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

APRIL 3, 1963.—Ordered to be printed

Mr. CHURCH (for Mr. ANDERSON), from the Committee on Interior and Insular Affairs, submitted the following

together with

MINORITY VIEWS

REPORT

[To accompany S. 4]

The Committee on Interior and Insular Affairs, to whom was referred the bill S. 4, 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.

PURPOSES OF THE BILL

S. 4, as introduced, was identical to S. 174 passed by the Senate on September 6, 1961, except for a change in the designation of "forest superintendent" to "forest supervisor."

The measure establishes a National Wilderness Preservation System composed of areas already set aside in national park system units, national forests, and as game and wildlife refuges or ranges for special uses compatible with wilderness preservation. As parts of the Wilderness Preservation System, they would be preserved in their primitive condition, as nearly as possible devoid of the works of man, unless Congress or the President of the United States determined that other use of some portion is in greater public interest.

No cost is involved since all of the areas are Federal lands, all areas are to continue to be administered by the agency presently in control of them, and no new bureau or agency is involved. There is simply prescribed by statute, standards, and criteria for the management of the areas placed in the wilderness system to assure their

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protection as natural sites for the cultural, inspirational, recreational, and scientific values which only such areas can provide.

The committee's report on S. 174, which was Report No. 635 of the 87th Congress filed July 27, 1961, is applicable to S. 4.

As reported at that time, the Wilderness Preservation System can be established without affecting the economic arrangements of communities, counties, States or business enterprises since the areas are already withdrawn, or because existing private rights and established uses are permitted to continue. There will be no withdrawal of lands from the tax base of counties or communities; no withdrawal of timberlands on which lumbering operations depend, nor any withdrawal of present grazing or mining rights.

The values of wilderness—recreational, scenic, scientific, educational, historic and cultural—discussed in the earlier report become progressively more important as time elapses and population occupies other land areas and presses toward the remaining wilderness

The opportunity for the Government of the United States still remains to make provision now, without cost, to meet a considerable share of present and future needs for a major class of recreational facilities, and to set aside great outdoor "museums" of tremendous scientific value.

Since the 1961 report was written, the urgency of providing for the preservation of wilderness areas has been reemphasized by the report of the Outdoor Recreation Resources Review Commission. The Commission was a bipartisan group composed of eight Members of Congress, equally divided between the political parties and the House and Senate, and of seven distinguished citizen members appointed by President Dwight D. Eisenhower and continued as Commissioners by President John F. Kennedy.

The Commission and its Advisory Council included representatives not only of Government and conservation groups, but also of business enterprises concerned with availability of Federal lands for the commercial exploitation of their resources. Opportunity was afforded for all of the members to weigh conflicting demands and needs for land and related resources and to reach conclusions based on extensive studies of the resources involved, recreational demands and needs—all the facts available and obtainable through research.

The Commission prefaced its recommendations with the following comment:

> After 3 years of research, and an aggregate of some 50 days of discussion among the Commissioners, the Commission has developed specific recommendations for a recreation program. The 15 members brought differing political, social and resource-use opinions to the meeting table, and proposed recommendations were put through the test of this range of opinions. During the course of the study and discussion, views of individual members developed, and the collective opinion crystallized.
>
> The final recommendations are a consensus of the Commission.

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Pursuant to that explanation, the Commission, in its January 1962 report to the President and the Congress, said in respect to wilderness:

> Recommendation 8-6: Congress should enact legislation providing for the establishment and management of certain primitive areas (class V) as "wilderness areas."
>
> Primitive areas satisfy a deep-seated human need occasionally to get far away from the works of man. Prompt and effective action to preserve their unique inspirational, scientific, and cultural values on an adequate scale is essential, since once destroyed they can never be restored.
>
> Portions of national forests, parks, monuments, wildlife refuges, game ranges, and the unreserved public domain meet the basic criteria of primitive areas. The natural environment has been undisturbed by commercial utilization, and they are without roads. Some of these areas are managed for the purposes of wilderness preservation under broad statutory authority. Certain class V areas of more than 100,000 acres in national forests have already been set aside by the Secretary of Agriculture as "wilderness areas." Others between 5,000 and 100,000 acres have been set aside by the Chief of the Forest Service as "wild areas."
>
> There is widespread feeling, which the Commission shares, that the Congress should take action to assure the permanent reservation of these and similar suitable areas in national forests, national parks, wildlife refuges, and other lands in Federal ownership. The objective in the management of all class V areas, irrespective of size or ownership, is the same to preserve primitive conditions. The purpose of legislation to designate outstanding areas in this class in Federal ownership as "wilderness areas" is to give the increased assurance of attaining this objective that action by the Congress will provide.

CONTINUATION OF PRESENT JURISDICTION

It should be emphasized that while implementation of the classification system may result in some changes in management policies and practices, it need not result in changes of present jurisdictional responsibilities among Federal agencies. The agency charged with the administration of a unit of land would continue, in accordance with the governing legislation, to perform whatever management functions are appropriate to the various recreation classes identified. Thus, when the Forest Service classified a certain portion of a national forest as a unique natural area (class IV), it would remain under the control of the Forest Service, even though managed according to the same standards as a comparable area in a national park or monument. This concept is incorporated in pending legislation which provides that wilderness areas will be managed by different Federal bureaus.

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Thus the report for which the committee and the Senate were urged to delay a year ago, in the passage quoted above and at other places, sustained the need for preservation of wilderness areas on Government lands already restricted in use, and approved policies and particulars embodied in S. 4.

THE ISSUE NARROWED

A second development since the previous report was filed is increased understanding and agreement that S. 4 does not "sterilize," "quarantine," nor "lock up" a vast new 60-million acre area of Federal lands, but involves lands previously restricted in use by laws creating our national parks, by establishment as wildlife areas, or by national forest classification.

Dr. James Boyd, appearing for the American Mining Congress, conceded that large portions of the areas involved in S. 4 had long been removed from the reach of mining by acts of Congress establishing them as national parks.

At page 219 of the hearings, during Dr. Boyd's presentation of a map of "lands subject to withdrawal under S. 4," the following colloquy occurred:

> Senator ANDERSON. May I stop you there, Dr. Boyd? The red area on this map seems to include Yellowstone Park.
>
> Mr. BOYD. Yes, sir, it does.
>
> Senator ANDERSON. You say in your testimony and this document that I did not want to put in the record, but that we are going to put in, that this bill sterilizes the mining in Yellowstone Park.
>
> Mr. BOYD. It is already sterilized.
>
> * * * * *
>
> Senator ANDERSON. * * * Glacier National Park up toward the top is shown in red.
>
> Mr. BOYD. Yes, sir.
>
> Senator ANDERSON. Does this bill take out 1 acre of that land?
>
> Mr. BOYD. No, sir.
>
> Senator ANDERSON. Does the bill take out 1 acre of Yosemite or was that done previously?
>
> Mr. BOYD. It was done previously.

Mr. H. R. Glascock, of Western Forestry and Conservation Association, testified that with the exception of two small inadvertent instances, there had been no timbering in the past in the proposed national forest wilderness areas, which have long been withdrawn from cutting. Mr. Glascock agreed that the new Anaconda-Pintlar and Selway-Bitterroot Wilderness Areas, recently reclassified by the Forest Service from "primitive" status to "wilderness" status, should go on into the Wilderness Preservation System with other "wild," "wilderness" and the Minnesota "canoe" area under S. 4. His testimony appears at page 190 of the printed hearing, as follows:

> Senator METCALF. I want to know how you feel about the two new wilderness areas that were created, the Anaconda-Pintlar area and the Selway-Bitterroot area? You would

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feel that they, too, are in the category of being dedicated and set aside and should go in the wilderness system?

Mr. GLASCOCK. Yes, sir. We make no exceptions to that statement which I gave Chairman Anderson.

Mr. John Barnard, Jr., of Denver, Colo., who has followed and participated as a consultant in consideration of the bill in past years, testifying for Gov. John A. Love, of Colorado, agreed that—

> * * * what we address ourselves to principally, the issue has narrowed itself principally to the primitive areas in the national forests.

The primitive areas now contain only 6.1 million acres.

Mr. Barnard's testimony in this respect, at pages 144–145 of the hearings, was:

> Senator METCALF. So, largely the difference is how to handle the primitive areas of around an additional 6 million acres?
>
> Mr. BARNARD. Yes.
>
> Senator METCALF. And, of course, game refuge and wildlife refuges are a little different category than the national forests or national parks.
>
> Mr. BARNARD. Yes. And, of course, it has long been my position, and I don't think this is again one of the important points of the bill because the actual practical effects are not too great, but it has long been my position that when lands have been set aside for a specific purpose, the fact that that purpose is not incompatible with wilderness does not justify another act setting it aside for that purpose, and I think the same is true of national parks. While the national parks are zoned, so to speak, for certain areas that are involved for mass recreation, certain areas that are to be retained as wilderness, in effect, this has been done, there is plenty of authority under the National Park Act. There has never been any serious difficulty with interfering with the Park Service and its administration. I could not and I still cannot see the logic behind including those areas within another system called the wilderness system.
>
> But what we address ourselves to principally, the issue has narrowed itself principally to the primitive areas in the national forests.

As indicated in the report on S. 174 in the 87th Congress, there has been no disagreement that the carefully reviewed "wild," "wilderness," and the "canoe" areas in the forests should be allowed to become part of the Wilderness Preservation System by the enactment of the Wilderness Act.

When the previous report was filed, the two primitive areas mentioned and La Garita Primitive Area in Colorado of approximately 49,000 acres were under review by the Forest Service and have since been reclassified on recommendation of the Forest Service and by order of the Secretary of Agriculture.

As a consequence of their reclassification, which involved removal of approximately 450,000 acres from classification and its restoration to regular, multiple-use management, the following changes in status

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of the national forest lands involved in the wilderness legislation has occurred since the committee's report of July 1961, on S. 174:

Kind of area within national forests	1961		1963	
	Number	Acreage	Number	Acreage
Wilderness	14	4,888,173	16	6,285,186
Wild	30	998,234	29	1,047,544
Canoe	1	886,673	1	886,673
Primitive	39	7,890,973	[1] 37	6,098,532
Total		14,664,053		14,318,575

[1] Number decline by 2, instead of 3, since approximately 190,000 acres of Selway-Bitterroot was retained as primitive for future reclassification.

Acreages in wildlife and game refuges and ranges, and in the national park system which would be subject to consideration for inclusion in the Wilderness Preservation System under S. 4 have not changed significantly since the committee's report on S. 174.

San Gorgonio Wild Area

A considerable volume of messages reached the committee during consideration of the bill in respect to opening the San Gorgonio Wild Area in California for the construction of a ski tow.

The Chief of the Forest Service indicated, in his testimony, that the matter is currently under consideration of the Forest Service.

He said:

> * * * we are trying to urge the opponents and the proponents to present a more specific proposal which we hope will be generally agreed upon before opening the matter up.

The committee is gratified that the Forest Service plans to keep the matter under active consideration looking toward the final development of an adequate ski area for recreation purposes to serve the burgeoning population of California.

BACKGROUND

The movement to establish a Wilderness Preservation System in the United States, which will be the first such system in the world, originated in 1948 when Members of Congress asked the Legislative Reference Service, Library of Congress, to study the desirability of a Federal policy and program of wilderness preservation.

The report, prepared by C. Frank Keyser and issued in September 1949, was a compilation of data on wilderness availability, the wilderness preservation policies, and views of many agencies. It reflected a widely held belief that wilderness areas should be preserved for their recreational, scientific, scenic and cultural values, for the benefit of both present and future generations, and that the United States should launch a wilderness preservation program before—as in the world's older countries—it was made impossible by man's exploitation of the Nation's whole land area.

The director of the study wrote:

> * * * With the growing population and 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.

More than 7 years of study and consideration of the "wilderness problem" elapsed between the issuance of the Library report and the perfection of a wilderness preservation proposal for presentation to Congress. A study bill, S. 4013, was presented late in the 84th Congress, succeeded the following year by S. 1176 of the 85th Congress by Senator Hubert Humphrey, and others. The first hearings were conducted by the Interior and Insular Affairs Committee on June 19 and 20, 1957, under Senator James E. Murray's chairmanship.

In succeeding years S. 4028 of the 85th Congress, S. 1123 of the 86th, and S. 174 of the 87th, which was adopted by the Senate, September 6, 1961, have been presented and made the subject of numerous hearings in Washington and the Western States.

The committee has now assembled 2,825 pages of printed record on the subject, plus thousands of letters, telegrams, petitions, legislative resolutions, statements, and documents. There have been nearly 600 witness appearances.

Few proposals in American legislative history have had more thorough study than S. 4 and its predecessors—study ranging over 15 years since the original request for a report by the Library of Congress.

Numerous provisions of early bills have been dropped. A proposal to include Indian land areas among wilderness units was modified to require consent of the tribes involved and then deleted altogether. A proposed Wilderness Council, intended to serve in an advisory capacity, was eliminated. The formula for congressional review of areas to be finally and permanently designated as units in the wilderness preservation has undergone repeated change in an effort to find a formula for consideration which would insure congressional action without sacrifice of the constitutional power of either body to approve or disapprove the final disposition of the areas involved.

THE PRESENT WILDERNESS BILL

S. 4, herein recommended for passage as amended, was introduced in the 88th Congress on January 9 by Senator Clinton P. Anderson and 21 coauthors. Hearings were conducted February 19 and 20, 1963.

SECTION-BY-SECTION EXPLANATION

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

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untrammeled 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. 4 will complete their designation as part of the new wilderness preservation system.

The 37 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

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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.

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 rangelands 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.

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Section 3(i) provides for public hearings prior to submission of recommendations to Congress on permanent inclusion of areas in the Wilderness Preservation System, assuring that States, counties, and Federal agencies at interest will be notified and have opportunity to submit data on potential alternative uses of the area involved.

Section 3(j) provides that where State inholdings exist in wilderness areas, the State shall be afforded access, or shall be given Federal lands in exchange of equal value. It provides that where a State surrenders mineral rights in such an exchange, the Federal Government may do so also.

Section 4 authorizes the Secretary of the Interior and the Secretary of Agriculture to acquire private landholdings 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. It is made clear that S. 4 does not confer a right to condemn private inholdings and assures such inholders continued access to their properties, and rights of ordinary use and maintenance, which they have had.

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.

This section and a portion of section 3(c)(2) have been interpreted by the Secretary of the Interior to mean, as the committee intends, that mining activities may continue in Mount McKinley National Park, and Death Valley, Organ Pipe Cactus, and Glacier Bay National Monuments as provided in the acts establishing each of them. (See S. Rept. 565, 87th Cong., pp. 12 and 13.)

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 an established practice, and authorization of necessary measures to control fire, insects, and disease.

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(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 where it is an 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. 4.

(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

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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.

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.

COMPETITIVE LAND USES

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.

The majority of the committee is convinced that the potential effect of S. 4 on competitive use industries has been considerably overdrawn and that it is clearly in the greatest public good to establish a wilderness preservation system.

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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. 4, 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. 4 will have on the mining industry—and it does not affect any existing private rights—is in relation to the approximately 14.3 million acres of national forest areas—and almost miniscule fraction of the Nation's 2,271,304,320 acres of land area in the 50 States.

Mining laws apply to these areas now, subject to strict regulations to guard punitive values. The mining law, with the right to file claims and go to patent, will not apply to these 14.3 million acres if S. 4 is enacted.

However, 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. 4 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. 4, 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 as a result of a review of their greatest value will be of advantage to mining.

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. 4. Parks and wildlife lands are restricted from extensive timber exploitation by the basic legislation creating them.

The national forest lands affected by S. 4 are not now subject to exploitation for timber. Timber sales were barred by executive regulation, with rare exceptions, when the 14.3 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

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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 are designated as commercial timberland. This does not give consideration to the fact that the wilderness forest is at higher than 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. 4.

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. 4 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 an established practice without dimunition 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. 4.

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EFFECTS ON WATER RESOURCES

S. 4 does not interfere with Federal Power Commission authority in forest areas involved and provides 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. 4 is enacted.

S. 4 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, 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 for the present outweigh the values of competing uses which may be forfeited by preservation of wilderness of the areas involved in S. 4. 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.

S. 4 accordingly 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 and that no variance from the wilderness use should be approved except upon a clear showing of greater public good which cannot be met by alternative means.

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. 4, 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. 4 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.

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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. 4, or one of its predecessors, in often eloquent descriptions of scenes, sunsets, historic and scientific objects, and educational observations in wildnerness, 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 worders 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

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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.

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 interrelated 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.

* * * * *

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> * * * 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 Mammalogists said in a resolution adopted 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.

Recently Congress passed 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 Congress, will cost more than the whole 427 miles would have cost in 1935. Cost of Point Reyes, Calif., is estimated at 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.

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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, in a much less adequate way than S. 4 provides, the need for fast vanishing wilderness recreation and other wilderness values.

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, Congress has passed a bill authorizing a 10-year, $105 million program to buy wetlands to provide habitat for migratory wildfowl. The sum is to be liquidated by receipts from duck-hunting stamps, without interest.

This situation is another indication of the opportunity which S. 4 presents to provide a class of needed lands now without cost which could cost hundreds of millions of dollars, if obtainable at all, at some future time.

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Conclusion

We know that there has long been a genuine demand for wilderness preservation. Theodore Roosevelt recognized it in 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. 4 we can preserve without cost for the present and future generations, truly priceless areas. The failure of S. 174 to achieve final enactment in the 87th Congress can still be remedied by passage of S. 4.

If we do not now provide for adequate wilderness preservation, we shall have no valid excuse to leave to our progeny for our delinquency.

Because of the urgency of final enactment of wilderness legislation, the committee urges the Senate to again pass such legislation, and again send a Senate Act to the House of Representatives as a reaffirmation of the continuing, sincere, and urgent desire of the Senate for enactment of such legislation, and for an expression of the will of the majority of the House on the proposal.

Amendments

Amendments adopted by the committee and their explanation follow:

1. On page 12, line 9, amend section 3(j) by striking all of the lines 9 through 16 and substituting the following:

> (j) In any case where State-owned land is completely surrounded by lands incorporated into the wilderness system, such State shall be given either (1) such rights as may be necessary to assure adequate access to such State-owned land by such State and its successors in interest, or (2) vacant, unappropriated and unoccupied Federal land in the same State, equal in value to the surrounded land; provided that if the States does not reserve mineral rights in the surrounded land conveyed to the United States, the United States need not reserve mineral rights in the land conveyed to the State in exchange.

The provision that the lands shall be of equal value is a departure from existing law and practice, which is not intended as a precedent, with respect to in lieu or indemnity selections of Federal lands by a State for school-grant selections. The governing statute is the act of August 27, 1958 (Public Law 85–771, found in 43 U.S.C. 851–852, as amended) which, because of the unstable and ever-changing character of mineral values provides for a selection on a basis of equal acreage.

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The fact that equal value is not the basis for such in lieu selections was recognized by the Department of the Interior in its report dated February 27, 1958, on S. 2517, 85th Congress, the bill that formed the basis of the present law.

The amendment is an attempt to clarify the intention of the Senate in regard to section 3(j), which was originally proposed, withdrawn, revised, again proposed and adopted during floor consideration of S. 174 in 1962. The amended section represents a more deliberate and careful drafting and consideration.

2. On page 12, line 23, amend by striking out the period, inserting a semicolon and adding:

> *Provided*, That nothing in this Act shall be construed to confer a right of condemnation with respect to privately-owned land within the boundaries of a wilderness area, or to impair any customary right or privilege heretofore enjoyed by the owners of such land, respecting access to it or to its ordinary use and maintenance.

The committee's attention has been directed to instances in which facilities for wilderness visitors, which do not grossly impair the wilderness environment, are maintained on private inholdings. This additional proviso is intended to permit access by means heretofore enjoyed and to make clear that private inholdings may not be acquired by condemnation.

3. On page 11, beginning at line 19, strike all of subsection 3(i)(1) through line 3 on page 12, and substitute in lieu thereof the following:

> (i) (1) The Secretary of Agriculture and the Secretary of the Interior shall, prior to submitting any recommendations to the President with respect to any area's retention in or incorporation into the wilderness system—
>
> (A) Give such public notice of the proposed action as they deem appropriate, including publication in the Federal Register and in a newspaper having general circulation in the area or areas in the vicinity of the affected land.
>
> (B) Hold a public hearing or hearings at a location or locations convenient to the area affected. The hearings shall be announced through such means as the respective Secretaries involved deem appropriate, including notices in the Federal Register and in newspapers of general circulation in the area: *Provided*, that if the lands involved are located in more than one state, at least one hearing shall be held in each state in which a portion of the land lies.
>
> (C) At least thirty days before the date of a hearing advise the Governor of each State and the county, or in Alaska the borough, governing board of each county, or in Alaska the borough, in which the lands are located, the United States Forest Service, the United States Soil Conservation Service, the Corps of Engineers of the United States Army, the Bureau of Reclamation, the Bureau of Mines, the United States Geological Survey, the Bureau of Sport Fisheries and Wildlife, the Federal Power Commission, the Rural Electrification Admin-

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> istration, and the Federal Communications Commission, inviting each to set forth its views at the hearing. It shall be the responsibility of each named Federal agency to submit its independent views concerning the designation of an area as "wilderness," giving an analysis of the comparative values that may be involved as between wilderness and that type of development or uses for which the Federal agency has administrative responsibility.

The amendment is intended to assure that, in the review of areas for permanent designation as a part of the Wilderness Preservation System, opportunity will be afforded for citizens to express their views and information will be developed by public agencies concerned on potential alternative uses of the areas involved.

4. On page 14, line 20, strike the word "well".
5. On page 15, line 14, strike the word "well".

In both instances, the word is used to describe practices (use of aircraft and motorboats and grazing of livestock) which have become "well established." It is the committee's view that the word "well" in this use lacks legal definition or meaning and adds nothing to the intended meaning of the provisions involved.

Reports of Executive Agencies

Reports of the executive agencies and the Federal Power Commission follow:

Department of the Interior,
Office of the Secretary,
Washington, D.C., February 21, 1963.

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. 4, 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 the bill. We recommend, however, that the bill be amended in one important respect as suggested below.

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

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refuges, and game ranges administered by this 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 games 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 subsequent review over a 10-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 per-

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formed 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 adjustments 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 one amendment to the bill.

Section 11 would permit the Federal Power Commission to authorize power developments in wilderness areas without a determination by the President that such developments are in the interest of the United States and its people as required in section 6(c)(2) in the case of other nonwilderness uses. We urge, therefore, that section 11 be deleted from the bill. If this is done, then all nonwilderness uses will be subject to the Presidential determination provided for in section 6(c)(2).

The Bureau of the Budget has advised that there is no objection to the presentation of this report and that enactment of legislation along the lines of S. 4 would be in accord with the program of the President.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

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EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., February 19, 1963.

Hon. CLINTON P. ANDERSON,
Chairman, Committee on Interior and Insular Affairs,
U.S. Senate, 3108 New Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Bureau of the Budget on S. 4, a bill to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes.

S. 4 would establish policy and procedures for the designation and preservation of certain federally owned areas in a National Wilderness Preservation System. The objective of this legislation has had the repeated support of the President.

Accordingly, the enactment of legislation along the lines of S. 4 would be in accord with the President's program.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 21, 1963.

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

DEAR MR. CHAIRMAN: This is in response to your request of January 21, 1963, for a report on S. 4, 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, with the amendments hereinafter mentioned.

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 10 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 recommenda-

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tions appropriate adjustments in primitive area boundaries but the size of any primitive area could not be increased as a result of such adjustments.

The President would be authorized to recommend minor modifications or adjustments of boundaries of areas in the wilderness system. Recommendations made under the bill would include the views of the Governor of the State in which the area is located if such views are submitted within 90 days after they are requested.

The recommendations of the President with respect to the continued inclusion of primitive areas in, or the exclusion of such areas from, the wilderness system and for minor modifications or adjustments of boundaries of areas in the wilderness system would take effect if not disapproved by resolution of either the Senate or the House of Representatives 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 affirmative 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 minor modification or adjustment of boundaries.

In any case where State land is surrounded by lands in the wilderness system the State would either be assured adequate access to its land or would be authorized to exchange for vacant, unappropriated, and unreserved land in the State.

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, transmission lines, 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 would be permitted to continue. This provision would not affect the Secretary's authority to regulate and control grazing in such areas. He would continue to have 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.

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. Neither would the bill prevent within national forest areas any activity including prospecting for the purpose of gathering information about mineral or water resources or the completely subsurface use of such areas if such activity or subsurface use is carried on in a manner which is not incompatible with the preservation of wilderness environment.

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. Joint annual reports would be made to the Congress.

A Presidential Land Use Commission comprised of five persons to be appointed by the President would be established with respect to any State in which the Federal Government on January 1, 1961, owned more than 90 percent of the land. The Commission would advise and consult with the Secretaries of the Interior and Agriculture on the current utilization of federally owned land in such State. The recommendations of the Commission would accompany any recommendation made under the act.

The bill further provides that nothing in it shall be construed as superseding, modifying, repealing, or otherwise affecting the provisions of the Federal Power Act.

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 38 years. The term "wilderness area" originated on the national forests.

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 the 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. 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.

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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	16	6,285,186
Wild	30	1,047,554
Primitive	37	6,098,532
Canoe	1	886,673
Total	84	14,318,575

The wilderness, wild, primitive, and canoe 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 management of the Boundary Waters Canoe Area differs from that of wilderness, wild, and primitive areas. It is managed for the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, particularly in the vicinity of lakes, streams, and portages. In effect the same management principles would continue in this area under the provisions of section 6(c)(3) of S. 4.

With respect to the wilderness, wild, and primitive areas in the national forests, we believe that a general discussion of the use or nonuse of the various resources will be helpful.

Timber.—Commercial timber harvesting is not now permitted in these wilderness-type areas and we have no plans to alter this policy. It would not be allowed in such areas under the provisions of S. 4. Timber may be cut for the purpose of controlling fire, insects, and diseases and could be under S. 4.

Grazing.—Livestock grazing may be permitted in these wilderness-type areas under present policy. It is now permitted in slightly more than half the areas. Our most recent figures show about 59,000 head of cattle and horses and 309,000 head of sheep and goats under permit in these areas. Under the terms of S. 4, this grazing of livestock would be permitted to continue.

Mining.—Authority now exists under which mineral leases can be issued for leasable minerals in the wilderness, wild, and primitive areas either under the Mineral Leasing Act of 1920 or the Mineral Leasing Act for acquired lands. It is the policy of this Department to recommend against, and the policy of the Department of the Interior to withhold, the issuance of mineral leases in these areas unless directional drilling or other methods can be used which will avoid any invasion of the surface of the wilderness, wild, or primitive area.

Under S. 4, mining, including the production of leasable minerals, would be prohibited unless it involved only subsurface use such as directional drilling within such areas or unless the President as to

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specific areas determines that to permit it would better serve the interests of the United States than would its denial.

Prospecting for leasable minerals and for locatable minerals where the mining laws apply is allowed at this time. It must be done in a manner consistent with applicable regulations, including restrictions on the use of mechanized transportation. Under the provisions of S. 4, prospecting could be carried on in a manner not incompatible with the preservation of the wilderness environment.

In those portions of the wilderness, wild, and primitive areas to which the mining laws apply, mining locations may now be made. Upon valid discoveries, mining operations may be carried out with or without an application for patent. S. 4 would not affect valid, existing rights. But, subject to existing rights, it would prohibit mining unless it involved only subsurface use such as directional drilling or shafts driven from outside the area or unless the President as to specific areas determines that to permit it would better serve the interests of the United States than would its denial.

In March of 1961, it was estimated that there were about 13,000 unpatented mining claims in these areas. Also, there were six mines in active operation, all in primitive areas. The existence of operating mines and the concentration of unpatented mining claims will be significant factors in reviewing primitive areas and in formulating recommendations as to which areas or portions of areas should continue in the wilderness system or be excluded therefrom.

Water developments.—Water developments for the storage and diversion of water for irrigation, domestic, and other uses have been allowed in these wilderness-type areas. The works generally have been constructed and maintained by means which did not involve motorized transportation. There are 144 such projects. We would construe the provisions of S. 4 as permitting the continued maintenance of these existing projects by means which would not involve motorized transportation as in the past. The bill would allow new water developments if the President determined that such uses in specific areas would better serve the interests of the United States than would its denial.

The Federal Power Commission has authority under the Federal Power Act to issue licenses for the construction and maintenance of power projects on these wilderness-type areas of the national forests as well as on other national forest lands. Licenses have been issued for seven such projects in these areas. Under the provisions of section 11 of S. 4, the provisions of the Federal Power Act would not be affected in any way and licenses could continue to be issued by the Federal Power Commission in these areas. We will comment on this later.

Recreation.—Recreation uses of these wilderness-type areas are of the kind, including hunting and fishing, normally associated with wilderness enjoyment. These uses would continue. Commercial services to the extent necessary for the recreational or other purposes of the wilderness system may now be performed, and could continue to be performed, in the areas. Hotels, resorts, summer homes, and other such types of recreational developments are not now, and would not be, permitted.

There are within these areas trails and facilities of a primitive nature for camping. These include primitive-type sanitary facilities. These will continue under our present policy and could continue under the

bill. Also, in certain of these areas, as well as in portions of the boundary waters canoe area, the use of motorboats is presently allowed and could continue under the provisions of the bill. In certain of the wilderness, wild, and primitive areas, the landing of aircraft at established locations is permitted and could continue under the bill. Motorized transportation by the public by ground vehicles is not permitted except on those roads in primitive areas presently open to public use and would not be permitted under the bill.

Roads.—Roads open to public use are not allowed in wilderness and wild areas. There are some such roads in some of the primitive areas. The existence of roads would have material bearing on the reviews and recommendations as to the suitability of primitive areas or portions thereof for continued inclusion in the wilderness system or exclusion therefrom. Under the provisions of S. 4, the existing roads in such areas could continue to be maintained and used pending the review and effectiveness of a recommendation for the area to remain in the wilderness system. Temporary roads which are essential in the control of fire, insects, and diseases or to meet the minimum requirements for the administration of the areas may now be permitted in these areas. The bill would continue to allow these.

We have the following comments and recommendations for amendments to the bill:

1. On page 4, in lines 19 and 20, reference is made to recommendations for the exclusion of portions of primitive areas of the national forests and "return to national forest land status" thereof. Primitive areas now designated in the national forest system have national forest status and exclusion of any portion thereof from the primitive area would not have the effect of returning it to national forest status. Therefore, the words "return to national forest land status" should be deleted and the words "administration as other national forest land" should be inserted in lieu thereof.

2. The provisions in section 3(b)(1) for the review of primitive areas would allow alterations of the boundaries of primitive areas recommended to be continued in the wilderness system, but the proviso beginning on line 23 on page 4 would not permit any primitive area recommended to be continued in the wilderness system to be larger than that particular area on the date of the act. Net additions to a few of the primitive areas might be desirable and we would prefer not to be so restricted. However, if such a restriction is considered essential we suggest that a leeway of up to 10 percent be allowed. This could be accomplished by adding after the word "ACT" and before the period in line 2 on page 5 the words "by more than 10 percent".

3. As worded, the provisions of section 9 for a Presidential Land Use Commission would apply only to the State of Alaska. We recognize that Federal ownership of about 99 percent of the land area of the State of Alaska presents a situation peculiar to that State, and have no particular objection to such a Commission in relation to Alaska. However, the scope of the duties of the Commission would go to all federally owned land in the State and not just to lands in wilderness-type areas.

We therefore question whether provision for such a Commission should be included in legislation which otherwise deals only with wilderness-type areas. We therefore suggest that all of section 9

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on pages 19 and 20 be deleted and the succeeding sections be renumbered accordingly.

Section 11 would provide that nothing in the bill would supersede, modify, repeal, or otherwise affect the Federal Power Act. With this provision the Federal Power Commission could issue licenses for power projects on areas in the wilderness system without a determination by the President that the development of such projects within the particular areas would be more in the public interest than would their denial. Such a determination by the President would be required for other types of industrial and commercial uses. We recognize that under some circumstances the permitting of power developments in areas of the wilderness system might be more in the public interest than their denial. However, we believe that the same Presidential determination should be required with reference to them as would be required for other types of industrial and commercial developments. We of course believe that upon such Presidential determination the licenses for power projects should be issued by the Federal Power Commission in the same manner as such licenses are issued elsewhere. Therefore we recommend that section 11 on page 20 be deleted or modified by deleting the word "Nothing" in line 12 on page 20 and inserting in lieu thereof "Except as provided in section 6, nothing".

In conclusion, this Department has 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 that enactment of S. 4 with the amendments recommended above would be desirable and progressive resources legislation and in the national interest.

The Budget Bureau advises that the enactment of legislation along the lines of S. 4 would be in accord with the President's program.

Sincerely yours,

ORVILLE L. FREEMAN.

FEDERAL POWER COMMISSION REPORT ON S. 4, 88TH 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, in accordance with certain procedures prescribed in the bill, a National Wilderness Preservation System comprised of such federally owned areas as are designated (subject to existing private rights) from the following lands:

(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." However, those areas classified as "primitive" would be reviewed by the Secretary within 10 years following enactment of the bill for the purpose of determining the suitability of each such area for preservation as wilderness. The Secretary would be required

to report annually his findings to the President, who in turn is to advise the Congress annually of his recommendations with respect to the continued inclusion within the system, or the exclusion therefrom of each area reviewed during the year.[1]

(2) Each portion of a National Park or Monument embracing on the Act's effective date "a continuous area of five thousand acres or more without roads." However, any such wilderness status would be acquired only after a review of each such unit by the Secretary of the Interior within 10 years and a recommendation annually by the President to the Congress that particular areas reviewed during the preceding year should be incorporated into the system.[1]

(3) Such portions of previously established national wildlife refuges and game ranges as, within a 10-year period, the Secretary of the Interior and the President may recommend annually for incorporation into the system.[1]

(4) Privately owned lands within any portion of such system under the jurisdiction of the Secretary of Agriculture or the Secretary of Interior, and acquired by either Secretary, subject to the approval of any necessary appropriations by the Congress; and lands acquired for preservation as wilderness through gift or bequest to the respective Secretaries.

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 (16 U.S.C. 797) 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 * * *." In addition, the licenses contain such conditions as are deemed necessary for the adequate protection and utilization of the reserved lands involved.

Under section 24 of the Federal Power Act (16 U.S.C. 818) 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 best available information concerning primitive areas, the hydroelectric generating capacities of the sites, licensed and potential, which would be affected in those areas are as follows:

	Kilowatts
Capacity under license:	
Existing	878, 300
Under construction	157, 500
Other potential capacity	3, 006, 300
Total	4, 042, 100

[1] Under the provisions of sec. 3(f), each recommendation made by the President 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 the recommendation was received by the House and Senate, but only if prior to such adjournment neither the Senate nor the House shall have approved a resolution in opposition thereto.

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The bill would not incorporate in the wilderness system as of its effective date any lands presently within wildlife refuges or game ranges, but sets up procedures under which portions of such refuges and ranges 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.

Section 11 of the bill states that nothing therein "shall be construed as superseding, modifying, repealing, or otherwise affecting the provisions of the Federal Power Act (16 U.S.C. 192–825r)." Consequently, if this proposed legislation is enacted in its present form the Federal Power Commission's jurisdiction to issue licenses authorizing the use of lands in the Wilderness System for power purposes would not be affected, provided the above-discussed finding of consistency and noninterference can be made under Section 4(e) of the Power Act with respect to the use of reserved lands of the United States. In this connection, it should be noted that none of the bill's provisions would vacate or rescind any power withdrawal or power reservation created prior to its enactment. Furthermore, Sections 3(a) and 6(b) which specifically preserve existing private rights in lands placed in the Wilderness System, clearly would protect a licensee's right to continue the use of any such lands under authority of a license previously issued by the Commission.

The Commission favors the purpose of the bill to create a wilderness system and offers no objection to its enactment.

FEDERAL POWER COMMISSION,
(Signed) JOSEPH C. SWIDLER,
Chairman.

MINORITY VIEWS ON S. 4

The signers of this minority report preface it with the reiteration that each and every one of us favors a wilderness system. We are in complete sympathy with the concept of preserving the primitive aspects of certain public lands.

Nevertheless, we who oppose enactment of S. 4 in its present form are convinced that this measure would deprive Congress of its constitutional authority over too much of the lands 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. 4 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. 4 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 many million more acres, in S. 4 some 60 million, 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. 4 as reported by this committee is a decided improvement over earlier bills, we feel not only that the legislation is premature with respect to including vast uninventoried areas, but that we could not, in any event, lend support to a bill dealing with such large areas of the public lands unless the bill were amended to allow Congress to retain an affirmative control over the inclusion of each separate area that would go into the wilderness system. The Constitution gives Congress exclusive power to dispose of and make rules respecting the property of the United States. To us this indicates affirmative action by Congress on any proposal to classify a tract of public land, so as to lock away 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 the authority to the executive branch of the Government or anyone else to do what is, in effect, equal in many respects to a disposition and is certainly at least a "rule" or "regulation" within the meaning of the Constitution.

MAIN FEATURES OF THE BILL

The bill would blanket into the wilderness system over 6 million acres of uninventoried 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 52 million acres, made a permanent part of the wilderness system would be reviewed by the appropriate Secretary. 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—and it is further stated that there shall be no—

> 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

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by a very, very limited number of people. 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 untrammeled 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. 4, as amended, provides that any time within 10 years, the President may recommend to Congress the permanent inclusion within the wilderness system of additional areas which now total approximately 52 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 provision 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, and reclassification of the primitive areas to their highest use before Congress takes action with respect to them.

We are pleased that the committee amended S. 4 to provide for administrative public hearings and to require an opportunity for interested State, local, and Federal authorities to comment before the particular Secretary's recommendation is made. But such hearings and comments concerning unknown lands is not an adequate protection alone. There should also be a careful inventory and there should also be required congressional hearings.

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

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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. 4 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 defense of our country.

The present absence of resource inventories of the areas bearing the classification "primitive" would combine with the restriction on exploration imposed by S. 4 to render practically meaningless the provisions of S. 4 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. In fact, while the proponents of the device of negative review set forth in section 3(f) say it will avoid obstructionistic tactics, the fact is the majority party, whichever that might be, could assert procedural discipline so as to effectively prevent the

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matter ever coming to the floor for a vote on a motion on the merits of the President's recommendation.

WHY THE ADDITIONAL 52 MILLION ACRES?

When there are almost 8 million acres of national forest lands which have been classified as wilderness, reasonable minds should inquire why the sense of urgency to persuade Congress to blindly dump into the wilderness system an additional 6 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. 4 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. To make any such possibility even more remote, Congress recently gave official recognition to wilderness as an authorized use of national forest land in the Multiple Use Act of 1960.

Furthermore, 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. It should also be noted that 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? It would seem that the marshaling of all pertinent facts bearing upon these issues as to any given parcel of public land

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would be regarded as an imperative necessity before any public lands, containing unknown natural resources are dedicated to such purpose.

THE ORRC REPORT

In the minority views to S. 174, 87th Congress, it was suggested that prudence dictated we await the report of the Outdoor Recreation Review Commission, which was studying the wilderness situation, among others. Time has proven the wisdom of that suggestion for S. 4 is inconsistent in many respects with the results of that report.

The ORRC report recommends, as we do, congressional action in this field. But it does not recommend a bill like former S. 174, of which the Commission was well aware and which was virtually identical with S. 4. It does not necessarily recommend inclusion in a wilderness system of as much acreage as would be included by S. 4. It does not necessarily recommend the inclusion of any uninventoried lands, as would result under S. 4. It does not recommend a congressional abdication as effected by section 3(f) of S. 4.

It does recommend: "*Congress* should enact legislation providing for the establishment and management of *certain* primitive areas * * * as 'wilderness areas.'" [Emphasis supplied.] We agree that Congress should be the determining arm of government and we agree only certain of the primitive areas should be included in a wilderness system.

The ORRC report also reflects the following findings, principles, and recommendations.

> Recreation seekers themselves may generate demands for facilities and services that change the character of wilderness areas.
>
> Across the country considerable land is now available for outdoor recreation, but it does not effectively meet the need.
>
> Over a quarter billion acres are public designated recreation areas. However, either the location of the land, or restrictive management policies, or both, greatly reduce the effectiveness of the land for recreation use by the bulk of the population. Much of the West and virtually all of Alaska are of little use to most Americans looking for a place in the sun for their families on a weekend when the demand is overwhelming. At regional and State level, most of the land is where people are not. Few places are near enough to metropolitan centers for a Sunday outing. The problem is not one of total acres but of *effective* acres [their emphasis].
>
> Outdoor recreation is often compatible with other resource uses.
>
> Fortunately, recreation need not be the exclusive use of an area, particularly the larger ones. Recreation can be another use in a development primarily managed for a different purpose * * *.

Effective use of all our land for the greatest good for the greatest number, and the compatibility of recreation with other uses, appear as major themes of the ORRC report. We believe S. 4 would be incompatible with those themes.

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WHERE IS THE FIRE?

Literally hundreds of witnesses have appeared and testified before this committee on S. 4 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. 4. 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?

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 come to light as we gain more knowledge about our vast undiscovered land resources? 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 nature of uninventoried parcels compared with the principles of the ORRC report will disclose that the areas presently classified as wild, wilderness, or canoe are more than adequate to meet the recreational needs of those rugged few who 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.

Any of these three possibilities justifies a longer look and affirmative action by Congress as to each parcel.

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. 4 upon these 12 States, we find that more than 90 percent of the land areas affected by S. 4 are located in these 12 States. The extent to which the land areas of these States would be affected by S. 4 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. 4

	Federally owned land (acres)	Percent of State's total land area	Federally owned land committed by S.4 to single use (acres)	Percent of Federal lands committed to single purpose use by S.4
Alaska	362,194,000	99.1	25,885,978	7.1
Arizona	32,396,000	44.6	3,752,927	11.6
California	45,071,000	44.9	5,792,274	12.9
Idaho	34,050,000	64.3	3,129,125	9.2
Colorado	24,156,000	36.3	1,329,125	5.5
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	60.2	630,000	1.7
Washington	12,666,000	29.6	2,615,390	20.6
Wyoming	30,219,000	48.4	4,770,652	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. 4 or a similar bill in the 87th or 86th Congresses: 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. 4 which would initially blanket into a wilderness system millions of acres of public lands which have never been inventoried to determine if their highest and best, and only use is 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.

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We are heartily in favor of such an amendment, and we strongly urge that S. 4 not be adopted without this, or a comparable amendment. At the public hearings on S. 4, the overwhelming majority of witnesses urged the adoption of such an amendment.

A similar experience with unwise delegation of congressional authority resulting in later remedial legislation to recapture this authority was testified to at page 49 of the printed hearings on S. 4.

We think past experience and the overwhelming weight of testimony compels the conclusion that our suggested amendment is necessary.

CONCLUSION

We here summarize the reasons we believe the claimed virtues of S. 4 are refuted by fact and reason.

It is claimed that no cost is involved. This is true in the sense no additional purchases of land are provided for, but the cost to the West and the whole Nation in preventing development of our resources, in denying recreational utilization of excessive areas by the great majority of the public, and by possible deprivation of strategic defense materials is incalculable.

It is claimed that the wilderness system will not affect the economic arrangements of communities because it will only preserve the status quo. But the status quo of the use of these lands will cause economic hardship when considered against the background of burgeoning population, the denial of the ability to tap new resources for these populations, the limitations on the local employment level resulting from the closed door to expansion, and the exhaustion of presently available resources.

It is claimed the recreation values of wilderness are great. The truth is they are not great quantitatively to the extent of S. 4 for the reason so few can or do use the wilderness. Also, they are not great when compared with more complete recreational uses of the lands which could be made under different management principles. We favor some wilderness for the few people who enjoy it but we do not subscribe to the theory "if a little is good then a lot more is better."

It is claimed that the ORRC report supports S. 4. This is not so for the reason that the findings and principles enunciated by that report, as outlined above, only support our contention that some wilderness is needed but the ORRC report does not say that we need as much as S. 4 would provide nor does it recommend the congressional abdication of control over uninventoried areas.

It is claimed there is a need for immediate action in the form of S. 4. There is no evidence that prejudice to either existing inventoried or uninventoried wilderness type areas will result unless S. 4 becomes law. All the public lands which would be affected are under adequate present protection from abuse. The fact is that a greater hazard to the interests of a greater number, indeed the whole Nation, might flow from the too hasty and improvident blanketing-in of uninventoried lands.

It is claimed that the limited congressional negative-review provided by section 3(f) is necessary to prevent obstructionist tactics which would result in a frustration of the will of the Congress. We submit that if such a risk exists then the remedy is to change the rules by which the two Houses of Congress operate upon all legislation, but

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it is not proper to single out this special situation for separate treatment. Further, the procedural device embodied in section 3(f) is just as susceptible of abuse in that it is possible thereunder effectively to assert majority party procedural control over the matter coming to the floor. Even if the matter comes to the floor it would then be possible to curtail the presentation of the case against the Executive recommendation to a few minutes. S. 4, section 3(f) contains more evils than it seeks to overcome—affirmative action by the Congress is the best way yet determined for carrying out our function under the Constitution.

Finally, it is claimed that the objections to this bill have lessened in scope since the report on the predecessor bill, S. 174, was filed. The fact is that the minority views of today remain in substance the same as were made to S. 174. What has come to be is a better understanding by many of the nature of our objections and a growing awareness of their validity.

GORDON ALLOTT.
LEN B. JORDAN.
PETER H. DOMINICK.

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INDIVIDUAL VIEWS OF SENATOR MILWARD L. SIMPSON ON S. 4, THE WILDERNESS BILL

I am in sympathy with the concept of preserving the primitive aspects of certain public lands. However, I do not favor a wilderness system with the magnitude and scope of the system as proposed by S. 4.

I believe that setting aside vast areas of the Western States will deprive these States, including my State of Wyoming, the opportunity of developing their rich natural resources.

I oppose the enactment of S. 4 for the same reasons that are stated by the minority members of the Interior and Insular Affairs Committee in their conclusions as set forth in their minority views.

MILWARD L. SIMPSON,
U.S. Senator.

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