National Wilderness Steering Committee

NATIONAL WILDERNESS STEERING COMMITTEE
Reference Manual # 41 Guidelines
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Issue: Embracing the Distinction between Wilderness and Backcountry in the National Park System

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Introduction

The purpose of this guidance paper is to compare distinctions in law and policy that guide similar actions on lands protected as wilderness and those generically protected as backcountry within the National Park System.

The NPS share of the federal responsibility for preserving wilderness lands in America is substantial. Today almost 44 million acres of congressionally-designated wilderness in 46 separate units comprises nearly 53% of the total NPS managed acreage (Henry and Ulvi 2003). The National Park System sustains many of the nation's largest and most ecologically intact wilderness areas.

There is also a substantial backlog of NPS land previously inventoried and found eligible for potential inclusion in the National Wilderness Preservation System. Since 1974 several Presidents have transmitted recommendations to Congress asking for wilderness designation for 5.7 million acres in 19 park areas. The NPS has also conducted studies in another 26 park units identifying 19.3 million acres (12 units totaling 18.2 acres are in Alaska) for eventual proposals as wilderness. 2.5 million acres in 7 park areas have been forwarded to the Secretary for suitability review and eventual recommendation to the President (NPS Annual Wilderness Report 2002-2003). Few of these recommendations and proposals have been acted upon although legislation creating additional new NPS wilderness areas has been enacted over the same period.

All told, nearly 86% of all NPS backcountry acreage is, by current policy, to be managed so that wilderness character and values are not diminished or impaired. By this measure, the NPS has a preeminent wilderness preservation responsibility in its large, undeveloped park areas.

The term backcountry is a generic descriptor for areas of a park unit outside of highly developed front-country zones. Nearly all wilderness-eligible lands are within undeveloped backcountry

areas in existing parks. It is often true that many of those undesignated backcountry areas, even today, are wild and highly natural in the minds of visitors and managers alike. However, unless such areas have been identified and evaluated in a formal wilderness review process that confirms the presence of sustainable wilderness values, the supplemental legal mandate to preserve wilderness character does not apply. Section 4(c) of the Wilderness Act pointedly prohibits certain uses and significantly constrains many administrative activities that would otherwise be considered entirely appropriate for the federal public domain, including park backcountry areas.

Both the NPS Organic Act and the subsequent Wilderness Act use some of the same words and phrases to describe Congressional intent to preserve resources unimpaired while providing for the enjoyment of people. However, the key conceptual yardstick, the gold standard of both acts, "unimpaired ", was much more narrowly defined in the Wilderness Act, which tied the concept directly to wilderness conditions (Sellars 1997:194).

Many unit managers continue to interpret the Wilderness Act as just one of many types of uses under the NPS mission and do not afford it any particular priority in carrying out the broad mandates of the Organic Act (Jarvis 1994; Sellars 2000). Some confusion may be the understandable result of a recreation-centric agency culture. However, a reading of the 1964 Act section 4(3)(b) should remind us that recreation, except where specifically provided for in subsequent legislation, is but one of several co-equal public purposes. Further, each of those public purposes must be administered with preservation of wilderness character as the overarching goal.

Additional confusion may stem from a misunderstanding of the intent of Congress in the Wilderness Act. Congress set forth a number of significant compromise provisions in the Wilderness Act that applied only to the Forest Service and the Bureau of Land Management units. Keenly aware of the necessity of these provisions for multiple-use agencies and with the NPS in mind, Congress stated that "nothing in this Act shall modify the statutory authority under which units of the national park system are created". They went on to say that the designation of Wilderness areas "shall in no manner lower the standards evolved for the use and preservation of such park, monument, or other unit of the national park system in accordance with the Act of August 25, 1916 [the Organic Act], the statutory authority under which the area was created, or any other Act of Congress which might pertain to or affect such area…" (Wilderness Act, section 4(a) (3)). In a 1967 opinion the Departmental Solicitor wrote that "…it is obvious that Congress could only have intended by the Wilderness Act that wilderness designation of National Park System lands should, if anything, result in a higher, rather than a lower, standard of unimpaired preservation" (Buono 1994).

Wilderness areas within the National Park System are to be managed at the highest possible standard afforded by U.S. land conservation laws, for they have the protection of *both* the Organic Act and the Wilderness Act. Park managers must recognize that in managing wilderness they may be meeting the intent of the Organic Act while failing to meet the intent of the Wilderness Act (Jarvis, 1994)

The Wilderness Act also eloquently described the desired future condition of wilderness as an interagency system and provided an unparalleled degree of protection for wilderness values by limiting agency discretion in selecting management options that their respective agency organic

acts had not. The Wilderness Act was created in large measure to purposely constrain NPS tendencies to see providing more visitor services as the first answer to use issues. While there may be legitimate differences of opinion as to whether a particular use, facility, regulation or site treatment is necessary to meet the minimum requirements for wilderness administration, there should be no question that these decisions must be analyzed and framed differently than similar decisions for backcountry given the language and intent of the law.

Despite the significant accomplishments of the NPS Wilderness Program in recent years and growing interagency collaboration many informed observers feel that "subtle opposition continues, particularly in the form of personal beliefs that wilderness is not unique, that wilderness management does not require special skills, and that it can be a collateral duty" (Cole 2003:26) and that the program "remains erratic, poorly defined and vaguely implemented in most parks within the system" (Sellars, 2000:4).

The reluctance of agency personnel to acknowledge and address the full spectrum of responsibilities promised in wilderness stewardship seems to be rooted in an attitude that long-standing agency practices in managing backcountry, and the 1964 Wilderness Act purposes, are indistinct. As will be shown there are significant differences. Moreover, these many distinctions, however subtle, are profound when considered in the context of the rapidly shrinking extent of wild places in America.

Comparison and Analysis

The following matrix contrasts key provisions in law and policy that guide similar actions in wilderness and backcountry within the National Park System. These distinctions clearly require that wilderness character be a supplemental and overarching purpose to be considered when addressing issues in wilderness. The wilderness column includes all lands designated, potential, proposed and recommended as wilderness areas as defined in NPS wilderness policies.

MGT. ISSUES	*BACKCOUNTRY*	*WILDERNESS*
Legal Definition	Not necessarily a specific management zone, "backcountry" most often refers to a general condition of land that may occur anywhere within a park (Section 8.2.2.4, NPS 2001). Facilities and road access are limited and dispersed recreational opportunities in a natural setting are reached primarily by a network of trails. The broad preservation and use mandates of the Organic Act allows the NPS significant discretion in finding a suitable balance point between use and preservation.	Wilderness is "An area of undeveloped federal land retaining its primeval character and influence, without permanent improvements or habitation, and which 1) generally appears to have been affected primarily by the forces of nature, with man's imprint substantially unnoticeable; 2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; 3) has at least 5,000 acres of land or is of sufficient size to make practicable its preservation; and 4) may also contain ecological, geological, or other features of

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		scientific, educational, scenic or historical value" (WA, section 2(c)). The intent of Congress was to make wilderness character a primary value and purposely limit agency discretion in finding compatibility with secondary public purposes and other park values (WA, section 4 (b)).
Designation	Backcountry is not designated per se, but rather is an informal reference that has been in use to describe the undeveloped areas of a park. In some parks backcountry may be zoned in a management plan based upon specific criteria and these criteria can differ markedly from zone to zone and park to park. The term is often used to describe what is not a development zone or "front country" for planning purposes. Backcountry might contain a whole spectrum of uses and development zones.	Wilderness can only be designated (or de-authorized) by Congress through specific legislation. Congress sometimes creates "potential" wilderness which may become designated wilderness upon removal of non-conforming use. Recommended and proposed wilderness are areas studied and proposed to Congress.
Non-Impairment and Non-degradation	The impairment that is prohibited by the Organic Act and the General Authorities Act is an impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values. Such impairment would then potentially effect the human use and enjoyment of those resources or values. Although some backcountry areas may exhibit a remarkably high level of wild character, there is no statutory mandate to maintain it that way unimpaired into the future. Backcountry acreage that has been	Wilderness character is an additional purpose and value to remain unimpaired for designated wilderness in parks. (Sections 1.4.4 and 1.4.6, NPS 2001). Unless specifically provided for, "each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and so shall administer the area for such other purposes for which it may have been established as also to preserve its wilderness character"(Wilderness Act, section 4(b)). Wilderness values are an additional impact topic in NEPA

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	inventoried and found eligible for formal study is to be managed for non-degradation of wilderness values until a study can be completed. Acreage studied and forming a proposal or reaching the status of proposed, recommended or designated is to be managed to preserve its wilderness character.	and non-impairment documentation. In the NPS management of natural resources the principle of non-degradation will apply to wilderness management and each wilderness area's condition will be assessed against its own unimpaired standard. Management intervention should only be undertaken to the extent necessary to correct past mistakes, the impacts of human use, and the influences originating outside of the wilderness boundaries (Section 6.3.7, NPS 2001).
Natural Resources	The National Park Service is to manage "natural resources" (natural resources, processes, systems and values) in a "natural condition" which means "…the condition of resources that would occur in the absence of human dominance over the landscape" (NPS Mgt. Policies, Chapter 4). This standard generally applies to all NPS lands, regardless of specific designation, unless Congress specifically authorizes otherwise. The Organic Act speaks to human uses and enjoyment that are compatible with conservation of natural conditions. Clarifying court decisions since emphasize conservation as the primary purpose of the Organic Act (Redwoods Expansion Act, 1978). However, backcountry management goals can be viewed as primarily "anthropocentric" in that we actively manage that which we believe we can control or steer seeking an optimum	Designated wilderness lands must also attain a higher standard as "…an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation…". The Wilderness Act is decidedly more "biocentric" in context, defining wilderness to be a place set aside "… in contrast with those areas where man and his own works dominate the landscape…recognized as an area where the earth and its community of life are untrammeled by man…."(Section 2(C)). The concept of "wildness" emphasizes self-organization of natural systems on "self-willed" lands and implies

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	balance of conservation and use in a park-like natural setting.	significant restraint in respect for "wildness" when considering modifying actions.
Cultural Resources	Cultural resources are diverse and where they occur in backcountry areas are inventoried, researched, monitored and managed according to the pertinent laws and policies governing cultural resources.	Cultural resources are diverse and where they have been included within wilderness they will be inventoried, researched, monitored and managed according to the pertinent laws and policies governing cultural resources. In addition, the methods by which the actions are undertaken will be evaluated and modified as necessary to ensure the preservation of wilderness character and values (Section 6.3.8, NPS 2001)
Visitor Carrying Capacity	Establishing visitor carrying capacity is a fundamental NPS management responsibility required by law for all park lands (Redwoods Expansion Act, 1978). Visitor carrying capacity for general park use (i.e. NPS front country and backcountry areas) is the type and level of visitor use that can be accommodated while sustaining the optimum resource and visitor experience conditions in the park (Section 8.2.1, NPS 2001). Carrying capacity is established using management areas and prescriptions to achieve optimum conditions for each unique area. Opportunity classes describe the social, resource and managerial conditions considered desirable and appropriate for the backcountry units.	For wilderness lands zoning for visitor experiences and resource conditions must be *consistent with their wilderness values (emphasis added)* within the established zoning spectrum for each park. However, management zoning or other land use classifications cannot, and will not, diminish or reduce the maximum protection to be afforded lands with wilderness values. Transition zones adjacent to wilderness may be identified to help protect wilderness values, but no transitional or "buffer" zones are appropriate within wilderness boundaries (Section 6.3.4.1, NPS 2001). Wilderness recreational opportunity classes are based upon prescribed optimum wilderness conditions. Resource conditions and visitor use levels may be similar to adjacent backcountry units but all managerial actions should incorporate a higher level of administrative restraint and less

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		development.
Wilderness Eligibility Assessments	Backcountry areas may or may not have already undergone an eligibility assessment. Nothing requires parks to assess backcountry areas more than once, however they may be assessed multiple times if circumstances warrant. Such an assessment is a useful means of identifying lands whose wilderness character should be preserved until a wilderness study can be completed. If specific backcountry lands have been evaluated based upon established wilderness eligibility criteria and found to be either temporarily or permanently deficient then they remain as backcountry.	By definition, wilderness areas (designated, potential, recommended, study, proposed) have already proceeded well beyond the threshold eligibility assessment phase.
Wilderness Compliance	There is no corollary to the Minimum Requirement Decision process in deciding administrative actions for non-wilderness backcountry areas. In practice, management actions in backcountry may often be approved by District Rangers, Maintenance Leaders, or Resource Management Specialists.	By policy, parks that have any category of wilderness lands have an affirmative responsibility to preserve wilderness values and must use a Minimum Requirement Decision process to effectively analyze all proposed administrative actions that may affect wilderness character and values. This 2-step process responds to the prohibitions of section 4 (C) of the Wilderness Act. This is integrated with, and supplemental to, NEPA, NHPA and other compliance requirements. The superintendent should be the final approving official when the minimum requirement decision process is used.

MGT. ISSUES	*BACKCOUNTRY*	*WILDERNESS*
Compliance with the National Environmental Policy Act (NEPA)	Backcountry may possess many special natural, cultural or human use values that must be addressed in NEPA analysis if there is a potential for adverse effects. Backcountry areas found eligible for wilderness study must have their wilderness character protected until acted upon by Congress. For these areas wilderness character becomes an additional impact topic for analysis.	Wilderness character is considered an overarching resource (with both tangible and intangible attributes) and should be analyzed as a separate issue and impact topic in addition to other resource values. Wilderness is listed as a unique characteristic, to be considered in addition to others listed as exceptions that preclude the use of Departmental or NPS categorical exclusions.
Motorized Equipment and Transport	Where [public or administrative] motorized uses are deemed necessary and appropriate the least impacting equipment, vehicles and transportation systems should be used, consistent with public and employee safety (Section 8.2.3, NPS 2001). Impacts of motor noise on the natural soundscape will be considered. Travel may only occur on existing roads in areas found eligible for wilderness study.	Public use of motorized equipment or any form of mechanical transport will generally be prohibited in wilderness except as provided for in specific legislation. Administrative use of such equipment and modes of transportation will be evaluated on a case-by-case basis using the two part park MRDG process.
Off Highway Motorized Vehicle Use	The NPS has limited discretion under the Organic Act to allow or prohibit off road motor vehicle use unless Congress has provided otherwise. To effect the purposes of Executive Order 11644 (1972) NPS regulations (36 CFR 4.10 (a) prohibits the use of motor vehicles except on roads, parking areas, and designated routes and areas promulgated in special park regulations. Routes or areas may be only designated in [national] recreation areas, seashores, lakeshores and preserves. Routes and areas may be designated only in locations in which there will be no adverse impacts on the area's natural, cultural, scenic and esthetic values and in consideration of other visitor uses (Section 8.2.3.1, NPS 2001)	Motor vehicle use is generally prohibited in designated wilderness, whether on or off road, unless the road has been specifically excluded from wilderness or special wilderness legislation (e.g. ANILCA) provides for it. Designations of routes or areas pursuant to NPS regulations must also meet 5 specific criteria in the Executive Order 11644. One of those criteria stipulates that "areas and trails shall not be located in official designated Wilderness Areas" (Section 3, EO 11644)
Shelters and Development	Within the NPS there is wide latitude between units concerning criteria and decision points for backcountry	The Wilderness Act specifically prohibits commercial enterprises and permanent roads in wilderness.

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	development and construction or maintenance of shelters and cabins for purposes of public safety or resource protection. Identification of the placement and scale of such developments is done in conjunction with the public in compliance and planning documents.	-structures and installations are restricted -the "imprint of man's work is substantially unnoticeable" (section 2(c), Wilderness Act). Temporary shelters are generally the only structures or facilities allowed for commercial services in wilderness (Section 6.4.4, NPS 2001).
Wildfire Management	Fire management programs will be designed to meet park resource management objectives while ensuring that firefighter and public safety are not compromised (Section 4.5, NPS 2001). NPS backcountry areas are often developed to some extent to accommodate higher levels of recreational use and reduce risk which as a consequence may complicate fire management strategies and necessarily limit opportunities to allow fire to fulfill its full role as a natural disturbance process.	Fire management activities conducted in wilderness areas will conform to the basic purposes of wilderness (Section 6.3.9, NPS 2001). Suppression activities conducted within wilderness, including…..all categories…will be consistent with the "minimum requirement" concept " (Section 4.5, NPS 2001) As is the case in large, undeveloped units in Alaska and the west where natural systems are fire-dependent, the lack of recreational development and facilities in wilderness minimizes protection concerns and reduces constraints on fire as a natural process.
Leave No Trace Ethics	The principles of Leave No Trace are widely accepted and generally adopted for NPS frontcountry and backcountry education programs.	NPS policy requires that the principles of Leave No Trace are to be followed for all forms of recreational use within wilderness, including commercial operations (Section 6.4.3.2 NPS 2001).
Outreach and Education	Backcountry areas within all park units contain a great diversity of natural and cultural resource heritage values that serve as appropriate topics for public education targeting increased understanding and appreciation.	Designated wilderness and study areas have an additional outreach/educational requirement for the "gathering and dissemination of information regarding their use and enjoyment *as wilderness*" (NPS Mgt. Policies 2001). Wilderness is a required

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		additional theme in Comprehensive Interpretive Plans.
Commercial Services	Backcountry commercial services are any services deemed necessary and appropriate given the unit's enabling legislation, significance and purpose(s), subject to appropriate planning, compliance and permit requirements. Permanent structures may be allowed for appropriate commercial services in backcountry areas.	Wilderness recreational pursuits are generally limited to those traditionally associated with and dependent upon wilderness. Commercial services in wilderness may only be authorized if they contribute to public education and visitor enjoyment of wilderness values or provide "…opportunities for primitive and unconfined types of recreation". They are otherwise subject to the same planning, compliance and permit requirements. Temporary shelters are generally the only structures or facilities allowed for commercial services in wilderness (Section 6.4.4, NPS 2001).
Special Events	Special events such as sports, pageants, regattas, public spectator attractions, entertainment, ceremonies, and encampments may be permitted by the Superintendent when 1) there is a meaningful association between the park area and the event, and 2) the event will contribute to visitor understanding of the significance of the park area (Section 8.6.2.1, NPS 2001).	The NPS will not sponsor or issue permits for special events to be conducted in wilderness if those events are inconsistent with wilderness resources and character, or if they do not require a wilderness setting to occur (Section 6.4.5, NPS 2001)

Conclusion

Congress establishes wilderness in the spectrum of public land classifications "…in *contrast* with those areas where man and his own works dominate the landscape, …as an area where the community of life are untrammeled by man…and is an area of undeveloped federal land retaining its primeval character and influence…which is protected and managed to preserve its natural conditions and which generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable" [emphasis added]

(Wilderness Act, Section 2 (C)). Howard Zahniser, the chief author and force behind the Wilderness Act, spoke to the irrefutable human need for wildness as "a profound, a fundamental need for areas of wilderness-a need that is not only recreational and spiritual but also educational and scientific-and withal essential to a true understanding of ourselves, our culture, our own natures, and our place in all nature" (Zahniser 1956).

Wildness is the core value of wilderness in the Wilderness Act which states that the "earth and its community of life are untrammeled by man", meaning self-willed, self-organized, unmanaged, unmanipulated, unpredictable, because we recognize that it "retains its primeval character and influence". Thus all management actions in wilderness compromise wildness to some degree, even those which repair past manipulations or impacts from outside the boundaries, even if they are done to improve natural conditions, and must be weighed very carefully. If we manage for wildness, wilderness character is the result.

"Wilderness character" is the full expression of wildness, containing both tangible and intangible values intertwined, and is not to be significantly diminished over time. It may be instructive to consider the carefully chosen words of the US Fish and Wildlife Service in their draft wilderness policies. "Wilderness character awakens us to the ancestral resonance between wild nature and human nature. It embodies respect for and deference to other life forms and the natural processes in which they--with us--are embedded". "Wilderness character impresses upon us our obligation—to leave to succeeding generations what remains of the world we did not make and do not control" (USFWS 2001).

Wilderness can only endure if it is a place of purposeful restraint for managers as well as visitors (Pinchot Report 2001). Restraint arises from the humility born of realizing the awesome responsibilities of caretaking forever these remnants of wild America. That humility demands that we for once reject our most basic tendency to modify and manipulate the world around us. Wildness is the window into our past and inspires hope in the present and future. Purposeful and measured restraint, or as Roderick Nash emphatically states, to "manage so that less management is necessary" must be the consistent objective. The central idea of wilderness is that humans interact in an entirely different way from how they approach any other kind of landscape (Ekker, 2004). These are poetic expressions of the meaning of fundamental legal distinctions that separate wilderness stewardship from the management of all other public domain in the park system.

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