification of boundaries. We believe the language of subsection (g) probably would be limited in application to boundary modifications under subsection (e). On the other hand, it appears that the intent of subsection (g) is to have the provision apply also to new areas. Our amendment is suggested in order to permit the giving of notice, and the segregation of the lands in question from the public land laws pursuant to subsection (g) in the discretion of the particular Secretary. There would be no need to give notice or use the authority under subsection (g) to segregate the lands within the national park system from the public land laws as these areas are already segregated from such laws.

(7) On page 9, line 22, the following the word "any", insert the word "new".

This is a clarifying amendment.

(8) On page 10, line 7, strike out the words "privately owned" and insert in lieu thereof the words "non-Federal".

This is a clarifying amendment.

(9) On page 10, line 25, and on page 11, line 1, strike out the words "except that any", and insert in lieu thereof "Each".

This amendment is suggested for clarification. So far as the national parks are concerned, the present language indicating that an exception is required to preserve the areas for wilderness purposes is inaccurate. These areas, as we have indicated previously, are administered in keeping with wilderness standards.

The Bureau of the Budget has advised that, subject to your consideration of the foregoing amendments, enactment of S. 174 would be in accord with the President's program.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 24, 1961.

HON. CLINTON P. ANDERSON,
*Chairman, Committee on Interior and Insular Affairs,
U.S. Senate.*

DEAR SENATOR ANDERSON: This is in response to your request of January 17 for a report on S. 174, a bill to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes.

We strongly recommend that the bill be enacted insofar as it affects this Department.

The bill would declare a policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For that purpose, the bill would establish a National Wilderness Preservation System, which would include national forest areas, national park system areas, and national

wildlife refuge and game range areas. The bill would provide that the federally owned lands within areas of the wilderness system would be administered in such a way as to leave them unimpaired and to provide for the protection and preservation of their wilderness character. It would provide for the gathering and dissemination of information regarding their use and enjoyment as wilderness.

The bill would include in the National Wilderness Preservation System all areas within the national forests classified on the effective date of the act as wilderness, wild, primitive, or canoe. The areas classified at that time as primitive would be reviewed within 15 years as to their suitability for continued inclusion in the wilderness system. Recommendations of the Secretary of Agriculture following such review would be reported to the President and each year the President would submit to the Congress his recommendations with respect thereto. Provision would be made for including in such recommendations appropriate adjustments in primitive area boundaries.

The President would be authorized to recommend modifications or adjustments of boundaries of areas in the wilderness system.

The recommendations of the President with respect to the continued inclusion of primitive areas in the wilderness system and for modifications or adjustments of boundaries of areas in the wilderness system would take effect if not disapproved by the Congress by concurrent resolution within a full session of Congress following the date the recommendation was received.

The bill would provide that the addition of any area to, or the elimination of any area from, the wilderness system which is not specifically provided for in the bill could be made only after specific authorization by law. It is understood that this would apply to the addition of a completely new wilderness-type area to the system or the complete elimination of a wilderness-type area from the system, and not to additions or eliminations of land areas to an existing wilderness-type area in the system by a modification or adjustment of boundaries.

With respect to national forest areas included in the wilderness system, the bill would permit the use of aircraft or motorboats where well established to continue, and measures for fire, insect, and disease control could be taken. Prospecting and mining and the establishment and maintenance of reservoirs, water conservation works, and other facilities needed in the public interest within specific portions of national forest areas in the wilderness system could be authorized by the President upon his determination that such uses would better serve the interests of the United States than would their denial. The grazing of livestock where well established on national forest areas in the wilderness system could be permitted to continue.

Otherwise, with respect to national forest areas, subject to existing private rights, commercial enterprise, permanent roads, use of motor vehicles and equipment, and mechanized transport within areas of the wilderness system would be prohibited, and temporary roads and structures in excess of the minimum required for the administration of the area for the purposes of the act would be prohibited within areas of the wilderness system. Emergency measures for the health and safety of persons would be permitted within such areas.

The Boundary Waters Canoe Area in the Superior National Forest would continue to be administered under this and other applicable

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acts for the general purpose of maintaining the primitive character of the area without unnecessary restrictions on other uses, including that of timber.

Commercial services proper for the realization of recreational and other purposes of the wilderness system could be performed within areas of the system. The bill would not affect the present situation as to the application of State water laws, nor the jurisdiction or responsibilities of the States with respect to wildlife and fish.

The bill would authorize the acquisition by the Secretaries of the Interior and Agriculture of lands within areas of the wilderness system under their respective jurisdictions and would provide for the acceptance and use of contributions of money to further the purposes of the act. Each Secretary would maintain public records pertaining to the portions of the wilderness system under his jurisdiction and would make annual reports to the Congress.

This Department believes that the establishment and maintenance of wilderness-type areas is a proper use of the national forests and has steadfastly maintained continuity of policy in this regard for over 35 years. In 1924, the first area for the preservation of wilderness in the national forests was established. It comprised a large part of what is now the Gila Wilderness Area in Gila National Forest in New Mexico. In 1926, parts of the Superior National Forest in northern Minnesota were given special protection. These areas later became parts of areas designated as roadless areas and which are now designated as the Boundary Waters Canoe Area. The first primitive area in the national forests was established in 1930 under regulations of the Secretary of Agriculture. By 1939, there were 73 primitive areas and 2 roadless areas, totaling 14.2 million acres.

In 1939, new secretarial regulations were issued providing for the establishment of wilderness and wild areas in the national forests. The term "wilderness area" originated on the national forests. These regulations provided for somewhat more stability and protection to the areas established thereunder than did the earlier regulation for the establishment of primitive areas issued 10 years previously. Wilderness and wild areas provided for in these regulations meet essentially the same criteria except that wilderness areas exceed 100,000 acres in area, and wild areas range from 5,000 to 100,000 acres. Wilderness areas are established by the Secretary of Agriculture, whereas the Chief of the Forest Service may establish wild areas.

No new primitive areas were established after 1939. Since that time, primitive areas have been managed in accordance with the regulations applicable to wilderness areas. The Department has been restudying primitive areas and reclassifying those areas or parts of areas which are predominantly valuable for wilderness as wilderness areas. We are continuing that study and plan to complete the study as to all remaining primitive areas. As of this date, there are the following wilderness-type areas within the national forests:

Kind of area	Number	Acreage
Wilderness.....	14	4,888,173
Wild.....	28	979,164
Primitive.....	40	7,907,416
Canoe.....	1	886,673
Total.....	83	14,661,416

In the restudy and reclassification of primitive areas, boundary adjustments have been made to eliminate portions not predominantly of wilderness value or add to adjacent national forest lands that are predominantly of wilderness value. Some new areas have been established, including two established within the last year. Taking into consideration the transfers to national parks of lands previously within primitive or wilderness areas in the national forests and corrections in area calculations, the total area of national forest land classified for administration as wilderness has remained about the same as it was in 1939.

The wilderness, wild, primitive, and roadless areas of the national forests include some of the most remote and scenic areas of the Nation. They have unique and special values, which have long been recognized by wilderness enthusiasts, and by the Forest Service. They comprise valuable and essential parts of the national forests.

The wilderness-type areas within the national forests have been established and are administered pursuant to administrative action under the regulations of the Secretary of Agriculture. Until last year, they had no specific statutory recognition. The establishment and maintenance of such areas has long been maintained by this Department to be within the concept of multiple-use management, which this Department has applied to the national forests for over half a century. For the first time the Multiple Use-Sustained Yield Act of June 12, 1960, Public Law 86-517 (74 Stat. 215), which directs the Secretary of Agriculture to administer the renewable surface resources of the national forests for multiple use and sustained yield, gave statutory recognition to wilderness areas. In this act, the Congress declared the establishment and maintenance of wilderness areas to be consistent with the principles of multiple use and sustained yield. In inserting this provision as a committee amendment to the bill which became that act, the Senate Committee on Agriculture and Forestry made it clear that the enactment of that provision was not intended as a substitute for the enactment of legislation to establish a national wilderness preservation policy and program.

There was pending before the Senate at the time the Multiple Use-Sustained Yield Act was passed, the so-called wilderness bill, S. 1123 (86th Cong.). This Department, in its report of June 19, 1959, recommended enactment of that bill, with certain amendments. The substance of these amendments are accommodated for the most part in S. 174. We have consistently recommended the enactment of wilderness legislation insofar as it would affect the national forests ever since our first report on such legislative proposals in the 85th Congress. We strongly believe that not only should wilderness areas be established and maintained in the national forests, but also enactment of S. 174 would be desirable resource legislation and in the national interest.

The Bureau of the Budget advises that the enactment of this proposed legislation would be in accord with the President's program.

Sincerely yours,

ORVILLE L. FREEMAN.

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EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., February 24, 1961.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Bureau of the Budget on S. 174, a bill to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes.

S. 174 would establish a National Wilderness Preservation System which would include national forest areas, national park areas, and national wildlife refuges and game ranges. Lands within the wilderness system would be administered in such a way as to leave them unimpaired and to provide for the protection and preservation of their wilderness character. Section 3(f) provides that any recommendation of the President for addition, modification or adjustment of a wilderness area shall not take effect until the recommendation has been before the Senate and the House of Representatives for a complete session of Congress. Further, Congress may disapprove any addition, modification or adjustment during that session by use of a concurrent resolution.

The Bureau of the Budget favors the objectives of S. 174. With respect to section 3(f) the committee may wish to consider shortening the time during which a Presidential recommendation must remain before the Congress prior to its effective date. As now written, this period could extend over a year and a half.

Subject to your consideration of the above suggestion you are advised that enactment of S. 174 would be in accord with the President's program.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

FEDERAL POWER COMMISSION,
February 24, 1961.

REPORT ON S. 174, 87TH CONGRESS: A BILL TO ESTABLISH A NATIONAL WILDERNESS PRESERVATION SYSTEM FOR THE PERMANENT GOOD OF THE WHOLE PEOPLE, AND FOR OTHER PURPOSES

This bill, to be known as the Wilderness Act, for the purpose of "securing for the American people of present and future generations the benefits of an enduring resource of wilderness," would establish a National Wilderness Preservation System comprised of such federally owned lands (subject to existing private rights) made up from the following: (1) all areas within national forests classified on the effective date of the bill by the Secretary of Agriculture or the Chief of the Forest Service as "wilderness, wild, primitive, or canoe," the primitive areas only being subject to review by the Secretary within 15 years from the effective date of this act as to their suitability for inclusion into the wilderness system, the results of which are recommended to the President; (2) portions of national parks or

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monuments embracing "a continuous area of 5,000 acres or more without roads" as may be recommended subsequent to enactment of the bill by the Secretary of the Interior to the President within a specified time; (3) such portions of national wildlife refuges and game ranges as may be recommended subsequent to enactment of the bill by the Secretary of the Interior to the President within a specified period; (4) acquisitions of "privately owned land within any portion of such system" under either Secretary's jurisdiction, and, in addition, acquisitions by gift or bequest to the respective Secretaries.

Provisions in sections 3(b)(1), 3(c)(1), and 3(d), provide that the President shall advise the House and Senate, before the convening of Congress each year, of the areas he recommends for incorporation into the system. Thereupon, under the provisions of section 3(f), any recommendations so made would take effect only upon the day after adjournment sine die of the first complete session of the Congress following the date or dates upon which they were received by the House and Senate, provided however, the Congress did not approve a concurrent resolution in opposition thereto.

This Commission's interest in the bill arises from the fact that it would set up a wilderness system embracing lands and powersites having existing and potential power value subject to the Commission's authority under part I of the Federal Power Act. Section 4(e) of the Power Act provides that licenses shall be issued within reserved lands of the United States "only after a finding by the Commission that the license will not interfere or be inconsistent with the purpose for which such reservation was created or acquired, and shall be subject to and contain such conditions as the Secretary of the Department" having jurisdiction "shall deem necessary for the adequate protection and utilization of such reservation."

Under section 24 of the Federal Power Act any lands of the United States included in a proposed project "shall from the date of filing of the application therefor be reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress." In addition to reservations effected under this provision of the Power Act, other lands of the United States have been reserved or withdrawn from time to time for power purposes under other statutes and in the future, lands may be reserved pursuant to section 24 or under other statutes.

Based upon the available but incomplete information concerning wild, wilderness, or primitive areas, the hydroelectric generating capacities of the sites, licensed and potential, which would be affected in those areas are as follows:

	<i>Kilowatts</i>
Capacity under license:	
Existing.....	748, 900
Under construction.....	257, 000
Other potential capacity.....	2, 870, 300
Total.....	3, 876, 200

It further appears that about 265,000 acres of powersite lands would be included in wilderness-type areas that would be established by the bill. The total area of lands withdrawn for power purposes is approximately 7,217,000 acres as of June 30, 1960.

The bill would not incorporate in the wilderness system as of its effective date any lands presently within wildlife refuges or game

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ranges, but sets up procedures under which portions of such refuges and ranges, as well as portions of primitive areas, may subsequently be incorporated into the system. It is assumed that when future recommendations are made to the Congress by the President to incorporate additional areas into the system, this Commission will be requested to advise the Congress as to the power potential affected by any such recommendations.

It is clear from provisions in sections 3(a) and 6(b), which preserve existing private rights in lands placed in the wilderness system, that the bill would not adversely affect a licensee's right to continue use of such lands under authority of a license previously issued by this Commission. Furthermore, it is noted that the bill contains no language which would expressly vacate or rescind any power withdrawal or power reservation created prior to enactment or which would expressly modify, repeal, or otherwise affect the Commission's authority to issue licenses in the future to use lands in the wilderness system for power purposes provided the above-discussed finding of consistency and noninterference can be made under section 4(e) of the Federal Power Act with respect to the use of reserved lands.

In order to safeguard the public interest in the development of waterpower resources on lands belonging to the United States through licenses under the Federal Power Act, and to eliminate any misunderstanding that may otherwise exist, the Commission recommends that the bill be amended by adding a new subsection 6(c)(8) to read as follows:

"Nothing in this act shall be construed as superseding, modifying, repealing, or otherwise affecting the provisions of the Federal Power Act (16 U.S.C. 792-825r)."

FEDERAL POWER COMMISSION,
By JEROME K. KUYKENDALL,
Chairman.

THE SECRETARY OF THE TREASURY,
Washington, March 8, 1961.

HON. CLINTON P. ANDERSON,
*Chairman, Committee on Interior and Insular Affairs,
Senate, Washington, D.C.*

MY DEAR MR. CHAIRMAN: This is in response to your request of February 1, 1961, for this Department's views on S. 174 (87th Cong.) entitled "A bill to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes."

S. 174 would allow certain Federal lands to be set aside in a wilderness system for the use and enjoyment of the American people. Section 8 of the bill would authorize the Secretary of the Interior and the Secretary of Agriculture to accept private contributions and gifts to be used to further the purposes of the act. The second sentence of section 8 would provide that, "Any such contributions or gifts shall, for purposes of Federal income, estate, and gift taxes, be considered a contribution or gift to or for the use of the United States for an exclusively public purpose, and may be deducted as such under the provisions of the Internal Revenue Code of 1954, subject to all applicable limitations and restrictions contained therein."

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Sections 170, 2055, and 2522 of the Internal Revenue Code now provide that gifts to or for the use of the United States for exclusively public purposes are allowable as deductions for Federal income, estate, and gift tax purposes. Therefore, there is no need for a specific provision in S. 174 to accomplish this result. The Department believes that tax provisions generally should not be incorporated in nontax legislation and that the incorporation in S. 174 of a tax provision, which is not necessary to achieve the objectives of the bill, would provide an undesirable precedent in other areas.

In view of the foregoing, the Department recommends that the second sentence of section 8 be deleted from S. 174.

The Bureau of the Budget has advised that subject to your consideration of the recommended deletion the enactment of S. 174 would be in accord with the President's program.

Sincerely yours,

HENRY H. FOWLER,
Acting Secretary of the Treasury.

MINORITY VIEWS ON S. 174

While in complete sympathy with the concept of preserving the primitive aspects of certain public lands, we who oppose enactment of S. 174 are convinced that this measure would deprive Congress of its constitutional authority over the territory of the United States, would deny to all but an infinitesimal fraction of the people of this country—less than 2 percent—their rights to land which belongs to them all, and would put a brake on the development of the West, where most of the potential “wilderness” lies. We believe that enactment of the bill would nullify the very purpose it professes, “to secure for the American people of present and future generations the benefits of an enduring resource of wilderness,” for we believe its effect would be to lock away from the use and enjoyment by the people of America great tracts of land and thus keep from them the benefits of recreation as well as other uses this land might afford them. The proponents of S. 174 say they wish to preserve these “wilderness” areas for the people. How many people have the physical and financial resources to pack into these practically inaccessible areas? Only a handful at best.

As a matter of fact, S. 174 is “class legislation” in that it proposes to set aside vast tracts of public land for the exclusive use of a small minority of well-endowed citizens, while excluding from its vaunted recreational delights the great numbers of citizens who probably need it most—those retired men and women who, having completed their contributions to their country, now have time to travel and see the natural beauties of that country, but who have not the physical stamina nor the rather considerable funds necessary to indulge in arduous, expensive pack trips; the families who want to take the children and drive into the country to enjoy the great outdoors; and all others except the favored few who can ride horses or hike for long distances. There is ample terrain already set aside as wilderness to accommodate these fortunate ones.

In recent years increasing public attention has been directed to certain segments of the national forests that have been designated as “wilderness,” “wild,” or “primitive.” More than 14 million acres of lands in these categories have been officially set aside for more than 20 years and have remained unused or unknown by over 98 percent of the American people. Nevertheless, legislative proposals designed to add 50–100 million more acres of untouchable lands and to create within this country a “wilderness system” have appeared with regularity, each with an “urgent” label tagged on it by its supporters. Although these bills have varied considerably in detail, they all seek congressional action blanketing into a “wilderness” system many millions of acres of public lands, the natural resources of which have never been inventoried.

While S. 174 as amended in this committee is a decided improvement over earlier bills, we feel not only that the legislation is premature, but that we could not, in any event, lend support to a bill dealing with large areas of the public lands unless the bill were

amended to allow Congress to retain a positive control over the inclusion of each separate area that would go into the wilderness system. The Constitution gives Congress exclusive power to dispose of territory of the United States. To us this indicates affirmative action by Congress on any proposal to dispose of a tract of public land, certainly including the locking away of thousands of acres of land and its resources, known and unknown, from use by the people of the United States. The courts have ruled that no appropriation of public land can be made for any purpose but by authority of Congress, and we are unalterably opposed to Congress giving away that authority to the executive branch of the Government or anyone else.

MAIN FEATURES OF THE BILL

Through enactment of S. 174, Congress would permanently incorporate into a wilderness system some 44 separate tracts of national forest lands, totaling almost 7 million acres, which have heretofore been classified by administrative action as "wilderness," "wild," or "canoe." It should be emphasized that we have no objection to this phase of the bill. The lands in question have been carefully studied and classified; they are now and have been for years classified as wilderness or the equivalent. Their incorporation into the wilderness system would be by positive action of Congress upon this bill being enacted into law.

The bill, however, would also blanket into the wilderness system almost 8 million acres of unclassified national forest lands presently designated as "primitive," and make possible the inclusion of an estimated 22 million acres of lands presently contained in national parks, monuments, and other units of the national park system, and an estimated 24 million acres in wildlife refuges and game ranges. Within 10 years the desirability of having these areas, totaling approximately 54 million acres, made a permanent part of the wilderness system would be reviewed by the Secretary of the Interior. This official would report to the President who would in turn make his recommendations to Congress. If, during one full session, neither House of Congress took action to disapprove any such recommendation, the areas included within such recommendation would become a permanent part of the wilderness system.

The appalling significance of this abdication of congressional authority over such a large portion of public lands becomes clear when viewed in connection with the act's prohibition within the wilderness system of commercial enterprise, permanent roads, use of motor vehicles, motorized equipment, or motorboats—

or landing of aircraft nor any other mechanical transport or delivery of persons or supplies, nor any temporary roads, nor any structure of installation, in excess of the minimum required for the administration of the area for the purposes of this act * * *

(These prohibitions are subject to certain limited exceptions authorized by the President upon his determination that such expected uses in the specific area will

better serve the interests of the United States and the people thereof than will its denial.)

Stripped of their rich rhetorical raiment, these phrases mean simply land that is not used by man except to a very, very limited extent by a very, very limited number of the species. Granted that man does not live by bread alone, we submit that he cannot live by communion with nature alone either. He does need bread, and the citizens of the public land States should not be denied their right to develop the natural resources of their States, on which their economy—their bread—depends.

The bill defines "wilderness" in such nebulous but high-sounding terms as "an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain", "an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, * * * which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's works substantially unnoticeable; (2) has outstanding opportunities for solitude * * *."

CONGRESS LEFT IN A WILDERNESS

As noted, S. 174, as amended, provides that any time within 10 years, the President may recommend to Congress the permanent inclusion within the wilderness system of areas which now total approximately 54 million acres. His recommendation will then have the force of law if neither the Senate nor the House of Representatives approves a resolution rejecting such recommendation. This type of provisions has been dubbed a "congressional veto" and as "negative approval" by Congress. It purports to be a safeguard against an unconstitutional delegation of express congressional powers and responsibilities with respect to the disposition of public lands. In the actual practices of government, however, it clearly amounts to a disguised delegation of congressional authority without a hint of legislative standards. As such it is unquestionably a violation of the purpose of those provisions in the U.S. Constitution vesting in Congress the authority to dispose of and make all needful rules and regulations respecting federally owned property as well as the principle of separation of powers between Congress and the executive branch of Government.

Aside from any constitutional objections, the bill, by divesting both the House and Senate Interior Committees and Congress itself of any meaningful role in creating wilderness areas, and abdicating such authority to the executive branch, would represent extremely bad legislative policy. Logic and orderly procedure call for inventory, evaluation with public hearings, and reclassification of the primitive areas to their highest use before Congress takes action with respect to them. Before any proposal to create a new wilderness area is acted upon by Congress, the Governor of the State in which it is located should be afforded the opportunity to submit his views on the matter, and, where possible, separate public hearings should be held in the affected States for each separate tract to be incorporated into the wilderness system. It is well-known that such separate hearings usually precede the creation of national parks by Congress.

THE BURDEN OF PROOF

A thoughtful consideration of the varied interests represented by people in the Western States who are dependent upon the multiple-use concept of management of public lands dictates that the burden of justifying the reservation of portions of those lands for single-use purposes should be placed squarely upon those seeking such reservations. Once land is placed in a wilderness system, even though tentatively, it is reasonable to expect that enormous pressures will be exerted to prevent removal of any parts found after study to be primarily valuable for other purposes. An almost impossible burden of proof will be imposed by S. 174 upon those communities which see their future welfare and economic development completely dependent upon multiple-use of public lands.

Actually under the restrictions imposed by the wilderness bill, it is doubtful that the potentialities of the areas concerned would ever be discovered. Who can say today what treasures will be found in any area tomorrow? Several decades ago the presence of uranium under the surface of the West was unknown, and in all probability it would not have been discovered there had the area been locked up in a "wilderness system."

It was only slightly more than a century ago that Daniel Webster, objecting to the annexation of the Oregon Territory, dismissed the area that now comprises 17 prosperous States as "a vast and worthless area." Speaking on the floor of the Senate he asked:

What do we want of that vast and worthless area—that region of savages and wild beasts, of deserts, of shifting sands and whirling winds, of dust, of cactus, of prairie dogs? To what use could we even put those endless mountain ranges? What could we do with the western coast of 3,000 miles, rockbound, cheerless, and uninviting?

That West the grandiloquent Daniel so arrogantly condemned today produces untold quantities of coal, oil, timber, and other riches. Tomorrow it may provide us with a substance as yet unguessed at but which will prove vital to the development of the West and the expense of our country.

The present absence of resource inventories of the "primitive" areas would combine with the restriction on exploration imposed by S. 174 to render practically meaningless the provisions of S. 174 for certain allowable exceptions to the ban on development in wilderness areas. Communities or individuals could apply to the President under this section for permission to carry on limited nonwilderness activities in predominantly wilderness areas. However, the dearth of factual data and the ironclad restrictions on obtaining such data would leave them virtually no way to justify their request.

Members of Congress from affected Western States find little consolation in the availability of the procedures of the Reorganization Act of 1949 in their efforts to get a "congressional veto" of a Presidential recommendation which would commit more acreage in their States to eternal wilderness. When the provisions of that act are carefully studied it must be concluded that the obstacles the congressional representatives of any one State would face in attempting to influence Congress to a veto would, for all practical purposes, be insurmountable.

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WHY THE ADDITIONAL 54 MILLION ACRES?

When there are almost 7 million acres of national forest lands which admittedly have been properly classified as wilderness and about which there is little opposition to Congress setting aside and preserving in a wilderness system, reasonable minds should inquire why the sense of urgency to persuade Congress to blindly dump into the wilderness system an additional 8 million acres of unclassified "primitive" lands in the national forests. Is there any immediate danger that "wilderness values" in primitive areas are being lost? Are these areas vulnerable to invasion by hordes of humanity: Is their continued preservation in their present state unprotected by law or adequate regulation? Quite the contrary, for as the Secretary of Agriculture has pointed out, these primitive areas were all established between 1930 and 1939, and they have been managed in accordance with the regulations applicable to wilderness areas ever since 1939. The argument has been made by advocates of immediate enactment of S. 174 that wilderness or primitive areas could be wiped out overnight by administrative action. No one has produced any tangible evidence that there is any likelihood of this happening before the 1962 report of the Outdoor Recreation Resources Review Commission can be analyzed. To make any such possibility even more remote, last year Congress, for the first time gave official recognition to wilderness as an authorized use of national forest land in the Multiple Use Act of 1960.

Is there urgent need for immediate congressional action to preserve the wilderness status of national park lands? No one will seriously dispute the fact that national park wilderness was assured in the act of 1916. According to Director Wirth, 90 percent of the national park system qualifies under a reasonable definition of wilderness and it is the National Park Service's plan to keep it that way. The national wildlife refuges and game ranges were established for wildlife management purposes rather than for wilderness values.

THE WILDERNESS USE

We do not choose to engage in the arena of emotional controversy which on the one hand sees a "wilderness experience" as an equivalent of fine music and the other arts, or on the other sees the purpose of the wilderness system as being designed to keep people out. That there are recreational values in wilderness areas, we feel is beyond dispute. There is a wide divergence of opinion, however, upon both the question of the extent of the demand for this type of recreation for our expanding population, and the amount of land that can and should be preserved to meet such needs consistent with other justifiable demands upon our public lands. While it may be conceded that 9 out of 10 who visit our national parks choose to stay within close proximity to at least meager traces of civilization, roads, and automobiles, how many of those who venture away from the roads and beaten paths must go as far as 1 mile, 5 miles, or 25 miles into wilderness to enjoy a wilderness-type recreation? How does the demand for this type of recreation compare with other varied types of outdoor recreational activities that have been expanding so rapidly in our Western States? Very little factual information has been presented which is relevant to these questions. It would seem that the marshal-

ing of all pertinent facts bearing upon these issues would be regarded as an imperative necessity before millions of acres of public lands, containing unknown natural resources, are dedicated to such purpose.

THE HORSE BEFORE THE CART

Fortunately, there is presently underway a comprehensive study of wilderness that will most surely provide many answers to these questions. The Outdoor Recreation Resources Review Commission, which is making an inventory of the Nation's recreation resources, and which is scheduled to report early in 1962, has contracted a study of wilderness with the wildlife research center at the University of California. The broad objective of the study is to make a careful appraisal of the place of wilderness and wild areas in the national pattern of outdoor recreation. Various Federal and State agencies are cooperating with the study, and views on major aspects of wilderness problems are being sought from various interest groups and users of the areas.

While the charge of the ORRRC is to review all present and future recreation resources and opportunities, it is clear that wilderness is being given special emphasis. The Commission has said:

This is a prominent national issue on which there should be some policy recommendations from the Commission. What should be the standards and criteria for establishment of wilderness areas? How should wilderness areas be defined? How should the desires of those who wish wilderness experience be balanced with those who want other recreational activities? How can preservation of extensive wilderness areas be justified in the face of demands on our resources from other land uses.

If answers to these and similar questions are contained in the report of the ORRRC, and if Congress may utilize fully the information contained in that report before taking action upon wilderness legislation affecting millions of acres of public lands, the 3 years spent on the Commission's study may prove to have been a good investment. For Congress to take affirmative action on S. 174 before the benefit of that report is available to Congress would be a waste of the taxpayers' money. Some \$2.5 million have been appropriated for this study, and the Commission has scheduled a meeting at Colorado Springs within a matter of weeks to finalize its report.

WHERE IS THE FIRE?

Literally hundreds of witnesses have appeared and testified before this committee on S. 174 and earlier wilderness measures, yet there has been a failure of the numerous proponents of such legislation to produce any satisfactory evidence of substantial injury or threatened injury to the wilderness values of the areas included within S. 174. There has not been the slightest suggestion that existing administrative regulations protecting wilderness are breaking down. It has not been demonstrated that the recreational appetites of any sizable segment of our population have taken a sudden shift to wilderness. Why, then, the "sense of urgency" which has surrounded this legislation?

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The explanation for this urgency given by the Secretary of the Interior was that "further delay can only open up additional problems which will make enactment of legislation even more difficult * * *." What are these additional problems which will interfere with later passage of sound wilderness legislation? Could they result from factual data likely to appear in the 1962 ORRRC report relating to the numbers of visitors to wilderness areas or the numbers and size of wilderness areas needed for this type of recreation? Surely such problems do not arise from any contemplated relaxation of administrative regulations protecting the status quo in wilderness type areas.

We feel that the "sense of urgency" that lies behind the drive for enactment of this legislation is artificial and fictitious. We do not attempt to challenge the motives of our colleagues who sincerely support this legislation, but we firmly believe that the "problems which will make enactment of [such] legislation even more difficult" in the event of further delay are among the following:

1. An analysis of the 1962 report of the ORRRC may well disclose that the 7 million acres presently classified as wild, wilderness, or canoe will be more than adequate to meet the recreational needs of those rugged few who seek the solitude of these areas.

2. Further administrative study of many primitive areas will likely disclose that they are not all of true wilderness quality or will produce insufficient justification to support affirmative action by Congress incorporating such areas into a wilderness system in an orderly fashion, area by area.

3. That any further efforts to compile inventories of the total natural resources within primitive areas or game ranges and refuges could upset the unproven premise that wilderness is the highest type of use to which these areas could or should be dedicated.

In the event any one of these three possibilities becomes a reality, then further delay in action on this legislation will have been justified.

THE IMPACT ON WESTERN STATES

In effecting a permanent incorporation into the wilderness system of an area of many thousand or possibly hundreds of thousands of acres of public land, a positive approach requiring affirmative action by Congress is not only the constitutional approach, it is not only sound legislative policy, but such approach is imperative as applied to the varied factors and influences affecting the public lands which are located almost entirely in our Western States. The economy and the foundation for future growth and development of these Western States are largely dependent upon the production of minerals, oil and gas, and forest products as well as grazing, tourism, and other commercial recreational activities within the public lands located within their borders. Well over 50 percent of the land area of the 11 Western States and Alaska is in Federal ownership or management. The total population of these States is expected to increase more than 25 percent during the decade of the 1960's.

In looking to the possible impact of S. 174 upon these 12 States, we find that more than 90 percent of the land areas affected by

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S. 174 are located in these 12 States. The extent to which the land areas of these States would be affected by S. 174 is clearly illustrated by the following table:

Proportion of Federal lands in 11 Western States and Alaska which would be reserved for single purpose use by S. 174

	Federally owned land (acres)	Percent of State's total land area	Federally owned land committed by S. 174 to single purpose use (acres)	Percent of Federal lands committed to single purpose use by S. 174
Alaska.....	362,194,000	99.1	25,885,978	7.1
Arizona.....	32,396,000	44.6	3,782,927	11.6
California.....	45,071,000	44.9	5,792,274	12.9
Colorado.....	24,166,000	36.3	1,329,125	5.5
Idaho.....	34,050,000	64.3	3,129,916	9.2
Montana.....	27,815,000	29.8	4,196,007	15.1
Nevada.....	60,726,000	86.4	3,287,909	5.4
New Mexico.....	27,300,000	35.1	1,389,837	5.1
Oregon.....	31,580,000	51.2	1,355,163	4.3
Utah.....	36,466,000	69.2	630,000	1.7
Washington.....	12,666,000	29.6	2,615,390	20.6
Wyoming.....	30,219,000	48.4	4,770,662	15.8

The official concern of these States over wilderness legislation has been demonstrated through resolutions, memorials, and letters from the governmental officials of those States. Either the legislatures or other officials having jurisdiction over natural resources of the following States have taken a stand against the restrictive provisions of S. 174 or a similar bill in the 86th Congress: Alaska, Arizona, California, Colorado, Idaho, Nevada, New Mexico, Utah, Washington, and Wyoming. The State house of representatives in Oregon passed a resolution to like effect, whereas, no official position of the State of Montana has been communicated to Congress.

A VITAL AMENDMENT NEEDED

We have deep concern over the provisions of S. 174 which would initially blanket into a wilderness system millions of acres of public lands which have never been classified as wilderness. Nevertheless, we feel that our fears could be largely laid to rest by adoption of one simple amendment to section 3(f) of the bill so as to provide that before any recommendation of the President made in accordance with that section shall take effect, Congress shall approve a concurrent resolution expressing itself in favor of such recommendation.

We are heartily in favor of such an amendment, and we strongly urge that S. 174 not be adopted without this, or a comparable amendment.

HENRY DWORSHAK.
J. J. HICKEY.
BARRY GOLDWATER.
GORDON ALLOTT.

INDIVIDUAL VIEWS OF SENATOR ERNEST GRUENING ON S. 174, THE WILDERNESS BILL

I am unqualifiedly in favor of establishing a National Wilderness Preservation System. I think it essential that we act to set aside and preserve, in their primeval state, some of the Nation's superb natural areas. The definition of a wilderness area, as set forth in Senate bill 174, which was ordered reported favorably by the Senate Interior and Insular Affairs Committee on July 13, 1961, is one "where the earth and its community of life are untraveled by man; where man himself is a visitor who does not remain."

Given our exploding population and the foreseeable disappearance of much land now virgin, it is essential that we move in the direction provided by S. 174.

The issue has been before Congress for a number of years. A massive volume, totaling 1,995 closely printed pages, representing hearings before the Senate Committee on Interior and Insular Affairs during the 85th and 86th Congresses, and indeed only a part of a longer record of hearings, discussions, reprints, resolutions, and addresses, testifies to the amount of interest in and intensive work that has gone into the preparation of the bill which finally has been approved by the Senate committee and which, I have no doubt, will be by the Senate.

Of course, it would be impossible, with the various conflicting interests involved, to secure the draft of a bill which would be wholly satisfactory to everyone, indeed to anyone. Some of the more extreme, and, I regret to say, even fanatical, of my fellow conservationists would like to keep all of Alaska a wilderness—even to denying the accessibility upon which the enjoyment of wilderness is predicated. They oppose the harnessing of rivers and lakes for hydro. They are more concerned for a nesting duck and an anadromous salmon than for the economic welfare of a multitude of people. Their error, as I see it, is that they do not believe, as I do, that we conserve natural resources, whether wildlife, timber, water courses, soil, and scenic beauty, not for themselves but for the future enjoyment of human beings. We preserve moose not for the sake of the moose, but so that coming generations can ever see moose, photograph moose, hunt moose—in undiminished supply. A wilderness that few, if any, can ever get to and hence enjoy, may furnish a snobbish and selfish pleasure to the few exceptional ones who can manage, at great expense not available to their fellow citizens, to get there, but it is not in keeping with what I deem the premise of our national park system, of our national forest wonderlands, and, indeed, of the proposed wilderness preservation system. Kings enjoyed such solitary monopolistic privileges in the Old World, in the days of feudalism, but they are unsuited to a contemporary and future democracy.

There is, on the other hand, the fear—a legitimate fear—on the part of various interested groups that natural resources which may well be needed by the Nation—resources of timber, waterpower, minerals,

oil—may be locked up in such a way that when the Nation needs them, they may not be available. However, an escape clause in the bill provides that in that situation, the President of the United States may move to release such resources.

The bill provides, in general, that within three vast categories of federally owned lands, wilderness areas may be established. They are in the national forests, the national parks, and in the national wildlife refuges and game ranges. The bill authorizes the Secretary of Agriculture to withdraw areas of the national forests forever for wilderness purposes, and provides that the Secretary of the Interior may do so within the national parks and national wildlife refuges.

This is subject to the limitation that the establishment of such wilderness areas could be rejected by passage of a resolution of disapproval of either House of Congress. This, it should be understood, is a very dubious protection, since it might be extremely difficult to mobilize either House of Congress to reject a withdrawal that in only one State was considered injudicious. Needless to say, I would much prefer affirmative action by Congress in all such cases and throughout the legislation.

My special concern about this bill is what may happen in Alaska. There, in an area one-fifth as large as the older 48 States, conditions pertinent to this legislation are totally different from those which exist in the 48 older States. Alaska is a vast area of sensational scenic beauty, of the loftiest mountains in North America, of a million lakes, of virgin forest, of high waterfalls, of untamed rushing rivers and streams, the greater part of it still wilderness, and there is much in it that is wonderful and entitled to permanent wilderness status. The problem that Alaska confronts is that this 49th State is merely in its infancy, with a population of only 225,000 people, or 1 to approximately every 3 square miles, as compared with a density of population for the United States of 50.5 for every square mile.

Despite the present sparsity of population, the withdrawals already made in Alaska eligible for wilderness areas are tremendous and contrast not only with those made in any other State, but indeed with the entire Union. For example, in Alaska a total of 18,974,731 acres—virtually 19 million acres—have been withdrawn for wildlife refuges and game ranges. This contrasts with the total of 10,194,040 for the other 49 States. In other words, Alaska alone has been subject to wildlife and game range withdrawals almost double those in the entire rest of the Nation—an area five times larger.

Alaska's national forest area—with the Tongass and Chugach national forests—is greater than that of any other State in the Nation. It totals 20,742,224 acres (Idaho comes second, California third, and Montana fourth).

ALASKA'S NATIONAL PARKS

Alaska has three national parks or monuments, the largest of which, Katmai, with 2,697,590 acres, is larger than the largest park in the national park system—Yellowstone, with 2,213,207 acres. Katmai National Monument, with 2,697,590 acres, Glacier Bay National Monument, with 2,274,595 acres (also larger than Yellowstone), and Mount McKinley National Park, with 1,939,334 acres, total 6,911,519 acres, exceeding by more than 50 percent the next most generously endowed national park State, California, which has 4,050,346 acres

in national parks and monuments, and representing for Alaska a total which is approximately two-fifths of the total national park and monument areas of the rest of the country.

Let me say, at this point, that I consider these three Alaska parks and monuments highly desirable, and that I rejoice in their creation. Each of them contains natural phenomena and other qualities which are unique and fully deserve their status in the national park system. However, it should be pointed out that these have suffered a lack of attention and lack of even minimal development which is peculiarly pertinent to the provisions of the wilderness bill. This lack is part and parcel of the neglect and discrimination which Alaska suffered during its 91 years as a Territory. The wilderness bill has a distinct bearing on the question of whether this will be remedied.

The wilderness bill provides that in the national park system, the Secretary of the Interior may set aside any continuous area of 5,000 acres or more without roads. There are no roads whatever in the Katmai National Monument. The Federal Government has not built even a trail there. The absurdity of this neglect lies in the fact that the Katmai National Monument was created as a result of the cataclysmic volcanic explosion in 1912 which sent ash around the world's atmosphere and in Alaska created the Valley of 10,000 Smokes and much else. Yet today, visitors to Katmai cannot reach this Valley either on a motor vehicle or boat, and unless they are prepared to camp out for weeks and carry their own subsistence, cannot walk into these areas. They are, in effect, inaccessible to the park public. Visitors to Katmai—which is being ably developed, in the matter of accommodations, by one of Alaska's local airlines—must get their satisfaction and recreation from fishing, which is indeed excellent, but leaves totally unutilized and unenjoyed the original values for which this mammoth monument was set aside. Yet, if some future Secretary of the Interior 10 years hence saw fit to blanket this whole area into wilderness, reasonable access to tourists and visitors to the volcanic phenomena for which the park was created would be permanently denied. (Unless, as stated before, it could be possible to mobilize one House of Congress to reject such action.)

The situation is only a little better in Mount McKinley Park. Set off arbitrarily without adequate surveying in 1917 with straight boundary lines running east and west and north and south, this park is roughly a rectangle 200 miles long from east to west and 50 miles from north to south. The only road extends half the park's length along its northern edge. It was never planned as a park road, but before the park was created, was a trail leading into the Kantishna mining district, which lies just north of the central portion of the northern park boundary. From that trail, the road was gradually developed. It completely misses some of the truly finest areas in the park. Visitors never see them.

Mount McKinley, North America's loftiest summit, 20,300 feet, and the *raison d'être* of the park, is not visible from the only entrance to the park on the Alaska Railway. A brief glimpse of its summit is obtained as one drives along the road at about the 15-mile mark. It is then again invisible until one gets to the sixties and continues to be visible until the end of the road 90 miles from the entrance. During those last 30 miles, the road continues at a distance of about 25 miles from "the mountain."

If the visitor wishes to approach this noblest of mountains, he has to ford the McKinley River, a torrential glacier stream passable by the hardy at various times of low water (as I have), but frequently dangerous and impassable when the water is high and the current swift, and therefore really not possible for tourists.

Under the provisions of S. 174, a future Secretary of the Interior could include practically the entire area of the park as wilderness and prevent even a footbridge from crossing the McKinley River, thus denying, to all intents and purposes, even the pedestrian access to Mount McKinley.

Mount Foraker, 17,340 feet, also located in the park—the third highest mountain in Alaska, and far higher than any peak in the lower 48 States—is at no time visible from the existing highway. For the visitors it might as well not exist. To go to a point where it can be even seen, numerous unbridged and unfordable rivers would have to be crossed—an assignment impossible for the ordinary tourist.

Glacier Bay National Monument is in a different category but will require marine transportation facilities if it is to be seen. To date, there are none except a small boat used by the Park Service officials. If it becomes wilderness, motor boats will be forbidden and its galaxy of glaciers largely invisible.

So much for Alaska's national parks.

ALASKA'S GAME RANGES

In 1940, Secretary of the Interior Harold Ickes withdrew 2 million acres on the Kenai Peninsula and created the Kenai National Moose Range. No hearings were held on this withdrawal, and no information was given to the public about it. I was Governor of Alaska at the time, and was not even notified concerning this action until it had been consummated. It so happened that a former Governor of Alaska—George A. Parks—who had served as the Territory's chief executive from 1924 to 1932, was the cadastral engineer of the Federal Land Office, and thus the matter came to his attention. He registered an emphatic protest, urging that at least hearings be held, but this was ignored.

This great withdrawal for moose—by the latest count 500 acres per moose—aroused little opposition at the time, first because few people knew about it and because the area was then roadless and inaccessible. Now, two important highways connect Anchorage with Seward, and Anchorage with the rapidly growing communities on the thin fringe of land along the Kenai Peninsula's west coast along the shore of Cook Inlet, where human habitation is permitted: Kenai, Soldotna, Kasilof, Cohoe, Ninilchik, Clam Gulch, Anchor Point, and Homer.

The purpose of this withdrawal was to make it a moose range, on the assumption, which appeared valid at the time, that it was the habitat of the largest species of moose. It is not, of course, a refuge, and moose are hunted there, as elsewhere in Alaska, under existing game laws. However, the area, with an exception to be noted subsequently, is withdrawn from any other form of development. It is not possible for a lodge to be built on one of the two great and beautiful lakes in this area, Lake Tustumena and Skilak Lake, nor is it permitted to build a dock on their shores so that needed larger boats, safer than canoes, can be utilized there.

One tragic consequence of that restriction was that two employees of the Fish and Wildlife Service lost their lives when a canoe they were paddling was upset by the turbulent waves in these very considerable, at times windswept, bodies of water, which cannot safely be navigated by such frail craft. It has been forbidden for anyone to bring into this vast area of mountains, lakes, and rivers anything bigger than a sleeping bag or a pup tent. Not even a shelter cabin can be constructed. In fact, except for the Anchorage-Homer Highway through it and but for an exception about to be noted, it is a wilderness area now.

However, the exception took place in 1957, when it became known that a vast oilfield underlay the Kenai National Moose Range, and a group of Alaskan citizens interested in developing this resource took what steps they could to promote oil exploration and drilling in this area. This was violently opposed by the Fish and Wildlife Service, strongly supported by a group of professional conservationists who prophesied death and destruction of the moose if oil exploration or drilling were permitted. The battlelines were closely drawn, and I was a volunteer in the combat. Fortunately, reason prevailed, and oil drilling was permitted, so that 4 years later Alaska now has 30 producing wells, all in the Kenai. In consequence, Alaska's economy, suffering the grave diminution of its formerly two major industries, fisheries and mining—the former because of salmon depletion, the latter because of the gold price—has been given an essential lift without which the State probably would have had great difficulty in satisfying the basic public needs. Meanwhile, the moose have flourished, frequenting the roads that have been built by the oil companies and suffering no damage.

However, one interesting aspect of this Kenai National Moose Range deserves mention. In 1945, a devastating forest fire destroyed some 250,000 acres of standing virgin timber in this range. Most conservationists, including myself, would naturally have considered this a disaster; but not so the guardians of the range—the Fish and Wildlife Service. They pointed out that as a result of the destruction of these 250,000 acres of virgin spruce, second growth of birch, aspen and willow would follow, which was excellent browse for the moose. Indeed, this unfortunate so-called act of God, this tremendous conflagration, has now been followed by systematic acts of man, by which every year several hundred acres of standing virgin conifers are deliberately burned in order to make browse for the moose.

A paradoxical and relevant fact, however, is that since the establishment of the Kenai National Moose Range, in 1940, the moose have spread all over Alaska. They are far more numerous outside the range. They have penetrated the Arctic. The largest specimens have actually been found recently across Cook Inlet, on the Alaska Peninsula. Moose have invaded the Matanuska Valley, where they were nonexistent before the colonization and farming experiment launched there in 1935, under the administration of President Roosevelt. In fact, they constitute a serious problem for the farmers, on whose garden drops they enjoy feeding.

This is pointed out to indicate—among other things—that the habits of wildlife change, that game migrations take place, and that irrevocable commitments sometimes produce immutable and possibly undesirable results.

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My reservations as to the wilderness bill lay and lie in the fact that the kind of arbitrary actions taken by Secretary Ickes in 1940, in disregard of any attempt to ascertain public opinion or consult anyone in Alaska, and by Secretary Seaton in December of 1960, after his party had been retired by popular vote, in withdrawing, despite adverse action by the Congress, 9 million acres of Arctic wildlife range, may be repeated by their unknown successors 10 years hence under the provisions of this bill.

I am not alarmed about any similar action by a future Secretary of Agriculture. That is, I believe, without danger to Alaska. The Forest Service has consistently and wisely adopted a policy of multiple use. Moreover, in the nearly 16 million acres of Tongas National Forest and 4,800,000 acres of Chugach National Forest, are tremendous scenic areas above and below the timberline—jeweled lakes nestling under towering peaks, high meadows riotous with alpine flora, sensational ice caps, deep fiords, at whose farther end tidal glaciers discharge their crystal-blue cargoes into the clear salt waters, oases of majestic solitude ideal for wilderness purposes, which can safely be established without fear of interfering with economic pursuits, especially the basic timber resource, and safeguarded in a national emergency by the Presidential power to make exception in case some valuable and needed resource were ascertained to be there. These desirable and natural wilderness areas in our Alaska national forests alone total millions of acres.

The committee, in response to my presentation of the different conditions in Alaska, however, kindly agreed to an amendment, modified somewhat from the original form in which I introduced it, which offers, I believe, a reasonable safeguard to the fear I have that distant men, without adequate knowledge of Alaska's needs, will act in such a way as both to limit the possibilities for enjoyment of our parks, wildlife refuges, and game ranges, and also interfere needlessly with required economic development. The amendment reads as follows:

LAND USE COMMISSIONS

SEC. 9. With respect to any State having more than 90 percent of its total land area owned by the Federal Government on January 1, 1961, there shall be established for each such State a Presidential Land Use Commission (hereinafter called the Commission). The Commission shall be composed of five persons appointed by the President, not more than three of whom shall be members of the same political party, and three of whom shall be resident of the State concerned. The Commission shall advise and consult with the Secretary of the Interior on the current utilization of federally owned land in such State and shall make recommendations to the Secretary as to how the federally owned land can best be utilized, developed, protected, and preserved. Any recommendations made to the Congress by the Secretary of the Interior pursuant to the provisions of this Act shall be accompanied by the recommendations and reports made with respect thereto by the Commission.

With the inclusion of this amendment in any law finally enacted, I would be willing to risk passage of this bill because I think it is clear

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that three residents of Alaska, constituting a majority of the commission of five, would bring a rational and intelligent understanding to the task devolving upon the Secretary of the Interior.

The committee also agreed to an amendment, at my request, that any additions to the wilderness system not specifically provided for under the provisions of the act could be made only after specific affirmative authorization by law for such addition—that is, by an act of Congress.

Existing rights in any area which is to be declared wilderness are safeguarded. That protects the present provisions for mining in Mount McKinley National Park and in Glacier Bay National Monument. An amendment which I proposed, to spell out this protection more specifically, was withdrawn on the chairman's and the Secretary of the Interior's assurance that the language in section 6(b) provided that safeguard. Likewise, I supported an amendment by Senator Church, which reads:

Nothing in this Act shall be construed to prevent, within national forest and public domain areas included in the wilderness system, any activity, including prospecting, for the purpose of gathering information about mineral resources which is not incompatible with the preservation of the wilderness environment.

which was adopted. That makes ascertainable the existence of potentially highly valuable subsoil resources even though an area has been included in the wilderness system, and would make possible the utilization of such resources in case of need under the Presidential power provided in the bill.

I believe that the act should be further amended by a provision that any withdrawals, whether in parks, monuments, wildlife refuges and game ranges in excess of 100,000 acres, be subject to an affirmative act of the Congress—in other words, a special bill for each such area. I presented this amendment in the committee and it was defeated 9 to 7. I intend to offer it again on the floor. One hundred thousand acres is a very large area, and unless Congress wishes, in this instance as it has in so many others, to abdicate its powers and delegate them to unseen and unknown men in a vague future, I believe this amendment should be enacted and that amount of control retained by the people's elected representatives.

It is my belief that when the program is finally completed, Alaska should, can, and will have wilderness areas far in excess of those of any other State—areas of superb attractiveness to residents of Alaska and to visitors from the other States and from abroad—and thereby laying an enduring foundation for Alaska as a vacation land and making possible a tourist industry that can become world famous. And these areas, if knowledgeably established after survey and study, and when the pattern of population distribution is recognizable in Alaska as in the older States, can better carry out the dual objectives of Alaska's destiny as I see them, namely: (1) to safeguard the priceless heritage of its wilderness and (2) to foster a sound economic development, utilizing Alaska's resources for the establishment of a stable, diversified, expanding economy, able to support whatever growing population the State acquires, and to support it in conformity with the high standards, cultural, social, and material, to which Americans have a right to aspire.

APPENDIXES

APPENDIX A

Summary of wilderness-type areas in national forests, as of July 17, 1961

State	Number of areas	Net acreage	State	Number of areas	Net acreage
Arizona.....	9	673, 911	New Hampshire.....	1	5, 400
California.....	18	1, 557, 822	New Mexico.....	7	1, 014, 085
Colorado.....	11	799, 392	North Carolina.....	1	7, 655
Idaho.....	3	3, 004, 069	Oregon.....	10	749, 227
Minnesota.....	1	886, 673	Utah.....	1	240, 717
Montana.....	8	1, 921, 347	Washington.....	4	1, 334, 196
Nevada.....	1	64, 667	Wyoming.....	8	2, 354, 892
			Total.....	83	14, 664, 063

National forest wilderness-type areas—Name, date of establishment, and acreage of area and national forest, by States, as of July 17, 1961

WILDERNESS AREAS

State, name, and date established as primitive area	Date established	National forest	Net area (acres)
Arizona:			
Mazatzal (1932).....	1940	Tonto.....	205, 000
Superstition (1939).....	1940	do.....	124, 140
California:			
Marble Mountain (1931).....	1953	Klamath.....	213, 283
Yolla Bolly-Middle Eel (1931).....	1956	{Mendocino.....	72, 916
		{Shasta-Trinity.....	36, 599
Total.....			109, 315
Montana: Bob Marshall (1931-33).....			
	1940	{Flathead.....	710, 000
		{Lewis and Clark.....	240, 000
Total.....			950, 000
New Mexico:			
Gila ¹ (1933).....	1953	Gila.....	438, 360
Pecos (1933).....	1955	{Carson.....	25, 000
		{Santa Fe.....	140, 000
Total.....			165, 000
Oregon:			
Eagle Cap (1936).....	1940	{Wallawa.....	136, 010
		{Whitman.....	80, 240
Total.....			216, 250
Three Sisters (1937).....	1957	{Deschutes.....	59, 875
		{Willamette.....	136, 833
Total.....			196, 708
Washington: Glacier Peak.....			
	1960	{Mount Baker.....	212, 850
		{Wenatchee.....	245, 255
Total.....			458, 105
Wyoming:			
Bridger (1931).....	1960	Bridger.....	383, 300
North Absaroka (1932).....	1961	Shoshone.....	359, 700
South Absaroka (1932).....	1951	do.....	505, 552
Teton (1934).....	1955	Teton.....	563, 400
Total (7 States, 14 areas, 18 national forests).....			4, 888, 173

¹ Portion of area remains in primitive area classification.

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National forest wilderness-type areas—Name, date of establishment, and acreage of area and national forest, by States, as of July 17, 1961—Continued

WILD AREAS

State, name, and date established as primitive area	Date established	National forest	Net area (acres)
Arizona:			
Chiricahua (1933).....	1940	Coronado.....	18,000
Galluro (1932).....	1940	do.....	55,000
Sierra Ancha (1933).....	1951	Tonto.....	20,850
California:			
Cucamonga (1931).....	1956	San Bernardino.....	9,022
Hoover (1931).....	1957	{Inyo.....	9,000
		{Toiyabe.....	33,800
Total.....			42,800
San Geronimo (1931).....	1956	San Bernardino.....	33,898
San Jacinto (1931).....	1960	do.....	20,565
Thousand Lakes (1931).....	1955	Lassen.....	15,695
Caribou (1931).....	1961	do.....	19,080
Colorado:			
Maroon Bells-Snowmass (1933).....	1956	White River.....	66,100
Mount Zirkel-Dome Peak (1931).....	1949	Routt.....	53,400
Rawah (1932).....	1953	Roosevelt.....	25,579
West Elk (1932).....	1957	Munnison.....	62,000
Montana: Gates of the Mountains.....	1948	Helena.....	28,562
Nevada: Jarbidge.....	1958	Humboldt.....	64,667
New Hampshire: Great Gulf.....	1959	White Mountain.....	5,400
New Mexico:			
San Pedro Parks (1931).....	1940	Sante Fe.....	41,132
White Mountain (1933).....	1957	Lincoln.....	28,118
Wheeler Peak.....	1960	Carson.....	0,051
North Carolina: Linville Gorge.....	1951	Pisgah.....	7,655
Oregon:			
Diamond Peak.....	1957	{Deschutes.....	19,240
		{Willamette.....	16,200
Total.....			35,440
Gearhart Mountain.....	1943	Fremont.....	18,709
Kalmiopsis.....	1946	Siskiyou.....	78,530
Mount Hood (1931).....	1940	Mount Hood.....	14,160
Mount Washington.....	1957	{Deschutes.....	8,625
		{Willamette.....	38,030
Total.....			46,655
Mountain Lakes (1930).....	1940	Rogue River.....	23,071
Strawberry Mountain.....	1942	Malheur.....	33,004
Washington:			
Goat Rocks (1931).....	1940	{Gifford Pinchot.....	59,740
		{Snoqualmie.....	22,940
Total.....			82,680
Mount Adams.....	1942	Gifford Pinchot.....	42,411
Total (10 States, 29 areas, 26 national forests).....			998,234

CANOE AREAS

Minnesota: Boundary Waters Canoe Area:			
Caribou Division.....	1948	Superior.....	36,059
Little Indian Sioux Division.....	1939	do.....	64,117
Superior Division.....	1936	do.....	786,497
Total (1 State, 1 area, 1 national forest).....			886,673

ESTABLISH A NATIONAL WILDERNESS PRESERVATION SYSTEM 53

National forest wilderness-type areas—Name, date of establishment, and acreage of area and national forest, by States, as of July 17, 1961—Continued

PRIMITIVE AREAS

State, name, and date established as primitive area	Date established	National forest	Net area (acres)
Arizona:			
Blue Range ¹	1933	{Apache (Arizona part).....	180,139
		{Apache (New Mexico part).....	36,598
Total.....			216,737
Mount Baldy.....	1932	Apache.....	7,400
Pine Mountain.....	1933	{Prescott.....	9,845
		{Tonto.....	7,585
Total.....			17,430
Sycamore Canyon.....	1935	{Coconino.....	21,207
		{Kaibab.....	5,807
		{Prescott.....	18,938
Total.....			45,952
California:			
Agua Tibia.....	1931	Cleveland.....	25,995
Desolation Valley.....	1931	Eldorado.....	41,343
Devil Canyon-Bear Canyon.....	1932	Angeles.....	35,267
Emigrant Basin.....	1931	Stanislaus.....	97,020
High Sierra.....	1931	{Inyo.....	204,954
		{Sequoia.....	7,040
		{Sierra.....	181,905
Total.....			393,899
Mount Dana-Minarets.....	1931	{Inyo.....	43,005
		{Sierra.....	39,176
Total.....			82,181
Salmon Trinity Alps.....	1932	{Klamath.....	28,576
		{Shasta-Trinity.....	194,724
Total.....			223,300
San Rafael.....	1932	Los Padres.....	74,160
South Warner.....	1931	Modoc.....	68,870
Ventana.....	1931	Los Padres.....	52,129
Colorado:			
Flat Tops.....	1932	White River.....	117,800
Gore Range-Eagle Nest.....	1933	{Arapaho.....	32,379
		{White River.....	28,825
Total.....			61,204
LaGarita-Sheep Mountain.....	1932	Rio Grande.....	38,030
San Juan.....	1932	San Juan.....	238,080
Uncompahgre.....	1932	Uncompahgre.....	53,252
Upper Rio Grande.....	1932	Rio Grande.....	56,600
Wilson Mountains.....	1932	{San Juan.....	9,600
		{Uncompahgre.....	17,747
Total.....			27,347
Idaho:			
Selway-Bitterroot ²	1936	{Bitterroot (Idaho part).....	476,999
		{Clearwater.....	143,009
		{Lolo.....	251,600
		{Nez Perce.....	706,952
		{Bitterroot (Montana part).....	290,805
Total.....			1,869,366
Idaho.....	1931	{Boise.....	223,996
		{Challis.....	74,293
		{Payette.....	685,336
		{Salmon.....	240,951
Total.....			1,224,576

¹ Blue Range primitive area enumerated for Arizona; not in New Mexico.

² Selway-Bitterroot primitive area enumerated for Idaho; not in Montana.

54 ESTABLISH A NATIONAL WILDERNESS PRESERVATION SYSTEM

National forest wilderness-type areas—Name, date of establishment, and acreage of area and national forest, by States, as of July 17, 1961—Continued

PRIMITIVE AREAS—Continued

State, name, and date established as primitive area	Date established	National forest	Net area (acres)
Idaho—Continued			
Sawtooth.....	1937	{Boise..... {Challis..... {Sawtooth.....	144,300 7,900 48,742
Total.....			200,942
Montana:			
Absaroka.....	1932	Gallatin.....	64,000
Anaconda-Pintlar.....	1937	{Beaverhead..... {Bitterroot..... {Deerlodge.....	55,000 40,000 49,940
Total.....			144,940
Beartooth.....	1932	{Custer..... {Gallatin.....	175,000 55,000
Total.....			230,000
Cabinet Mountains.....	1935	{Kootenai..... {Lolo-Kanlksu.....	47,000 42,900
Total.....			89,900
Mission Mountains.....	1931	Flathead.....	73,340
Spanish Peaks.....	1932	Gallatin.....	49,800
New Mexico:			
Black Range.....	1933	Gila.....	169,196
Gila.....	1933	do.....	129,630
Oregon: Mount Jefferson.....			
	1933	{Deschutes..... {Mount Hood..... {Willamette.....	25,710 3,470 57,520
Total.....			86,700
Utah: High Uintas.....			
	1931	{Ashley..... {Wasatch.....	166,794 73,923
Total.....			240,717
Washington: North Cascade.....			
	1935	{Okanogan..... {Mount Baker.....	366,800 434,200
Total.....			801,000
Wyoming:			
Cloud Peak.....	1932	Bighorn.....	93,880
Glacier.....	1937	Shoshone.....	177,000
Popo Agie.....	1937	do.....	70,000
Stratified.....	1932	do.....	202,000
Total (10 States, 39 areas, 47 national forests).....			7,890,973

APPENDIX B

ALASKA WILDERNESS TYPE AREAS



	Acres
1. Arctic National Wildlife Range	8,900,000
2. Mount McKinley National Park	1,939,493
3. Nuniyak National Wildlife Refuge	1,109,384
4. Bogoslof National Wildlife Refuge	390
5. Katmai National Monument	2,697,590
6. Kodiak National Wildlife Refuge	1,815,000
7. Kenai National Moose Range	2,057,397
8. Glacier Bay National Monument	2,274,595
9. Aleutian Islands National Wildlife Refuge	2,720,235
10. Clarence Rhode National Wildlife Range	1,890,000
11. Izembek National Wildlife Range	615,000
TOTAL	25,818,884

(Comparable maps of other States containing prospective wilderness appear in the printed hearings on S. 174.)

