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RESEARCH MEMORANDUM

LEGALLY DESIGNATED WILDERNESS: **THE ESSENTIAL “HABITAT” FOR HUMAN-POWERED SNOW SPORTS ...AND WILDLIFE**

Doug Scott, Policy Director
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THE “BIG PICTURE”

In June 2000, the Associated Press reported on a computer mapping study finding that no spot in the United States outside of Alaska is farther than 20 miles from the nearest road.¹

The most remote spot was the Thorofare Ranger Station in the southeastern corner of Yellowstone National Park; the nearest road is 20 miles as the crow flies, 32 miles by trail. The second most remote place was in the Bob Marshall Wilderness in Montana, 18 miles from a road. A spot in the Frank Church-River of No Return Wilderness in Idaho was third ... a mere 16 miles from a road.

These findings—and the fact that the study was paid for by a sports utility vehicle manufacturer—set the twenty-first century context for those seeking quiet and pristine winter experiences. As human-powered snow sports mushroom in popularity, the environment they require dwindles. The *seven million miles of roads* in the United States have massively fragmented once-unbroken blocks of wildland.² Moreover, snowmobiles now invade far beyond the end of the road, carrying what Aldo Leopold called **the “manifestations of gasoline”** into the very heart of once-quiet solitudes.³

Bob Marshall lamented, “The life of one person after another has been **saturated by machinery**.”⁴ And that was *62 years ago*, not long after the dawn of the automotive era and the “Good Roads” movement!

Think of what has been lost: The primeval environment of solitude and winter quiet across literally tens of millions of acres of once-wild public lands. And the process continues, seeming inexorable.

¹ “Yellowstone Park ranger station most remote place in lower 48,” *The Billings Gazette*, June 29, 2000.

² On fragmentation of wildlands, see *America’s Wilderness Heritage in Crisis: Our Vanishing Wild Landscape*, Campaign for America’s Wilderness, September 2002, www.leaveitwild.org. For a map of the U.S. road system, see Ted Kerasote, Editor, *Return of the Wild: The Future of Our Natural Lands* (Washington, DC, Island Press, 2001), opposite page 11.

³ Aldo Leopold, “The Last Stand of the Wilderness,” *American Forests & Forest Life*, October 1925, page 601.

⁴ Bob Marshall, “The Universe of the Wilderness is Vanishing,” *Nature Magazine*, April 1937, page 238.

PROTECTING THE BEST ... *REALLY* PROTECTING THE BEST

It is no accident that there is a Wilderness Act and that today 662 wilderness areas embracing 106,230,000 acres are designated by this federal law ... with many more are being sought. The epochal 8-year campaign to enact the Wilderness Act came only after wildland enthusiasts learned, through painful experience, that no administrative designation, management plan, rule, or promise can be counted on to assure that special wild places will endure as such in the long run, *in perpetuity*.

The U.S. Forest Service began administratively designating wilderness areas in 1924, at the urging of Aldo Leopold. The program greatly increased in the 1930s, under the leadership of Bob Marshall. But after Marshall's death in 1939, it became evident that even the modest lands under this administrative designation (some 14,000,000 acres) were still up for grabs.⁵

Under the kind of insider pressures that development interests often pursue, boundaries were trimmed back again and again for new roads and logging. Whenever, as today, an unsympathetic administration was in office in Washington DC, the insidious nibbling away of boundaries and undermining of protective policies and plans only accelerated.⁶ As the head of the Izzak Walton League of America summarized the situation in 1939:

There is no assurance that any [wilderness areas], or all of them, might not be abolished as they were created—by administrative decree. They exist by sufferance and administrative policy—not by law.⁷

The campaign to obtain the Wilderness Act began in the mid-1950s. It was not an attack on the professionalism of Forest Service personnel. But then, as today, the political appointees atop the federal land management agencies had a very different political agenda and responded to an anti-wilderness set of constituencies.⁸

The point of the Wilderness Act was to remove the discretionary authority of the agencies or the White House to designate federal lands for wilderness protection and, most importantly, to alter the boundaries or protective policies for an area once it has been designated. This power was reserved solely in the Congress.

Thirty-eight years after the Act became law, it is clear that this was a far-sighted decision. *Today, wilderness areas are really protected, by the full power of federal law. No boundary or fundamental management policy can be changed except by enactment of another federal law.*

*The fundamental mandate of the Act is specific: These lands are to be managed so as to preserve their "wilderness character."*⁹

⁵ And, after 1939 relatively little additional land was given even this inherently impermanent protection by the Forest Service.

⁶ This history is summarized in *A Wilderness-Forever Future: A Short History of the National Wilderness Preservation System*, Campaign for America's Wilderness, June 2001, at <http://www.leaveitwild.org/reports/reports.html>

⁷ Kenneth A. Reid, "Let Them Alone!," *Outdoor America*, November 1939, page 6.

⁸ The inherent weakness of administrative vs. statutory protection is exemplified by the steady efforts of the Bush administration and its political constituents and allies to circumvent the Forest Service's Roadless Area Conservation Rule.

⁹ See Douglas W. Scott, "'Untrammelled,' 'Wilderness Character,' and the Challenge of Wilderness Management," *Wild Earth*, Fall-Winter 2001-2002.

WILDERNESS PROTECTION BY LAW: DIFFICULT TO GAIN, BUT WORTH THE EFFORT

On National Forests and lands administered by the Bureau of Land Management there remain many areas that could be designated wilderness by Congress. Coalitions of groups in every public land state are working to study these wildlands, to prioritize those most in need of statutory protection, and to fine-tune citizen proposals through intensive on-the-ground studies. Their goal: To see those priority areas designated as wilderness by act of Congress.

This is not an easy goal. The legislative process was sensibly designed to make new laws hard to pass. *But that very fact is the ultimate protection that the Wilderness Act offers to wildlands ... a protection stronger than any other!* Why? Because once wilderness areas are designated, then it is similarly very hard for opponents to change the boundaries or to weaken the well-established legal protections.

Passing legislation requires persistence. It requires broad-based coalitions rallying public support. It often requires a degree of compromise with others who have their own ambitions for the federal lands in question.¹⁰ We know the American people want more of their public lands protected more strongly for exactly the values of solitude and quiet which wilderness users seek, and to be havens for wildlife.¹¹ Elected officials know that, too. But it requires a sustained campaign to secure their support for reasonable wilderness designations developed by local citizen groups.

Seeking statutory protection for more wilderness is not a radical action, as snowmobile manufacturers and their Right Wing allies claim. There is a simple reason that groups financed by the snowmobile and off-road vehicle industry, such as the Blue Ribbon Coalition, ally themselves with timber, oil and gas, and mining lobbyists. They have a common goal: To block any—*any*—additional wilderness designations. Why? Because they, too, understand that this is the best, strongest means to protect—really protect—what Bob Marshall called “the environment of solitude.”

“BACKCOUNTRY:” NOT AS DEPENDABLE AS WILDERNESS

Every few years, some interests promote the idea of a new, parallel federal land designation, using the term “backcountry,” or “pioneer areas,” or some similar words.¹² Some are tempted to think that such a category would be easier to get applied to wildlands. But there are fundamental questions about is this concept:

- If “backcountry” is described as providing protections as *specific*, as *strong*, and as *little open to administrative alteration* as wilderness, why would the opposition of the Blue Ribbon Coalition, the snowmobile manufacturers and others be any less?

¹⁰ Compromise is a common feature of legislative decisions, but it is no less common in decisions made by agencies. The difference remains: Statutory law is more permanent than administrative decisions, which are always open to being changed “by the stroke of a pen.”

¹¹ The overwhelming public support for protecting more wilderness is detailed in “A Mandate to Protect America's Wilderness: A Comprehensive Review of Recent Public Opinion Research,” Campaign for America's Wilderness, January 2003, available at <http://www.leaveitwild.org/reports/>.

¹² The Forest Service pushed just such an alternative land designation in Congress in the early 1970s, for application to National Forests east of the Rockies. Wilderness advocates were inalterably opposed and Congress rejected the plan. See “*A Wilderness-Forever Future*” (for source, see note 6 above).

- On the other hand, if “backcountry” is an idea these special interests themselves promote, when we know their priority goal is motorized access, then why would human-powered snow sport enthusiasts find it acceptable?

THE LESSON OF “NO SPOT IS FARTHER THAN 20 MILES FROM A ROAD”

The process by which once-unbroken expanses of roadless federal lands have been fragmented and re-fragmented by roads continues. And it brings ready access for snowmobiles, dirt bikes and ATVs ever closer to the heart of still-roadless lands. The very existence of the Forest Service’s Roadless Area Conservation Rule is up in the air, even as its protections are undercut by decisions of Bush administration appointees, goaded by groups like the Blue Ribbon Coalition.

The three farthest-from-a-road spots in the Lower 48 identified in the June 2000 Associated Press report have one thing in common. All are within areas designated as wilderness by law (or, in the case of Yellowstone, protected as recommended wilderness pending congressional action on the long-standing National Park Service wilderness proposal and buffered by miles of statutory wilderness on contiguous National Forests).

Opportunities for solitude are among the most fragile characteristics of land. Fragile, too, is the soundscape in places where the lack of motor whine permits the quiet symphony of nature to sound its quietest notes. These very qualities are a prized part of why so many work so hard to see wilderness lands protected by the strongest, surest and most lasting means possible, the Wilderness Act.