

Steps to Rescue Orphaned Park Wilderness AN UNFINISHED AGENDA

The National Park Service (NPS) administers more wilderness than any other land-managing agency. The nearly 45 million acres of designated park wilderness comprise well over 50% of all the lands within the national park system and over 40% of all federal lands within the national wilderness preservation system.

Although the NPS is a wilderness-managing agency, it has ignored some fundamental wilderness responsibilities imposed both by law and policy. Contributing to these lapses is a variety of reasons, some historical and others organizational, including inertia, political opposition and lack of sufficient system-wide oversight.

This web-center eliminates at least one impediment – the lack of a comprehensive record. From that record, the steps ahead needed to reclaim the “orphaned” NPS wilderness legacy become apparent. These ten *Steps Ahead* are –

[Highlights should be links to corresponding text below]

STEP 1. Enact wilderness recommendations for 17 parks that have been submitted to Congress and on which Congress has not yet acted.

STEP 2. Finalize and submit eight longstanding wilderness recommendations that have yet to be submitted to Congress.

STEP 3. Finalize and submit recommended wilderness in Alaska park units.

STEP 4. Re-designate “potential wilderness” as full wilderness.

STEP 5. Evaluate parks created AFTER the Wilderness Act for wilderness eligibility and further study.

STEP 6. Assess significant additions made AFTER the Wilderness Act for wilderness eligibility and further study.

STEP 7. Review all parks in existence on September 3, 1964 with roadless areas for wilderness eligibility and make appropriate recommendation to Congress.

STEP 8. Finish Long Overdue Recommendations for Parks with Designated Wilderness.

STEP 9. Reexamine determinations of parks with “no suitable acres.”

STEP 10. Compose Legal Descriptions and Maps of Wilderness Boundaries and Revise the NPS Wilderness Acreage Summary to accurately acreage.

STEP 1: Enact wilderness recommendations for 17 parks that have been submitted to Congress and on which Congress has not yet acted.

There are 17 parks for which the Secretary or the President has submitted recommendations to Congress and on which Congress has not acted. The extant recommendations for the parks were transmitted to Congress between 1974 and 2002 and encompass over six million acres. The following list of the 17 parks shows the date of the latest and governing recommendation.

- Arches - Recommendation May 11, 1978. The NPS recommended over 8,000 acres of potential wilderness because they were State of Utah lands. Those lands are now Federal due to a land exchange of October 1, 1993. (P.L. 103-93, 107 Stat. 996). Boundary change in 1998.
- Assateague Island – Recommendation December 4, 1974.
- Big Bend – Recommendation May 11, 1978. Congress added over 100,000 acres to Big Bend in 1980 and 1987. These lands were not subject to the original wilderness study or the 1978 NPS recommendation to Congress. In a memo of September 14, 2002, the NPS determined that 62,700 acres of the North Rosillos Ranch Addition in two units (the 1987 addition) were suitable for wilderness. The NPS adopted the Final GMP with an Appendix E confirming the finding of wilderness eligibility in 2004.
- Bryce Canyon – Recommendation May 11, 1978.
- Canyonlands - Recommendation May 23, 1977. The NPS recommended over 18,000 acres as potential wilderness because they were State of Utah lands. Those lands are now Federal due to land exchange in August 1993. See note under Arches.
- Capitol Reef – Recommendation May 23, 1977. The NPS recommended over 4,000 acres as potential wilderness because they were State of Utah lands. See note under Arches.
- Cedar Breaks – Recommendation November 12, 1976.
- Colorado – Recommendation May 11, 1978.
- Crater Lake – Recommendation May 11, 1978. In 1980 Congress added nearly 23,000 acres to the park, most of which is roadless.
- Craters of the Moon – Recommended to Congress October 13, 1991 as the BLM Great Rift Wilderness; subsequently included in Craters of the Moon by Presidential Proclamation 7373, November 9, 2000, and then Craters of the Moon National Preserve by P.L. 107-213 on August 21, 2002.

- Cumberland Gap – Recommendation May 11, 1978. Lands recommended as potential wilderness due to nonfederal ownership are now Federal.
- Dinosaur – Recommended May 11, 1978. The NPS recommended over 5,000 acres as potential wilderness because they were State of Utah lands. See note under Arches.
- El Malpais - Recommendation when GMP of April 2002 sent to Congress.
- Glacier – Recommendation June 13, 1974.
- Grand Teton – Recommendation May 11, 1978.
- Great Smoky Mountains – Recommendation February 2, 1974.
- Yellowstone – Recommendation May 11, 1978.

In the interim decades since the President submitted these recommended designations to Congress, land status and other factors have changed for several parks that would alter the contours of the original recommendation. Former nonfederal lands are now Federal. Congress has expanded some park boundaries. Thus, the acreage numbers for several parks with recommended wilderness will require technical adjustment and reformulation.

STEP 2: Finalize and submit eight longstanding wilderness proposals that have yet to be recommended to Congress.

The NPS has prepared wilderness studies and proposals, and in most, if not all, cases conducted public hearings for eight other parks outside of Alaska that have never been submitted to either the Secretary, the President or transmitted to Congress. This class of parks encompasses approximately 2,450,000 acres of wilderness or potential wilderness.

The NPS needs to transmit these as proposals to the Secretary, and the Secretary recommend them to Congress. The eight parks and the acres proposed as wilderness in the latest NPS studies are:

- Bighorn Canyon (8,108 acres/December 1981);
- Cape Lookout (2,920 acres and 2 potential acres/August 1985);
- Glen Canyon (588,055 acres and 48,995 potential acres/August 1980);
- Grand Canyon (1,109,257 acres and 29,820 potential acres/August 1993);
- Lake Mead (418,655 acres and 262,125 potential acres/January 1978; Congress designated wilderness in the Nevada portion of the park in 2002, leaving approximately 495,000 acres from the 1978 proposal undesignated in the Arizona portion), and
- Voyageurs (127,436 acres and 2,442 potential acres/July 1992)

Before transmitting these proposals, the NPS needs to determine if they give adequate protection to roadless areas. Some of the proposals can be described as “minimalist” and leave out important roadless tracts. Among these, in particular, are Bighorn Canyon and Cape Lookout. The large area of potential wilderness in Glen Canyon is due to State of Utah lands in 1980; lands that are now Federal due a land exchange with Utah, authorized in 1993.

STEP 3: Recommend wilderness in Alaska.

In the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) Congress designated 32.9 million acres of wilderness in the national parks, preserves and monuments in Alaska. The act also required that the Secretary study an addition 21.8 million acres of park land for wilderness designation and make a recommendation to the President by December 1985 ((P.L. 96-487; 94 Stat. 2486).

In November 1988, the NPS prepared a final environmental impact statement on the studies for the 13 parks involved. The Draft EIS found nearly 16.9 million acres as qualified for wilderness.

In the waning weeks of the Reagan administration, William Horn, Assistant Secretary for Fish and Wildlife and Parks directed that the preferred alternative in the DEIS show 7 million acres. In December 1988, acting Assistant Secretary Susan Reece reduced the preferred alternative acres to 4.6 million. That final EIS is now outdated and of limited value or relevance.

The failure to act on the remaining wilderness qualified lands in Alaska parks is a deficiency of long-standing. Because of it, parks like Aniakchak, Bering Land Bridge, Cape Krusenstern, Kenai Fjords and Yukon-Charley have no wilderness at all.

The NPS has never held public hearings on the wilderness recommendations for Alaska. The NPS needs to do so and then formulate a recommendation to submit to the Secretary and the Congress.

The 13 parks involved in Alaska are:

- Aniakchak
- Bering Land Bridge
- Cape Krusenstern
- Denali
- Gates of the Arctic
- Glacier Bay
- Katmai
- Kenai Fjords
- Kobuk Valley
- Lake Clark
- Noatak
- Wrangell-St. Elias

- Yukon-Charley

STEP 4: Redesignate “potential wilderness” as full wilderness.

Congress has designated over 240,000 acres of lands in 22 parks as “potential wilderness.” Ten of the 22 parks have acted over the last thirty years to redesignate 41,902 acres of potential wilderness as wilderness. Nearly 200,000 acres of potential wilderness remain in 20 parks.

NPS Director’s Order No. 41 requires that every park with potential wilderness must inventory such lands within two years (i.e. by August 2, 2001) and publish re-designation notices where appropriate.

Potential wilderness is not to be confused with recommended or “possible” wilderness. Rather, potential wilderness is land Congress has specifically designated as qualifying for wilderness as soon as certain uses prohibited by the Wilderness Act have ceased. Upon such cessation, Congress authorizes the Secretary of the Interior to re-designate such lands as full wilderness by publication of a notice in the *Federal Register*.

Until recently, the NPS was unique among wilderness-managing agencies in possessing designated “potential wilderness.” The Wilderness Act of 1964 never uses the term. The origins of “potential wilderness” lie in early NPS efforts to craft wilderness recommendations for Congress. NPS wilderness proposals grappled with issues of non-Federal lands, or Federal lands with grazing and similar uses, within the boundaries of the agency’s wilderness proposal.

At first, the NPS applied the term “wilderness reserve” to such lands, presuming that Congress could place the lands in a half-way-house on the way to wilderness. Finally, the NPS settled on the term “potential wilderness.” The term began to appear in NPS wilderness recommendations to Congress with Colorado National Monument in early 1972. Congress accepted the term and adopted it for the first time when enacting wilderness laws for several parks on October 20, 1976.

Potential wilderness is an unnecessary designation. In national forests, Bureau of Land Management public lands and in some parks (such as Mojave National Preserve and Joshua Tree additions of 1994) Congress designated areas as wilderness even though they contained non-federal lands. The nonfederal lands within a wilderness boundary are not wilderness by definition of the Wilderness Act. When such lands become Federal the lands immediately become wilderness without any further action.

Note that Congress has also designated a very few “potential” wilderness areas on national forest and public (i.e. BLM) lands beginning with 50 acres at Chumash in 1992, Elkhorn Ridge (2006), Kimberling Creek, Oregon Badlands and Roaring River (2009). Thus, “potential wilderness” remains nearly exclusively a national park system feature.

Parks that have published *Federal Register* notices to re-designate “potential wilderness” as wilderness (acres shown in parentheses):

- Buffalo River (24,464 acres)
- Congaree (6,690 acres)
- Fire Island (two separate notices, 17 acres and 1 acre)
- Great Sand Dunes (2,505 - all)
- Gulf Islands (two separate notices – 1403 and 877 acres = 2,280)
- Haleakala (5,449 acres)
- Isle Royale (138 acres)
- Joshua Tree (3,502 acres)
- Point Reyes (two separate notices - 1,752 and 1,363 acres = 3,115)
- Shenandoah (560 acres - all)

Note on Death Valley - In 2010, the NPS re-designated over 6,700 acres of the 6,840 acres of potential wilderness, designated by Congress in 1994, by means of the written legal description process. This method of re-designation was procedurally flawed and violated the re-designation process prescribed in the California Desert Protection Act of 1994 (section 601(b)). The following chart, however, shows the NPS determination of 2010 that only 118 acres of potential wilderness exist in Death Valley.

The 19 parks with remaining designated potential wilderness are:

- Buffalo River (1,007 acres)
- Carlsbad Caverns (320 acres)
- Chiricahua (2 acres)
- Congaree (150 acres)
- Cumberland Island (10,500 acres)
- Death Valley (118 acres)
- Everglades (81,900)
- Haleakala (51 acres)
- Hawaii Volcanoes (7,850 acres)
- Isle Royale (93 acres)
- Joshua Tree (70,538 acres - 27,238 acres remain from 1976, and 43,300 from 2009)
- North Cascades (5,226 acres)
- Olympic (378 acres)
- Organ Pipe Cactus (1,240 acres)
- Pinnacles (1,005 acres)
- Point Reyes (5,415 acres)
- Sequoia-Kings Canyon (230 acres - 100 acres from 1984 and 130 acres in John Krebs Wilderness in 2009) – counted as two parks
- Yosemite (3,550 acres)

In many of the above parks the potential wilderness has become Federal lands and/or all prohibited uses have ceased. These lands need to be re-designated as wilderness.

STEP 5: Evaluate parks created AFTER the Wilderness Act for wilderness eligibility and further study.

Congress created many parks after the Wilderness Act in 1964. Some but not all of the laws creating the parks required the Secretary to review the lands for wilderness. Reference Manual 41 (page 11) and Director's Order No. 41 require that the NPS conduct suitability studies of roadless areas within all parks, not just those in existence on September 3, 1964. NPS Management Policies 2006 also require such a review:

“[A]ll lands administered by the National Park Service, including new units...since 1964, will be evaluated for their eligibility for inclusion in the national wilderness preservation system.” Management Policies 2006, 6.2.1., p. 120.

The NPS has not evaluated the eligibility for at least the following 12 parks created after 1964 that contain significant roadless areas. Other parks, not listed, may be too small for any viable wilderness. Date of establishment in parentheses.

- Amistad (1990)
- Big South Fork (1990)
- Delaware Water Gap (1965)
- Dry Tortugas (1992)
- Golden Gate (1972)
- Great Basin (1986)
- John D. Rockefeller (1972)
- Little River Canyon (1992)
- Santa Monica Mountains (1978)
- St. Croix Riverway (1968)
- Timucuan (1988)
- Whiskeytown (1972)

Channel Islands was once among these park areas. However, in April 2009, the NPS initiated a full wilderness study for Channel Islands National Park. In 1980 Congress mandated that the Secretary review and report to the President a wilderness recommendation for Channel Islands (16 U.S.C. 410ff-5). The recommendation was due by October 1, 1983. The NPS never conducted the study and never developed a proposal or recommendation. However, on April 24, 2002, NPS Regional Director John Reynolds sent a wilderness suitability assessment memo to the NPS Director. On April 8, 2009, the NPS announced the expansion of the scope of the General Management Plan and Environmental Impact Statement for Channel Islands to include a full study of wilderness. Draft GMP/EIS not yet been made Final. *This is the longest example of a failure to conduct a statutorily required wilderness review in the entire national park system. It is now approaching 40 years overdue.*

STEP 6: Assess significant additions made AFTER the Wilderness Act for wilderness eligibility and further study.

By the same token, several parks grew through significant additions after the 1964 enactment of the Wilderness Act. NPS Management Policies 2006 also require that:

“[A]ll lands administered by the National Park Service, including...additions to existing units since 1964, will be evaluated for their eligibility for inclusion in the national wilderness preservation system.” Management Policies 2006, 6.2.1., p. 120.

Through the planning process, primarily development of park General Management Plans, the NPS has or may be undertaking a further review of wilderness in a number of parks that contain significant additions. While some planning documents have studied significant additions to existing parks with wilderness, the NPS needs to complete the evaluations, studies and public hearings preparatory to development of a wilderness proposal to the Secretary of the Interior.

Reviews involving nearly 400,000 acres of additions that should be undertaken or concluded are:

- Big Cypress Addition - Congress added 146,000 acres to Big Cypress National Preserve in 1988 with a mandated wilderness review of the Addition due by 1993. The NPS did not conduct the review. On January 17, 2006, the Court of Appeals for the District of Columbia ruled that the 1988 statutory requirement for a wilderness study remains a binding legal obligation upon the NPS (though one not enforceable by the plaintiff in that case - The Wilderness Society). In June 2006 the NPS agreed to study the Big Cypress Addition for wilderness as part of the general management planning process for that area. In 2001, the NPS concluded that 128,000 acres of the Addition were eligible for wilderness. In 2007, the NPS then concluded that only 109,000 of the Addition were eligible for wilderness. In 2009, the Draft General Management Plan adopted an alternative that would propose only 85,862 of the 109,000 eligible acres as wilderness.

At the end of 2010, NPS managers conducted another assessment that effectively eliminated 40,000 acres from the eligible category to better support ORV use. NPS Deputy Director Wenk signed the revised assessment in May 2011. Of the now-79,000 eligible acres, the Final GMP of December 2011 proposed that only 46,000 acres be made wilderness. PEER challenged this reduction, but the revised determination was upheld by the Eleventh Circuit Court of Appeals on August 31, 2016.

- Black Canyon of the Gunnison Additions - In 1999 Congress expanded the unit, renamed Black Canyon a national park and designated 4,419 acres more wilderness. The NPS completed a legal wilderness boundary map dated January 1977. The map is numbered #144-20,017. The NPS also prepared a legal description of the wilderness that is undated. The NPS filed the map and description with Congress on February 14, 1978. The map and legal description are on file in the Washington Office. Maps and legal descriptions for the

wilderness, as revised in 1999, have not yet been prepared. Congress added 2,530 acres to the park in 2003. In 2011, the NPS produced a Backcountry Management/Wilderness Stewardship Plan. In it, Appendix A found that 8,447 acres of additional lands in the park were eligible for wilderness. The FONSI for the EA on the Plan has been in the Intermountain Regional Office for nine years and Regional Director(s) have yet to sign it.

- Everglades Addition - Congress added 108,000 acres in 1989 (the “East Everglades Addition”). On August 7, 2006, the NPS announced that a general management plan revision will analyze wilderness suitability of the East Everglades Addition. The Draft GMP of February 2013 determined that NPS preferred alternative was 80,100 acres of wilderness and 9,900 acres of potential wilderness.
- Great Sand Dunes National Park and Preserve Additions – On November 22, 2000, Congress added over 69,000 acres (42,000 acres of Forest Service, a small amount of Bureau of Land Management lands and nonfederal lands) to a renamed Great Sand Dunes National Park and Preserve. As part of the General Management Plan, adopted in April 2007, the NPS conducted a formal wilderness study of the lands added to the Park and Preserve in 2000, other than the lands that were already part of the Sangre de Cristo Wilderness. The NPS held formal public hearings, in conformity with the Wilderness Act review process. The NPS study proposed that 53,013 acres be recommended as wilderness (4,556 acres of wilderness and 48,457 acres of potential wilderness due to nonfederal lands or interests in lands).
- Guadalupe Mountains Addition – Congress added over 10,000 acres on the west boundary of the park in 1988. Appendix D of the Final GMP of 2013 found 35,484 acres (in six units) of the addition and the original park eligible for wilderness.
- Petrified Forest Addition - In 2004 Congress added significant new lands to Petrified Forest National Park of 125,000 acres. Most of the lands were State or other nonfederally-owned lands. In 2010, the GMP Amendment recognized a future need for a wilderness study when more lands (other than 12%) are in Federal ownership. Not yet begun.
- Saguaro Additions - In 1991 Congress added 3,540 acres of the Rincon Valley to the south side of the Rincon Mountain Unit (east of Tucson, Arizona). The NPS reviewed these and other lands for wilderness suitability in 2006. The GMP of 2008 certified 4,716 acres as wilderness eligible.

STEP 7: Review all parks in existence on September 3, 1964 with roadless areas for wilderness eligibility and make appropriate recommendation to Congress.

Section 3(c) of the Wilderness Act (16 U.S.C. 1132(c)) required the Secretary of the Interior to study all roadless areas in the national park system on the date the Wilderness Act became law on September 3, 1964 for wilderness suitability.

The NPS has yet to conduct full studies for at least three parks in existence on September 3, 1964:

- Acadia – no eligibility evaluation, no study, no recommendation;
- Cape Cod – yes for eligibility evaluation but no for full study or recommendation,
- Wind Cave – no recommendation.

At *Cape Cod National Seashore*, the process has begun. On January 10, 2005, U.S. District Court for District of Columbia ordered the NPS to prepare a wilderness suitability assessment for Cape Cod. The NPS prepared a suitability assessment for Cape Cod on January 6, 2006. The assessment found that the areas zoned as “Natural” in the parks current General Management Plan were suitable for further study. In a letter of December 8, 2005 to the NPS Director, the Regional Director committed to study these areas for a wilderness recommendation. The study has not yet begun.

At the time that Congress passed the Wilderness Act, *Wind Cave* was a small national park of 28,000 acres. There is no record that the NPS ever conducted a formal study of the park, or that the Secretary ever transmitted to Congress a recommendation that none of the park was suitable as wilderness. In the 1994 General Management Plan for Wind Cave, the NPS states that none of the lands of the park are suitable. The 1994 GMP states that because of “public and administrative roads that intersect the park, there were no contiguous sections that met all of the criteria for wilderness designation.” In 2005, Congress added 5,675 acres to the park. The NPS has yet to revisit the issue to determine if the addition alters its 1994 conclusion.

Ozark National Scenic Riverways was removed from the above list in previous reports because the NPS conducted a wilderness study in July 2012 as part of a Draft GMP.)

For all parks discussed above, the Wilderness Act requires that the NPS must ultimately make a recommendation to Congress, even if the recommendation is that no acres are suitable for wilderness.

One bright spot is *Fort Pulaski National Monument*, created in 1924. The NPS never studied this park under the 1964 Wilderness Act directive. But in 2013 the NPS adopted a Final GMP and wilderness assessment for Fort Pulaski. The Record of Decision was signed on September 30, 2013. That assessment determined that 4,500 acres, consisting of undeveloped salt marsh, were eligible as wilderness.

STEP 8: Finish Long Overdue Recommendations for Parks with Designated Wilderness.

Wilderness recommendations for more than 25 parks have been developed but languish in an NPS Regional Office, NPS Headquarters, or the Office of the Secretary. Many of

these parks have been described above but two other wilderness recommendations still stuck in this bureaucratic limbo are:

- Lassen Volcanic - In 2002, the NPS adopted a new general management plan for the park, calling for expansion of the existing park wilderness by 25,000 acres. Subsequent park documents from January 2005 provided a more limited number of acres as 13,151. The NPS has not conducted a formal public hearing under the Wilderness Act, nor developed a subsequent wilderness proposal to the Secretary of the Interior.
- Mesa Verde – Congress designated approximately 8,100 acres as wilderness in 1976. However, the Senate Report for the act (S.R. No. 94-1357 of September 29, 1976) states “The Committee adopted the acreage figure recommended by the National Park Service, although it recognizes that substantial additional acreage within the park qualifies as wilderness. The Committee expects that at some future time the National Park Service will make further recommendations for wilderness designation.” The House Report (H.R. 94-1417 of August 13, 1976) expressed similar expectations. The NPS never prepared further recommendations.

STEP 9: Reexamine determinations of parks with “no suitable acres.”

There are nine parks where the NPS determined that zero acres were suitable for wilderness. The NPS needs to review the suitability conclusions in the following parks (except for New River Gorge) where the initial determinations were based on incorrect standards, or where the disqualifying factor(s) has changed:

- Big Thicket - NPS 1980 wilderness study concluded zero suitable acres but described a “wilderness objective area” of 60,000 acres. The NPS never transmitted its recommendation to Congress. Congress added 11,000 acres in 1992.
- Biscayne - NPS wilderness study of July 1983 found zero acres suitable as wilderness. Reasons given were the impacts of external activities including the Turkey Point Power Plant, overhead jets based at Homestead Air Force Base and oceangoing vessels. However, there are several undeveloped islands in the park that are roadless. The determination was never submitted to Congress.
- Canaveral - NPS wilderness study of September 1981 found zero suitable acres. The determination was never submitted to Congress.
- Chaco Culture - The first NPS wilderness recommendation to Congress (March 1968) that found zero suitable acres was at Chaco. However, in 1980 Congress added significant new roadless lands to that park. On September 26, 2000, the NPS gained title to over 1700 acres of State of New Mexico lands, thus removing another possible obstacle to wilderness consideration. In 2004, the park superintendent sent a wilderness suitability assessment for Chaco to the Regional Office. The assessment

found 19,800 acres as suitable for designation as wilderness. The Regional Office did not forward the assessment to the Washington Office.

- Mammoth Cave - NPS wilderness study found zero suitable acres although the park contains 39,000 acres of roadless lands in four units. The study cited the remains of past human occupancy from the 1930's, as the reason. The Secretary of the Interior committed to the President to restudy Mammoth Cave and "report back to the Congress at a later date." (letter of August 23, 1974). The President made a similar commitment to Congress in a message dated December 4, 1974. No restudy was ever conducted.
- New River Gorge - In 2009, the NPS conducted a wilderness eligibility assessment (May 27, 2009) and concluded that there were three areas for possible consideration (Glade Creek, Dowdy Creek and Backus Mountain – totaling over 11,000 acres) but that none of the land were eligible because of scars from past coal mining, haul roads, etc.
- Padre Island - NPS wilderness study concluded zero acres suitable for wilderness in the 130,000-acre seashore. The President transmitted the zero-acre recommendation to Congress in September 1972. The basis for non-suitability was the presence of subsurface non-federally owned oil and gas rights.
- White Sands – In 1972, the NPS recommended zero suitable acres in a 143,000-acre park because of missile overflights and possible falling debris from the adjacent White Sands Missile Range. At least 130,000 acres of this park are "roadless." The Director pledged at the time to conduct a restudy of the area; a study that has never been done.

This reexamination could add at least another 400,000 acres to the NPS wilderness inventory.

STEP 10: Compose Legal Descriptions and Maps of Wilderness Boundaries and Revise the NPS Wilderness Acreage Summary to accurately reflect acreage.

Nearly every statute designating wilderness in an area of the national park system requires that the NPS prepare a written legal description of the wilderness boundary accompanied by an official map. Some parks have not yet met this legal requirement. Director's Order No. 41 of August 2, 1999 directed that all parks with wilderness meet this goal within 18 months, i.e. by February 2, 2001.

The following parks have prepared neither a legal description nor an official map of their wilderness boundaries:

[Note: The date in parentheses is the date wilderness was designated.]

- Hawaii Volcanoes National Park (1978)
- Organ Pipe Cactus National Monument (1978)

Documents have been composed but are in Intermountain Regional Office for four years, awaiting transmittal to WASO and Congress.

- Lake Mead National Recreation Area (2002)
- Pinnacles National Park (2002 additions)

Documents for Pinnacles National Park (2002 additions) are undergoing final review but await transmittal to Region, WASO and Congress.

The following parks lack either the legal description, or the map:

- Congaree Swamp National Monument (1988)
- Haleakala National Park (1976)
- Lassen Volcanic National Park (1972)
- Mount Rainier National Park (1988)
- North Cascades National Park (1988)
- Shenandoah National Park (1976)
- Zion National Park (2009)

Congress designated wilderness in the following parks so recently that the preparation of legal documents may not yet be complete:

- Joshua Tree National Park (2009)
- Sequoia-Kings Canyon National Parks (2009)
Needed both for Sequoia-Kings Canyon Addition and the John Krebs Wilderness
- Sleeping Bear Dunes (2104)
- Pictured Rocks National Lakeshore (2009)

Two parks with designated wilderness should rewrite their current legal descriptions and redraw the maps of their designated wilderness. The parks are Craters of the Moon and Petrified Forest:

- Craters of the Moon - On October 23, 1970 Congress designated wilderness in the national monument. Congress cited map #131-91,000 of March 1970 when creating the Craters of the Moon wilderness. That NPS map, like all early NPS proposals, created an administrative management exclusion zone between the park boundary and the wilderness boundary. Although the NPS abandoned boundary exclusion zones in 1973, the Craters of the Moon wilderness was enacted before that change. In Craters of the Moon, where the borders of the park and the wilderness were parallel, the buffer zone was 5 chains in some places and 13 chains in others (i.e. 330' or 858'). The NPS filed the above-cited map and a December 1970 legal description with Congress. Once filed, that legal description has the force of law. Only one other NPS wilderness (Petrified Forest) has this characteristic. In hearings on May 5, 1972, Assistant Secretary

of the Interior Nathaniel Reed committed to Senator Frank Church of Idaho to re-describe the wilderness boundaries to eliminate the management buffer zone. Forty-three years later, the NPS has yet to do so.

- Petrified Forest - On October 23, 1970, Congress designated wilderness in the park, creating some of the first NPS wilderness along with Craters of the Moon. Congress enacted the NPS' recommendation for Petrified Forest as depicted on NPS map #NP-PF-3320-C, dated November 1967. (The statute designating wilderness describes the map as #NP-PF-3320-O; the use of the letter "O" appears to be a typographical error). That NPS proposal, like all early NPS proposals, created an administrative management exclusion zone between the park boundary and the wilderness boundary. The NPS abandoned this approach in 1973. In Petrified Forest, where the borders of the park and the wilderness were parallel, the zone was 1/8th of a mile wide (660 feet or ten chains). The NPS referenced map #NP-PF3320-O as the legal wilderness boundary map. The NPS prepared a legal description dated December 1970 that describes such a boundary. The date that the NPS filed the map and description with Congress is undetermined. Once filed, that legal description has the force of law. Only one other NPS wilderness (Craters of the Moon) has this characteristic. In hearings on May 5, 1972, Assistant Secretary of the Interior Nathaniel Reed committed to re-describe the wilderness boundaries to eliminate the management buffer zone. The NPS has yet to do so.

Similarly, the NPS should revise its Wilderness Acreage Summary to accurately reflect the number of acres of wilderness. The following categories should be updated for accuracy:

Category 1 – Parks with Designated Wilderness (53)

- a. designated wilderness
- b. designated potential wilderness (20 of the above parks)

Category 2 - Parks with recommended Wilderness (17)

- a. recommended wilderness
- b. recommended potential wilderness

Category 3 - Parks with Proposed Wilderness (6)

- a. proposed wilderness
- b. proposed potential wilderness

Category 4 – Alaska Parks with Proposed Wilderness (13)

- a. proposed wilderness
- b. proposed potential wilderness

###