



As a deciduous conifer, the western larch has a contrary nature.

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PERSUADING CONGRESS TO ESTABLISH A WILDERNESS AND/OR WILD & SCENIC RIVER: A CHECKLIST

by Andy Kerr

ABSTRACT

Ordinary citizens have been securing Congressional protection for their favor roadless areas and/or free-flowing streams since Congress enacted the Wilderness Act of 1964 and the Wild and Scenic Rivers Act of 1968. Although political in nature, there is rationality to the process of protecting America's wild for this and future generations. There is also a methodology of doing so. If you can check off this checklist, you will achieve success that is enduring.



George Wuerthner

Iron Mountain, proposed Santiam Wilderness, Willamette National Forest, Cascades Ecoregion, Oregon. Over 300 species of flowering plants belonging to 18 distinct plant communities are found on Iron Mountain.

Persuading Congress to designate a new Wilderness area or Wild & Scenic River does not require magic or compromising photographs of key decisionmakers (though, if the opportunity availed itself...), but is actually a simple—if arduous—process that doesn't even depend on a particular political party controlling Congress and/or the White House. In the beginning, any obstacles to permanently protecting your favorite roadless area or free-flowing stream are only in your mind, the minds of your fellow advocates, and perhaps that of your organization.

A successful campaign for new Wilderness and/or Wild & Scenic Rivers requires advocates to complete certain steps to limit opposition and build public, media and legislative support for the requested Congressional protection. These steps are presented in the checklist below.¹ The more items you can check off the list, the better your odds of winning protection. If you can check off every item on the list, you will win new Wilderness and/or a Wild & Scenic River. Note that checking off the last three items are mandatory to achieve success. Also, the more of the other items you can check off, the better your odds of ultimately completing last three steps.

Given that the vast majority of Americans (in almost every congressional district in every state) value Wilderness and Wild & Scenic Rivers, every Wilderness and/or Wild & Scenic River campaign always has a chance at success. However, your odds will improve or decline depending on myriad factors. There is usually no silver bullet or hole-in-one strategy. You have to check off the entire list.

In addition, even though you and your organization are allied in common cause with others working for protection for *their* favorite roadless areas and free-flowing streams, you are nonetheless in a (hopefully) friendly competition with them for the political attention of the applicable state's congressional delegation, upon whom Wilderness and/or Wild & Scenic River designation ultimately depends. On the whole, cooperation among conservation interests is beneficial to all, but so is healthy competition. Don't passively wait for the powers that be (in the conservation movement or Congress) to put your Wilderness and/or Wild & Scenic River proposal on the political agenda. Make your proposal so compelling and politically popular that it demands attention.

Winning Congressional designation as Wilderness and Wild & Scenic Rivers requires hard work sustained over a long period of time.² But, as you know, Wilderness and Wild & Scenic Rivers are worth the effort. No one person is likely or able to do all the work by themselves. Appendix A is an abbreviated checklist that also includes a column to list who is responsible for each task. Appendix B and C respectively outline what qualifies for congressional designation of a Wilderness and Wild & Scenic River. Appendix D lists some additional sources of information about Wilderness and Wild & Scenic Rivers.



George Wuerthner

The proposed Siskiyou Crest Wilderness, Klamath Mountains Ecoregion, Rogue River National Forest, Oregon.

¹ The checklist is designed to apply to any Wilderness and/or Wild & Scenic River proposal. However, since Oregon is my natal, present and likely final state, my footnotes use Oregon sources and examples.

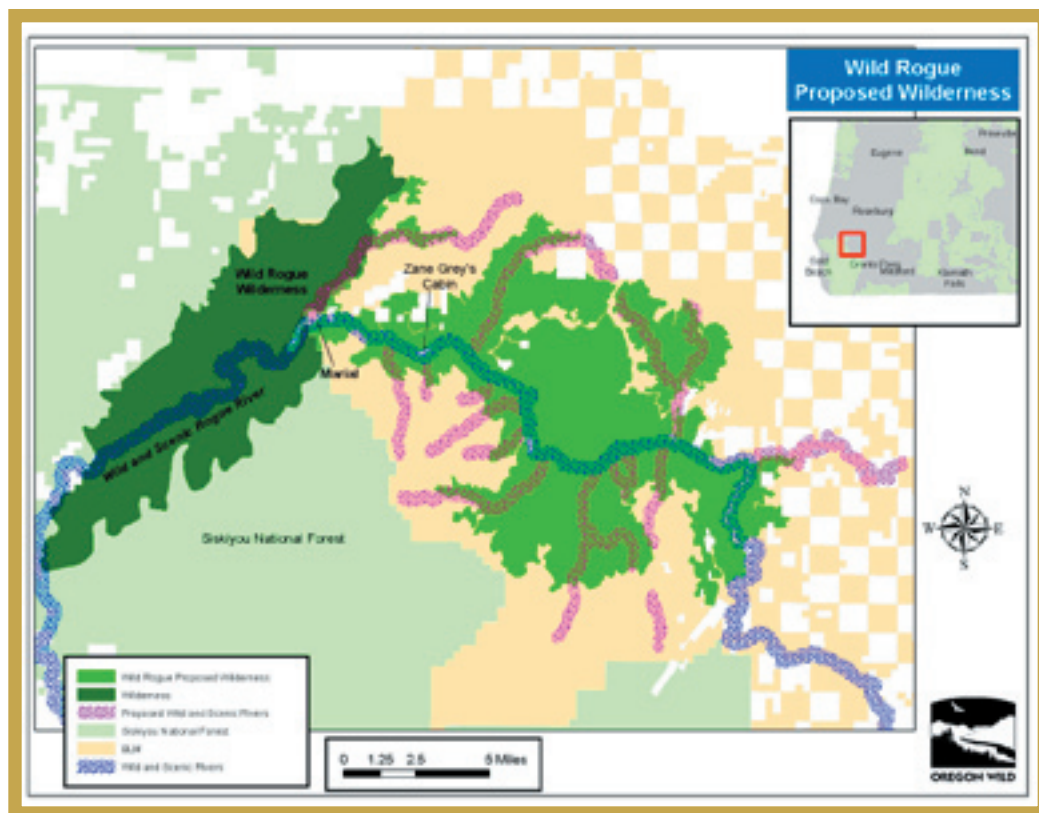
² "Endless pressure, endlessly applied," said Brock Evans, presently of the Endangered Species Coalition, formerly with Sierra Club, National Audubon Society and Federation of Western Outdoor Clubs, and instrumental in the designation of the North Cascades National Park; preventing the construction of dams in Hells Canyon by establishing the Snake Wild & Scenic River and Hells Canyon National Recreation Area; returning French Pete to the Three Sisters Wilderness; and defending the Endangered Species Act, to list just a few of his achievements.

DEFINE THE GOAL

First things first. Decide what you seek to protect and then stick with it. Details on what qualifies as a Wilderness or Wild & Scenic River may be found in Appendices B and C, respectively.

DEFINE YOUR PROPOSED WILDERNESS AND/OR WILD & SCENIC RIVER SEGMENT.

While each roadless area and free-flowing stream segment is unique, there are also similarities in location, watershed, mountain range, ecoregions, etc. Don't let your intimate knowledge of the nuances and distinctions of these areas and stream segments lead you to believe that each is so unique that each must be proposed separately and/or consecutively for Congressional protection.³ Try to group proposed Wilderness areas and/or Wild & Scenic River segments into logical combinations that Congress can enact as a package.⁴ Also, don't be timid in your request just because the roadless areas or stream segments you seek to protect are in a sparsely populated rural county. From the perspective of someone who lives in the state's largest city—or especially from Washington, DC—your roadless areas and stream segments will appear very close together and close to population centers on state and national maps.



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DEVELOP THE MAP. Draw your proposed Wilderness and/or Wild & Scenic River boundary and stick to it. The political process is usually one of compromise. However, let Congress compromise your boundary; don't negotiate the boundary with yourself (you—and most importantly the wild—always lose). It doesn't hurt to draw a boundary of something larger or longer than you are hoping for in the end. You may also consider excluding a portion of a roadless area or free-flowing stream from your proposal if inclusion would draw enough opposition to sink the entire proposal. If you are unsure, include the potentially controversial area, but be willing to modify your proposal if political circumstances require. (See example on this page.)

DRAFT THE LEGISLATION. While Congress ultimately enacts the final legislative language that protects Wilderness and/or Wild and Scenic Rivers, it's best if conservationists write the first draft. Wilderness legislation is written as "free-standing" provisions of law that reference the original Wilderness Act. In contrast, Wild and Scenic River legislation always come in the form of amendments to the original Wild and Scenic Rivers Act that amends the original to include additional stream segments.

³ In Oregon, there are over 1,200 forested roadless areas of 1,000 acres or more in size, totaling 4.8 million acres, and 175 generally tree-free grassland and desert roadless areas of at least 5,000 acres in size, totaling 7.3 million acres, on federal public lands that deserve congressional protection. No state-wide inventory of free-flowing streams exists, but there are easily several thousand miles of "wild" and "scenic" qualifying streams.

⁴ The 1,200+ forested roadless areas in Oregon have been systematically packaged into 34 marketable multi-unit Wilderness proposals in *Oregon Wild: Endangered Forest Wilderness* (Timber Press, 2004). Similar groupings were done for roadless grassland and desert areas in the state in *Oregon Desert Guide: 70 Hikes* (Mountaineers Books, 2000). Both books are by the author.

BUILD YOUR CASE

Gathering and synthesizing the basic resource information about your proposed Wilderness and/or Wild & Scenic River is a critical step to brand the area and/or stream segment and building support for your legislative proposal. You need to know your area or stream segment intimately and convince others that you know everything about your area or segment. Begin your research by tapping into resource experts in the appropriate federal land management agency. Some will be personally supportive of your goals, while others will be hostile to a new Wilderness and/or Wild & Scenic River because such designations will limit their administrative discretion. Regardless, the federal land managers will know a lot about your area and stream segment of interest and should be consulted for information.



George Wuerthner

Shellrock Lake in the proposed Roaring River Wilderness, Mount Hood National Forest, Cascades Ecoregion, Oregon.

GATHER INFORMATION. Collect the background materials (agency files, scientific papers, field guides, personal knowledge, on-line research, et al.) to make your case for formal protection of your area or stream segment.⁵

PRODUCE A PROFILE. Synthesize all the information you've collected into a 5-20 page profile that presents your case for protection (with notes on sources). Include lots of photographs and at least one map. This profile is useful for Congressional hearings and for those who want or need more information before they endorse your proposal. An outline for a profile is listed in Appendix E.

BRAND THE ROADLESS AREA AND/OR STREAM SEGMENT

Knowledge of an area or stream segment, while critical, it is not always determinative in the political process. You need to introduce your Wilderness and/or Wild & Scenic River proposal into the public discourse and "brand" it in the minds of the public, the media and decisionmakers.

PRODUCE A BROCHURE. Use lots of pictures. Incorporate pull quotes (including from known experts, public officials, and local and non-traditional Wilderness supporters [i.e., resource users], if possible). Print in color as it commands attention and is relatively inexpensive. Include a map. Give directions on how to visit the area and/or stream segment.

⁵ *Oregon Wild: Endangered Forest Wilderness and/or Oregon Desert Guide: 70 Hikes* are good sources to start. But don't stop there. Internet keyword searches can yield the most useful information.

Make reference to a website. List ways people can support your campaign. Carefully create the brochure so that it will have a long “shelf life” (convincing Congress to act on your proposal may take several years—you don’t want your brochure to become outdated). Print lots of brochures, as they are cheaper to print per unit in larger quantities.

CREATE A SLIDESHOW. Traditional slides work, but a Power Point presentation offers many more options to create a dynamic presentation. Consider adding sound and burning your presentation on DVDs for broad distribution.

DEVELOP A DISPLAY. An attractive portable table display draws attention to your brand.

ESTABLISH A WEBSITE. Your Wilderness and/or Wild & Scenic River proposal could be part of your organization’s website or featured on a dedicated website. Include an option for visitors to sign-up for an email listserve.

MARKET THE AREA

After you’ve branded your area and/or stream segment, you need to market it to the public.

GROOM YOUR SPOKESPEOPLE. Ensure that your spokespeople are well informed and can articulate your Wilderness and/or Wild & Scenic River proposal. Remember the fundraising truism that people like to give to people like themselves. A hitchhiking truism is dress like the people whom you want to give you a ride.

DISTRIBUTE THE BROCHURE. Distribute your brochure to all your supporters. Give them to supportive professional outdoor guides and your own field trip leaders. Leave a stack of brochures at your display. Hand them out at slideshows. Put them in brochure racks around town and at the library. Don’t save them for later. Print more if necessary.

SHOW THE SLIDESHOW. Book presentations to present your slideshow to any group (see below) who will let it be shown at their meeting. Most groups have volunteer program chairs that will be very glad to hear from you. Give DVD copies to anyone who will take them.

DISPLAY THE DISPLAY. There are typically lots of opportunities to put up your display at local and regional events (environmental conferences, chamber of commerce events, Saturday Market, community events, the back of the room at your slideshows, etc.).

MAINTAIN THE WEBSITE. Keep your campaign website updated and accurate. A website that is out-of-date or inaccurate sends the wrong message.



Dutch Flat Lake, proposed Elkhorn Ridge Unit, proposed North Fork John Day Wilderness Additions, Blue Mountains Ecoregion, Oregon.

George Wuerthner

GATHER PUBLIC SUPPORT

If you don't ask, you won't receive—and the worst anyone can say is “no.” It is critical that you collect public endorsements for your Wilderness and/or Wild & Scenic River proposal. Don't take the first no as the definitive ruling on the matter. Gentle persistence pays. If you don't have a contact in an organization, find out who does. In general, gather the various kinds of endorsements below in the order listed. Start with the easiest and end with the hardest.

OBTAIN ENDORSEMENTS OF CONSERVATION ORGANIZATIONS.

Brainstorm a list and then systematically target conservation organizations for a written endorsement of your proposal. Make sure conservation organizations larger than yours make your Wilderness and/or Wild & Scenic River proposal their priority too.



George Wuerthner

Koosah Falls in the proposed McKenzie Wilderness, Cascades Ecoregion, Oregon. The narrow river corridor is already protected as Wild and Scenic River, but adjacent wildlands are unprotected.

OBTAIN ENDORSEMENTS OF RECREATION ORGANIZATIONS. Brainstorm a list and then systematically target recreation organizations for a written endorsement of your proposal. Consider soliciting hunting, fishing, birding, hiking, boating, natural history and similar organizations.

OBTAIN ENDORSEMENTS OF CIVIC ORGANIZATIONS. Brainstorm a list and then systematically target civic organizations for a written endorsement of your proposal. Find civic organizations in the yellow pages or check with the Chamber of Commerce.

OBTAIN ENDORSEMENTS OF FAITH ORGANIZATIONS. Brainstorm a list and then systematically target faith organizations for a written endorsement of your proposal. If appropriate, you might start with your own faith organization. Many communities also have either formal or informal associations of religious leaders.

OBTAIN ENDORSEMENTS OF BUSINESSES. Brainstorm a list and then systematically target businesses for a written endorsement of your proposal. Businesses will endorse a Wilderness and/or Wild & Scenic River proposal because doing so would further their financial interests (commercial guiding, boating, fishing, lodging, etc.), the business owner just loves wilderness and their business is not otherwise dependent upon destroying wilderness (and that is almost every business), or the business owner believes an endorsement will create goodwill among customers (especially if a competitor declines to endorse the proposal).⁶

⁶ Twenty-nine of the 31 members of the Port Orford (pop. 1,180) Chamber of Commerce have endorsed the proposed Copper Salmon Wilderness on the Siskiyou National Forest in Oregon.

OBTAIN ENDORSEMENTS OF OTHERS.

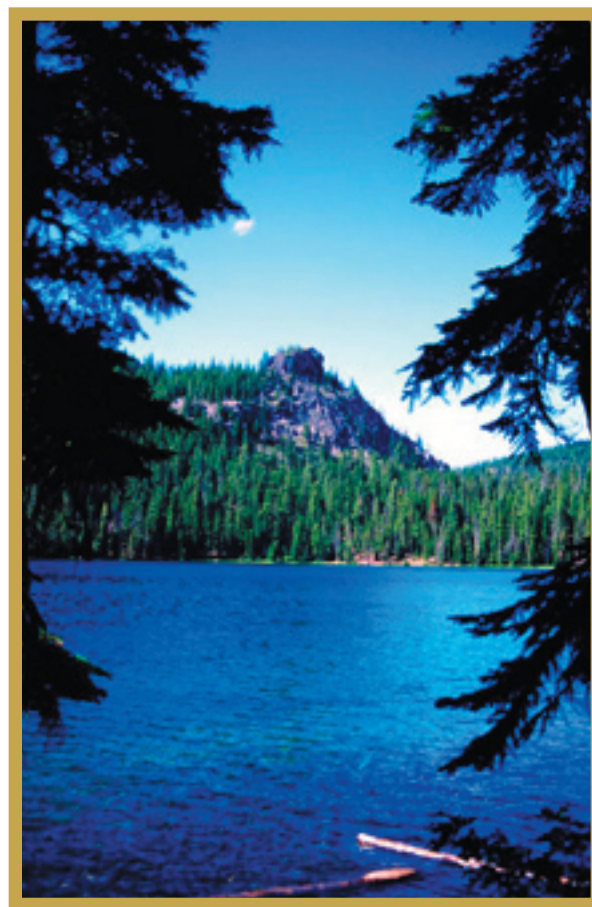
Brainstorm a list and then systematically target other important individuals and local and regional organizations for a written endorsement of your proposal. Consider professors, scientists, retired politicians, celebrities, etc.

OBTAIN ENDORSEMENTS FROM NEWSPAPERS.

Ideally, after you have a pile of endorsements from individuals and organizations listed above, request a meeting with the editorial board or editor of each newspaper that publishes in the congressional district where you propose to designate new Wilderness and/or Wild & Scenic River. Even if you don't secure an endorsement from a newspaper, you may at least convince the editor or editorial board to remain neutral on the issue.

MAINTAIN A REGULAR SCHEDULE OF FIELD

TRIPS. You and your fellow advocates/organizations should offer field trips on most weekends of the field season to your proposed Wilderness and/or Wild & Scenic River. Your organization need not be responsible for every field trip, particularly if there is an outdoor recreation organization available to lead trips. The trip leader should be coached on the Wilderness and Wild & Scenic River proposal (and armed with brochures) and request that each trip member promise to contact their two U.S. Senators and Representative in Congress and register their support for your proposal. While an average of five letters per week is not a landslide—if sustained, it is a groundswell.



George Wuerthner

Lower Rosary Lake, proposed Three Sisters Wilderness Additions, Willamette National Forest, Cascades Ecoregion, Oregon.

OBTAIN POLITICAL SUPPORT

All politics is local. Build support for your Wilderness and Wild & Scenic River proposal by starting at the lowest levels of government and move upward. Many politicians wish for higher office and are looking for your support, which they can gain by lending their support to your well-developed citizen proposal. Those in higher office seriously consider the positions of those in lower office, because the latter are closer to the ground and have better intelligence on what the voters want. If you live in a rural/conservative area, don't be constrained by past events and your own experiences. The nation, especially the American West, is changing.⁷

DO A POLL. Commission a poll to ascertain public support for your proposal. If you can afford an entire poll, you can test both yours and your opponent's best arguments with the voters. (Don't poll citizens, but only voters; politicians don't care about citizens who don't vote.) If you don't have enough money, you can "piggyback" a few questions on another poll. Depending on who you are trying to impress with the public support, the poll may need to be statewide, by congressional district or only include the affected county.

⁷ Demographically, Prineville, Oregon has now become the eastern most extension of the Willamette Valley.

ENDORSEMENT OF THE FEDERAL LAND MANAGEMENT AGENCY.

Federal agency endorsements are difficult to obtain, even when the Administration in Washington, DC is sympathetic to your proposal. However, you should always try to convince the appropriate federal agency to recommend your area or stream segment of interest for Wilderness or Wild & Scenic River protection in their land and resource management planning process. An agency endorsement of a Wilderness or Wild & Scenic River proposal is powerful, as it provides political cover to elected officials at all levels. Fortunately, agency opposition is not nearly as harmful to a proposal as their endorsement is helpful. Voters, not bureaucrats, elect United States Senators and Members of Congress and an agency's opposition to a conservation proposal will only cause some decisionmakers to hesitate briefly before offering their own endorsement to the proposal.



George Wuerthner

Yamsay Mountain in the Yamsay Mountain Unit of the proposed Klamath Basin Wilderness, East Cascades Slopes and Foothills Ecoregion, Oregon.

ENDORSEMENT OF THE ADMINISTRATION. An endorsement by the Administration of your proposal is helpful not so much because it persuades affected U.S. Senators or the local Member of Congress to consider your request, but because it tends to restrain the managing federal agency from destroying the wild character of the area or stream segment that you are seeking to protect before Congress can act.⁸

ENDORSEMENT OF POLITICAL PARTIES. It may be easiest to start with the Green Party, but you may not end with them. Seek the support of both major parties and other minor parties as well.

ENDORSEMENT OF CITY COUNCIL. Many cities get their drinking water from public lands that include roadless areas and/or free-flowing streams. Another angle to approach a city council for support for your proposal is that wild areas and streams are good for the local economy and community quality of life. If you cannot round up a majority of votes (ideally unanimous) on the council for an official endorsement, get as many individual endorsements from city counselors as you can.

ENDORSEMENT OF STATE REPRESENTATIVE. While local state elected officials do not have any official role in federal Wilderness and Wild & Scenic River designation, their support is nonetheless very helpful in sending a signal to federal elected officials that your proposal is important.

ENDORSEMENT OF STATE SENATOR. While local state elected officials do not have any official role in federal Wilderness and Wild & Scenic River designation, their support is nonetheless very helpful in sending a signal to federal elected officials that your proposal is important.

⁸ Even the Under Secretary of Agriculture Mark Rey in the George W. Bush Administration recommended that some lands should be added to the Kalmiopsis Wilderness on the Siskiyou National Forest in Oregon. Okay, it was an attempt at political cover so he could log the hell out of old-growth forests and roadless areas affected by the Biscuit Fire, but nonetheless it was a recommendation for Wilderness.

ENDORSEMENT OF COUNTY COMMISSION.⁹ If you cannot round up a majority of votes (ideally unanimous) on the affected county commission for an official endorsement of your proposal, get as many individual endorsements from county commissioners as you can.¹⁰

ENDORSEMENT OF OTHER STATEWIDE ELECTED OFFICIALS. The Secretary of State,¹¹ the State Treasurer, and the Attorney General often have aspirations for higher office and will endorse widely supported citizen conservation proposals.

ENDORSEMENT OF THE GOVERNOR. Anyone who has successfully been elected statewide commands the respect of others who have also won statewide office, or want to do so.

ENDORSEMENT OF OTHER MEMBERS OF CONGRESS. Endorsements of Members of Congress who represent states and districts not affected by your proposal are certainly helpful, especially if the Representative is from the same state as you and your proposal, but you must have the endorsement of the local Member of Congress for your Wilderness or Wild & Scenic River proposal to have any chance to pass the House of Representatives.

ENDORSEMENT OF OTHER U.S. SENATORS. For issues affecting just one state (like a Wilderness and/or Wild & Scenic River proposal), the desires of 98 U.S. Senators will not outweigh that of the two Senators from the affected state.

ENDORSEMENT OF THE LOCAL MEMBER OF CONGRESS. Few Wildernesses and/or Wild & Scenic Rivers have been designated over the objection of the affected House member. In those rare cases, essentially the entire Congress supported designation, even Members who have horrible records on the environment. You must win support from the local Member of Congress in whose district you wish to protect Wilderness or a Wild & Scenic River. “Endless pressure, endlessly applied,” says Brock Evans (see note 2).

ENDORSEMENT OF JUNIOR U.S. SENATOR. It is the nature of the U.S. Senate that the members from the affected state, irrespective of political party, are given great deference by their colleagues on issues affecting only their state. You must win support for your proposal from the junior U.S. Senator from your state.

ENDORSEMENT OF SENIOR U.S. SENATOR. It is the nature of the U.S. Senate that the members from the affected state, irrespective of political party, are given great deference by their colleagues on issues affecting only their state. You must win support for your proposal from the senior U.S. Senator from your state.

VICTORY

THANK EVERYONE. You were instrumental, but your campaign never would have succeeded without the help of countless others. Thank everyone you can remember, even those that were a pain to deal with.

THROW A PARTY. Conservationists don’t celebrate their victories enough. Dedicate the first half of your party to celebrating the victory recently obtained. Dedicate the second half of the party to making grand plans for the next Wilderness and/or Wild & Scenic River protection effort.

⁹ During the 109th Congress (2005–2006), the Chair of the Resources Committee of the U.S. House of Representatives required that every Wilderness proposal introduced in his committee have the support of the affected county government. While his requirement is no longer operative (nor is Rep. Richard Pombo!) in the 110th Congress (2007–2008) because Democrats are in power, in no way should you ignore county government while you build support for your conservation proposal.

¹⁰ Wheeler County (pop. 1,550), the least populated county in Oregon, officially supports the designation of the proposed Spring Basin Wilderness.

¹¹ Oregon Secretary of State Bill Bradbury first learned about the proposed Copper Salmon Wilderness when he was living in Curry County and doing television news reporting out of Eugene. His support for the proposed Wilderness has been invaluable.

APPENDIX A

Abbreviated Checklist

TASK (✓)	TASK LEADS
DEFINE THE GOAL	
_____ Define Your proposed Wilderness and/or Wild & Scenic River Segment	_____
_____ Develop the <i>Map</i>	_____
_____ Draft the <i>Legislation</i>	_____
BUILD YOUR CASE	
_____ Gather <i>Information</i>	_____
_____ Produce <i>Profile</i>	_____
BRAND THE ROADLESS AREA AND/OR STREAM SEGMENT	
_____ Produce a <i>Brochure</i>	_____
_____ Create a <i>Slideshow</i>	_____
_____ Develop a <i>Display</i>	_____
_____ Establish a <i>Website</i>	_____
MARKET THE AREA	
_____ Groom your <i>Spokespeople</i>	_____
_____ Distribute the <i>Brochure</i>	_____
_____ Show the <i>Slideshow</i>	_____
_____ Display the <i>Display</i>	_____
_____ Maintain the <i>Website</i>	_____
GATHER PUBLIC SUPPORT	
_____ Obtain Endorsements of <i>Conservation Organizations</i>	_____
_____ Obtain Endorsements of <i>Recreation Organizations</i>	_____
_____ Obtain Endorsements of <i>Civic Organizations</i>	_____
_____ Obtain Endorsements of <i>Faith Organizations</i>	_____
_____ Obtain Endorsements of <i>Businesses</i>	_____
_____ Obtain Endorsements of <i>Others</i>	_____
_____ Obtain Endorsements from <i>Newspapers</i>	_____
_____ Maintain a Regular Schedule of <i>Field Trips</i>	_____
OBTAIN POLITICAL SUPPORT	
_____ Do a <i>Poll</i>	_____
_____ Endorsement of the <i>Federal Land Management Agency</i>	_____
_____ Endorsement of the <i>Administration</i>	_____
_____ Endorsement of <i>Political Parties</i>	_____
_____ Endorsement of <i>City Council</i>	_____
_____ Endorsement of <i>State Representative</i>	_____
_____ Endorsement of <i>State Senator</i>	_____
_____ Endorsement of <i>County Commission</i>	_____
_____ Endorsement of <i>Other Statewide Elected Officials</i>	_____
_____ Endorsement of the <i>Governor</i>	_____
_____ Endorsement of <i>Other Members of Congress</i>	_____
_____ Endorsement of <i>Other U.S. Senators</i>	_____
_____ Endorsement of the <i>Local Member of Congress</i>	_____
_____ Endorsement of <i>Junior U.S. Senator</i>	_____
_____ Endorsement of <i>Senior U.S. Senator</i>	_____
VICTORY	
_____ Thank <i>Everyone</i>	_____
_____ Throw a <i>Party</i>	_____

APPENDIX B

Wilderness: What It Is and What It Can Be¹²

Congress was very careful to distinguish *what kind of land qualifies* for inclusion in the National Wilderness Preservation System and *how such lands are to be managed* once part of the system. Congress described wilderness in Section 2(c) of the Wilderness Act:

*A wilderness in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and community of life are untrammelled by man, where man himself is a visitor who does not remain.*¹³

Congress then defined Wilderness in practical terms:

*An area of wilderness is further defined to mean in this Act 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 of solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) **may also** contain ecological, geological, or other features of scientific, educational, scenic or historical value. (emphasis added)*¹⁴

In providing for the management of Wilderness, Congress was restrictive:

*Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, education, conservation and historical use¹⁵ Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act, (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.*¹⁶

Congress has been flexible about allowing past developments in new Wilderness Areas, including an old clearcut one square-mile in size,¹⁷ a major logging road with old clearcuts at its terminus¹⁸ and numerous “jeep trails.” Congress understood that, over time, these unnatural features would be reclaimed by nature. But opponents of Wilderness designation often argue that only lands that have been managed and preserved as “wilderness” without any human impacts may qualify as “Wilderness.” They are wrong.

¹² Adapted from: Kerr, Andy. 2004. *Oregon Wild: Endangered Forest Wilderness*. Portland, OR: Timber Press. Pages 53-54.

¹³ The Wilderness Act, 16 U.S.C. 1131(c).

¹⁴ The Wilderness Act, 16 U.S.C. 1131(c).

¹⁵ The Wilderness Act, 16 U.S.C. 1131(b).

¹⁶ The Wilderness Act, 16 U.S.C. 1131(c).

¹⁷ E.g., the Grassy Knob Wilderness, Siskiyou National Forest, Oregon.

¹⁸ E.g., the Cummins Creek Wilderness, Siuslaw National Forest, Oregon.

APPENDIX C

Wild and Scenic River: What It Is, How Long and How Wide It Can Be

In enacting the Wild and Scenic Rivers Act of 1968, Congress stated:

*It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.*¹⁹

Congress then defined what qualifies for designation as a Wild & Scenic River:

A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in Section 1, subsection (b) of this Act. (emphasis added)²⁰

In addition to being “free-flowing,” a qualifying stream segment must have “one or more...values” referred to as outstandingly remarkable values (ORVs), which are statutorily defined as scenic, recreational, geologic, fish and wildlife, historic, cultural and “other values.” Managing agencies have further defined “other” ORVs as hydrology, ecological/biological diversity, paleontology, botanic resources and opportunities for scientific study.

Congress then declared that all free-flowing streams with one or more ORVs are eligible for inclusion into the National Wild & Scenic Rivers System. It further defined three possible “classifications” for a “designated” unit of the system:

(1) Wild river areas — *Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.*

(2) Scenic river areas — *Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.*

(3) Recreational river areas — *Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.*²¹

In general, *wild* classified sections have no roads (or railroads), *scenic* classified sections have roads that cross—but not parallel—the protected section, and *recreational* classified sections have roads along the protection section. If Congress does not classify a stream segment at the same time it designates the protected unit, it is left to the managing agency to classify it. It’s always a good idea for Congress to do the classification.

¹⁹ Wild and Scenic Rivers Act. 16 U.S.C. 1271.

²⁰ Wild and Scenic Rivers Act. 16 U.S.C. 1273(b).

²¹ Wild and Scenic Rivers Act. 16 U.S.C. 1273(b).

Congress usually leaves the matter of the lateral boundary of each protected stream unit to the managing federal agency to determine. The lateral boundaries delineate how much land upslope of the designated stream segment is protected as part of the Wild & Scenic River corridor. In general, the Wild & Scenic Rivers Act directs the managing federal agencies to draw a boundary that “includes an average of not more than 320 acres of land per mile measured from the ordinary high water mark on both sides of the river.”²² This works out to an *average* of a one-half mile wide protected corridor. The agency has the discretion to make the corridor narrower in some places and wider in others to protect important resources.²³

Additions to the Wild & Scenic Rivers System are usually by congressional legislation. However, the Governor of a state may also request that the Secretary of Interior include a previously designated state-protected stream in the federal system and the Secretary may do so if certain conditions are met.²⁴

In regards to protection and management, the Wild & Scenic Rivers Act generally prohibits water resource development projects (dams and such) on or directly affecting a Wild & Scenic River. New mining claims in “wild” classified stream segments are also prohibited. Managing agencies are under an affirmative duty to protect the stream segment and the values for which it was designated:

*Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its aesthetic, scenic, historic, archaeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.*²⁵

²² Wild and Scenic Rivers Act. 16 U.S.C. 1274(b).

²³ For the Elkhorn Creek Wild & Scenic River in Oregon, Congress directed that the boundary be “not more than 640 acres of land per lineal mile,” resulting in an average mile-wide protected corridor.

²⁴ Wild and Scenic Rivers Act. 16 U.S.C. 1273(a)(ii).

²⁵ Wild and Scenic Rivers Act. 16 U.S.C. 1281(a).

APPENDIX D

Additional References

Books

There are several books on Wilderness and Wild & Scenic Rivers, both in general and regarding specific areas and streams. Here are the first two to start with, which describe history, policy and politics²⁶:

- Campaign for America's Wilderness Doug Scott's *The Enduring Wilderness: Protecting Our Natural Heritage through the Wilderness Act* (Fulcum Publishing, 2004).
- Noted and prolific rivers author Tim Palmer's *Endangered Rivers and the Conservation Movement* (Rowman and Littlefield Publishers, 1993).

Organizations

Nationally, The Wilderness Society (www.wilderness.org) and Campaign for America's Wilderness (www.leaveit-wild.org) maintain content-rich websites about Wilderness, as does American Rivers (www.americanrivers.org) about Wild & Scenic rivers. Many regional, statewide and local groups—too numerous to mention here—have also developed websites.²⁷

Websites

For information about existing Wilderness areas, science and management, history, links and more, go to www.wilderness.net, a partnership of the Arthur Carhart National Wilderness Training Center, Aldo Leopold Wilderness Research Institute, and the University of Montana College of Forestry and Conservation's Wilderness Institute.

For information about existing Wild & Scenic Rivers, management, managing agencies, publications, links and more, go to www.nps.gov/rivers, maintained (almost up-to-date) by the National Park Service.

²⁶ Doug Scott was born and raised in Oregon and Tim Palmer lives in Oregon. Hmmm....

²⁷ Oregon Wild (www.oregonwild.org) and Oregon Natural Desert Association (www.onda.org) are but two examples.

APPENDIX E

“Profile” Outline

Extensively research all available sources to develop your Wilderness and/or Wild & Scenic River profile.²⁸ Expand or contract the following profile outline to fit your needs. Use photographs, maps, pull quotes from text, quotes from others, etc. Internet search engines yield important information. The more sources you cite, the more credible your proposal will be. Personal knowledge from local experts is invaluable.²⁹

One-Liner³⁰

Introduction

- Location
- Elevation Range
- Size
- Federal Administrative Unit(s)
- Political Subdivisions
 - County
 - Congressional District
- Terrain
- Development
- Hydrogeography
- Drainage Subbasins
- Major and Minor Streams
- Public Land Ownership
- Current Public Land Management
- Previous Agency Consideration for Protection

Resources

- Ecoregions
- Fish
- Wildlife
- Water Quality
- Geology and Soils
- Vegetation
- Hydrology and Climate
- Scenic
- Recreation
- Wilderness
- Cultural
- History

Threats

- Logging
- Mining
- Grazing
- Off-Road Vehicles
- Other

Detailed Description of Each Roadless Unit and/or Stream Segment

Recommendations

Sources

- Maps
- Agency Maps
- USGS 7.5' Quad Maps

Tables

Appendices

²⁸ The bibliographies in *Oregon Wild: Endangered Forest Wilderness* and *Oregon Desert Guide: 70 Hikes* are good places to start for sources.

²⁹ See, e.g., individual area Wilderness proposals in *Oregon Wild: Endangered Forest Wilderness* and *Oregon Desert Guide: 70 Hikes*.

³⁰ For an example of a completed profile, See: www.savethewildrogue.info

ABOUT ANDY KERR

Andy Kerr (andykerr@andykerr.net) is Czar of The Larch Company (www.andykerr.net). A professional conservationist for over three decades, he has been involved in the enactment of over 25 pieces of state and federal legislation, scores of lawsuits, dozens of endangered species listing petitions and countless administrative appeals of Forest Service and Bureau of Land Management timber sales and other decisions. He is best known for his three decades with Oregon Wild (formerly Oregon Natural Resources Council), the organization best known for having brought you the northern spotted owl. He has lectured at all of Oregon's leading universities and colleges, as well as at Harvard and Yale. He is a dropout of Oregon State University. Kerr has appeared numerous times on national television news and feature programs and has published numerous articles on environmental matters. Kerr authored *Oregon Desert Guide: 70 Hikes* (The Mountaineers Books, 2000) and *Oregon Wild: Endangered Forest Wilderness* (Timber Press, 2004). He serves as Senior Counselor to Oregon Wild and is an advisor to the Sagebrush Sea Campaign. He also consults for non-profit conservation organizations. Clients have included Campaign for America's Wilderness, The Wilderness Society, Conservation Northwest, Idaho Conservation League, Soda Mountain Wilderness Council and others. A fifth-generation Oregonian, Kerr was born and raised in Creswell, a recovered timber town in the upper Willamette Valley. He lives in Ashland, a recovered timber town in the upper Rogue Valley. He lives with one wife, one dog, one cat, one horse, 20 odd tropical fish and no vacancies. In his free time, Kerr likes to canoe, hike, raft, read, and work on projects that move his home and business toward energy self-sufficiency and atmospheric carbon neutrality.



ABOUT THE LARCH COMPANY

The Larch Company, LLC (www.andykerr.net) is a non-membership for-profit conservation organization that represents species that cannot talk and humans not yet born, and which devotes all profits to environmental conservation. It has two profit centers: the Electrical Power Division and the Political Power Division. EPD owns and operates 5.1 kilowatts of photovoltaic power that provides an estimated 140% of the electric power requirements of The Larch Company and the home of its principal, Andy Kerr. PPD provides consulting services of Andy Kerr to non-profit conservation organizations and occasionally for-profit businesses (which are charged higher rates). In addition, Larch also undertakes self-initiated projects ("freelance environmental agitations"), most of which are later assumed by a non-profit conservation organization. Larch also occasionally retains other consultants to assist various endeavors.

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#1 *Persuading Congress to Establish a Wilderness and/or Wild & Scenic River: A Checklist*

#2 *Transferring Western Oregon BLM Forests to the National Forest system.*

ABOUT THE PHOTOGRAPHS AND THE PHOTOGRAPHER

George Wuerthner is a full-time freelance writer and photographer with 33 books to his credit and over one-quarter million images in stock (www.wuerthnerphotography.com). All of the images herein first appeared in *Oregon Wild: Endangered Forest Wilderness* (Timber Press, 2004).