

THINK FOR YOURSELF



A USER'S GUIDE TO FEDERAL LAND PROTECTION

The purpose of this User's Guide is to inform activists and citizens about the various forms of federal land management that can provide increased protection. For each land classification, one will find general background information, an explanation of how such areas are established, and issues to consider when deciding on the best protection approach for a particular area. The following are the major public land categories, listed from most protected to least protected:

NATIONAL WILDERNESS PRESERVATION SYSTEM

Background

The National Wilderness Preservation System is not an independent federal land system. Congress may designate wilderness areas only on existing federal lands that meet the wilderness criteria set out in the act. This includes land managed by the National Park Service, U.S. Fish and Wildlife Service, U.S. Forest Service and Bureau of Land Management.

Wilderness areas are protected from the construction of roads, dams or other permanent structures. Timber cutting, new mining claims and mineral leasing, oil and gas development and motorized vehicles and equipment are prohibited. Special provisions in the law allow firefighting, insect and disease control and emergency actions to insure the health and safety of people. The law allows certain non-conforming pre-existing uses, such as livestock grazing, to continue.

The designation of wilderness areas requires an act of Congress. The criteria for new wilderness areas are set in the Wilderness Act. Wilderness is defined in the act as an area of undeveloped federal land that meets the following criteria:

- generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;
- has outstanding opportunities for solitude or a primitive and unconfined type of recreation;
- has at least 5,000 acres or is of sufficient size as to make practical its preservation and use in an unimpaired condition; and
- may also contain ecological, geological, or other features of scientific, educational, scenic or historical value.

Issues to Consider

By the mid-1980s, the creation of new wilderness areas had become the major offensive strategy of land preservation activists. Wilderness designation ensures strong and lasting protection. Unfortunately, many important areas are ineligible for designation under the Wilderness Act. Most of the nation's federal public lands do not qualify because of the presence of roads or other factors. Land that is state-owned or privately owned cannot be designated under the Wilderness Act.

Another major problem is a lack of public awareness about federal wilderness designation. For example, what designations allow hunting and which prohibit it? Lack of knowledge can

cause wilderness proposals to be controversial and make wilderness legislation difficult to pass.

Federal land management agencies usually fail to adequately consider roadless areas for their potential for wilderness protection. Instead, designation of new wilderness has almost always been driven by the efforts of concerned citizens. This tradition continues today, with citizen-inspired wilderness legislation pending or planned for a number of states and territories, including Alaska, California, Colorado, the northern Rocky Mountains, Puerto Rico, Utah, Vermont and Washington.

NATIONAL PARK SYSTEM

Background

Most national park areas are created by an act of Congress. First, a "special resource study" conducted by the National Park Service is usually required. After the study is completed, Congress must pass a bill that authorizes the establishment of a new National Park System unit. Each unit has its own unique authorizing legislation. The National Park System is made up of a wide range of natural, historic and archaeological units. Each has a different purpose and thus permits different activities within its boundaries. This allows national parks to be tailored in creative ways to address site-specific problems and opportunities.

There are more than 30 different National Park System classifications all under the jurisdiction of the National

Park Service. The following are the most useful designations for land protection activists, listed from the most protected to least protected category:

National Park Wilderness

Designated wilderness areas in national parks have the strongest protection of any federal public lands. They prohibit not only the activities banned under the Wilderness Act, but also livestock grazing, which is permitted in most other federal wilderness areas. There are currently 54 National Park System wilderness areas totaling almost 44 million acres. New National Park System wilderness requires an act of Congress.

National Preserves

A national preserve is a unit of the National Park System that is identical in management policy and intent to that of a national park, except that Congress has authorized a particular activity or type of use in each that does not occur in a national park. For example, national preserves in Alaska allow sport hunting and trapping.

National Monuments

National monuments are intended to preserve at least one nationally significant resource. They are usually created under the Antiquities Act of 1906, which authorizes the president to declare by public proclamation landmarks, structures and other objects of historic or scientific interest situated on lands owned or controlled by the government to be national monuments.

National Rivers, Seashores and Lakeshores

National rivers preserve ribbons of land bordering on free-flowing streams, which have not been dammed, channeled or otherwise altered. These areas allow recreational activities such as hiking, canoeing and hunting. National rivers include several variations, such as national river and recreation area, Wild and Scenic River and scenic river way.

National seashores and lakeshores are very similar in purpose and management to national rivers. Hunting is

allowed in most national seashores and lakeshores unless otherwise specified in the authorizing legislation.

National Recreation Areas

Originally, national recreation areas (NRAs) were units surrounding reservoirs impounded by other federal agencies. The concept of recreation areas has grown to include other lands and waters protected by Congress for recreational use, including major areas in urban centers. The focus is primarily on providing public recreation while preserving natural values. National recreation areas are generally the most developed and intensively used of the natural area National Park System units. However, with few exceptions they still provide protection from logging, livestock grazing, mining, oil and gas drilling and other extractive activities.

Issues to Consider

Along with federal wilderness areas, national parks have proven over time to provide the strongest and most permanent protection for large wild landscapes. The average new national park takes many years to go from vision to reality. However, once a national park is created, the land's preservation is a battle that will not have to be fought again. It is no coincidence that the most ecologically intact landscapes in the United States are centered on national parks or wilderness areas.

A number of campaigns are underway to create new National Park System units to protect significant forest lands. The most prominent of these park proposals are Blackwater Canyon National Park (West Virginia), Hells Canyon-Chief Joseph National Preserve (Idaho, Oregon and Washington), Maine Woods National Park and Preserve (Maine) and Mount Hood National Park (Oregon).

NATIONAL WILD AND SCENIC RIVERS SYSTEM

Background

The Wild and Scenic Rivers Act of 1968 establishes the Wild and Scenic Rivers System that includes "wild," "scenic" and "recreational" rivers. Wild rivers must be "essentially primitive and waters unpolluted." Scenic rivers are "largely primitive and shorelines largely undeveloped." Recreational rivers "are readily accessible by road or railroad" and "may have some development along their shorelines, and...may have undergone some impoundment or diversion in the past."

Wild and Scenic Rivers include a half-mile corridor on both sides of the river and prohibit the construction of new dams or other diversions. Wild and Scenic Rivers can be designated on federal, state, or private lands and provide for the acquisition of private lands within the river corridor.

There are currently 175 designated units of the National Wild and Scenic Rivers System encompassing 11,329 miles of river. They are managed primarily by various federal agencies, including the National Park Service, the Forest Service, the Bureau of Land Management and the U.S. Fish and Wildlife Service. Several rivers are managed by state agencies.

National Wild and Scenic River Protection Options

The Wild and Scenic Rivers Act designated 156 rivers for immediate inclusion in the National Wild and Scenic Rivers System. It also provided for the study of additional rivers for potential inclusion in the system, and included an initial list of 136 study rivers. After a study has been completed, rivers can be authorized for inclusion in the National Wild and Scenic Rivers System by an act of Congress or by individual state legislation submitted for the Interior secretary's approval.

In 1982, the National Park Service completed the extensive National Rivers Inventory (updated in 1993), that listed river segments that are free-

flowing and have one or more “outstandingly remarkable values.” Most of the rivers studied under the Wild and Scenic Rivers Act and the National Rivers Inventory have not yet been designated as Wild and Scenic Rivers.

Issues to Consider

The prohibition of new dams and water diversions alone makes it worth adding rivers to the Wild and Scenic Rivers System. Depending on the river classification and land management agency, designation under the Wild and Scenic Rivers Act can significantly strengthen river corridor protection. Although a Wild and Scenic River designation does not ensure the protection of private lands, it provides a mechanism for public acquisition, which can make future protection possible.

NATIONAL WILDLIFE REFUGE SYSTEM

Background

The U.S. Fish and Wildlife Service administers the 93 million-acre National Wildlife Refuge System (NWRS). The mission of the National Wildlife Refuge System is to “administer a national network of lands and water for the conservation, management and where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.” The NWRS includes 535 National Wildlife Refuges and other areas, totaling 91 million acres of land and water.

The 1997 National Wildlife Refuge System Improvement Act requires development of management plans for each refuge in the system, sets standards for refuge protection and establishes that the first purpose of refuge management is to protect biodiversity. In terms of on-the-ground management, many national wildlife refuges have fairly strong protection. They do not allow commercial logging, mining and most other industrial activities. They usually have minimal recreational

development and low public use. Many endangered wildlife species have recovered due, in large part, to national wildlife refuges. However, national wildlife refuges do not necessarily ensure the same level of protection as wilderness or National Park System units (see below).

National Wildlife Refuge Protection Options

Many national wildlife refuges continue to permit uses that are clearly damaging to native biodiversity. Some refuges face massive threats, such as the proposed drilling for oil and gas in the Arctic National Wildlife Refuge, and several already have active oil and gas wells. Intensive wildlife manipulation is often practiced and commercial livestock grazing is allowed in most of the western refuges. Sport hunting, which is allowed in more than half of the national wildlife refuges, is considered by many conservationists to be inconsistent with the purpose of the refuge system.

New national wildlife refuges can be created through specific legislation by the U.S. Congress to authorize the establishment of a refuge or an expansion. Moreover, there are a number of options for providing key national wildlife refuge lands with a higher level of protection. These options include the designation of qualified lands under the National Wilderness Preservation System, the transfer of certain areas to the National Park System or the designation of areas as additions to the National Wild and Scenic River System.

Issues to Consider

Few major new units have been added to the National Wildlife Refuge System in recent years. Meanwhile, conservationists have been so overwhelmed by the protection of national forests and Bureau of Land Management lands that they have paid relatively little attention to providing better protection for our existing national wildlife refuges. In fact, there is no active national wildlife refuge movement in

the United States today. This is an important and unfinished part of the American land conservation agenda.

NATIONAL FORESTS

Background

The National Forest System encompasses 191 million acres of national forests and national grasslands. These lands are managed for a wide range of “multiple uses,” including resource extraction (such as logging, livestock grazing, mining, and oil and gas drilling), recreation (such as hiking, camping, skiing, hunting, fishing, off-roading and snowmobiling), watershed protection and animal and plant habitat.

National Forest Protection Options

Citizen activists from around the country have been working to change the Forest Service mandate to focus on conservation rather than resource development and intensive recreation. This approach offers great promise, but it is a long-term effort. There are other options that may offer a better chance of providing permanent protection in the near-term. The section below ranks these options from the most protected to the least protected:

National Forest Wilderness

One option that offers permanent protection is to designate important national forest lands as wilderness. There are currently 406 national forest wilderness areas totaling almost 35 million acres. As with all wilderness designations, creating new national forest wilderness requires an act of Congress. Unfortunately, most national forest lands do not meet Wilderness Act criteria for designation. Moreover, national forest wilderness areas often permit commercial livestock grazing, a use that degrades wilderness values.

National Wild and Scenic Rivers

Designation under the Wild and Scenic Rivers Act offers another layer of protection for rivers in national forests. Wild rivers can preserve primitive river

corridors with little, if any, extraction and development. Unfortunately, the Forest Service often permits damaging activities, such as logging, livestock grazing and off-road vehicle use within the scenic and recreational river corridors. Still, Wild and Scenic Rivers prevent new dams and water diversions and offer the potential for better protection than conventional national forest lands.

National Scenic Areas

National scenic areas are not as protected as wilderness areas or National Park System units. However, they receive significantly stronger protection than standard national forest management. National scenic areas are designated through congressional legislation, which provides direction on the level of protection. Most national forest scenic areas allow some level of logging, livestock grazing and other industrial activities to continue.

National Monuments

There are only a handful of national monuments on national forest lands. They can be created under the Antiquities Act of 1906 or through congressional legislation. National forest monuments are not as well protected as those administered by the National Park Service. Most of them allow some level of logging, livestock grazing and other industrial activities to continue.

National Recreation Areas

National recreation areas (NRAs) are an improvement over general national forest management, but they are much less protected than National Park System NRAs. For example, most allow logging, livestock grazing, road-building and intensive motorized recreation. The creation of a national recreation area requires an act of Congress.

Issues to Consider

Special management areas such as Wild and Scenic Rivers, national scenic areas, national monuments and national recreation areas offer an increased level of protection from standard

national forest management. However, they still allow a number of damaging land uses. If the goal is preservation of lands free from resource extraction and intensive recreational uses, the best options are designation of wilderness areas or the transfer of key areas to the National Park System.

BUREAU OF LAND MANAGEMENT LANDS

Background

The Bureau of Land Management administers 267 million acres, including 55 million acres of forest land. This comprises approximately one-eighth of the United States' land base. The agency also administers 300 million additional acres of subsurface mineral resources.

Bureau of Land Management Protection Options

Conservationists have used a number of strategies to preserve key tracts of Bureau of Land Management land in recent years. The section below discusses these options, ranked from the most to the least protective:

Bureau of Land Management Wilderness

One option that offers permanent protection is to designate important BLM lands as wilderness. The BLM currently manages 161 wilderness areas encompassing 6.5 million acres. Unfortunately, most BLM lands do not meet Wilderness Act criteria for designation.

National Wild and Scenic Rivers

Designation under the Wild and Scenic Rivers Act offers another layer of protection for rivers on Bureau of Land Management lands. Thirty-eight rivers or river sections are currently managed by the BLM as part of the National Wild and Scenic Rivers System. The BLM often permits damaging activities, such as livestock grazing, within the scenic and recreational river "corridors" but this designation does prevent new dams and water diversions.

National Conservation Areas

The Bureau of Land Management administers 13 national conservation areas encompassing 14 million acres. National conservation areas are created through an act of Congress, but their actual level of protection depends in large part on the BLM management plan for each area and how well the agency implements the plan. Many national conservation areas continue to be threatened by road-building, oil and gas drilling, mining, intensive motorized recreation and off-road vehicle use.

National Monuments

There are 15 national monuments totaling 4.7 million acres administered by the Bureau of Land Management. Unfortunately, these monuments generally allow commercial resource extraction and other industrial uses. Unlike national monuments under National Park Service administration, BLM monuments do not have specific congressional legislation to direct their protection.

Issues to Consider

In 2000, the National Landscape Conservation System was created to help ensure protection of these BLM special management areas. To date, this vision has not been realized. The Bureau of Land Management remains as firmly committed to industrial development as the Forest Service. For the foreseeable future, the only BLM lands that can be considered fully protected are those designated under the Wilderness Act or transferred to the National Park System. However, the creation of new Wild and Scenic Rivers, national conservation areas and national monuments is still an important tool that provides stronger protection than standard BLM administration.