

DESERT WILDERNESS: AN EVALUATION OF THE BUREAU OF LAND
MANAGEMENT'S WILDERNESS SELECTION PROCESS
IN SOUTHEASTERN OREGON

by

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The Federal Land Policy and Management Act of 1976 (FLPMA) required the Bureau of Land Management (BLM) to select portions of the lands it administers for possible inclusion into the National Wilderness Preservation System. Each state BLM office must complete its evaluation and send a report of its recommendations to the President by 1991. The BLM must comply with the legislative mandates contained in both FLPMA and the Wilderness Act of 1964.

This study evaluates the Oregon BLM's wilderness selection process to determine whether it has complied with its legislative mandates and to determine the major influences on

the process. To accomplish this, each of the formal documents compiled by the BLM was examined and evaluated.

Implementation of laws and regulations governing this process has varied from district to district. This allowed very subjective decisions to be made by BLM personnel. Congress may find, upon receipt of the BLM's recommendations, that some decisions that should have been congressional, were instead made by the BLM.

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CHAPTER I

INTRODUCTION

Out of the wilderness has come the substance of our culture, and with a living wilderness . . . we shall have also a vibrant, vital culture, an enduring civilization of healthful, happy people who . . . perpetually renew themselves in contact with the earth.

Howard Zahniser, 1964

The protection of wilderness qualities in undisturbed areas is a public interest. As John Hiscock (1983) stated:

Once wilderness is disturbed it cannot be replaced. In some cases natural processes require hundreds of years to heal scars which man's development techniques can create in hours. . . . Exclusion of development must be the case in wilderness areas to insure that they remain "untrammelled," "primeval," and "affected primarily by the forces of nature." (p. 82)

In 1872, Yellowstone National Park was established, signaling the beginning of an international preservation movement pioneered by the United States. The concept of preserving wild country in its pristine and primitive state was taken a step further in 1924 when Aldo Leopold was able to convince the U.S. Forest Service to preserve 700,000 acres in the Gila National Forest in New Mexico as wilderness. Then, in 1964, the United States became the first nation in the world to legislatively create a program to preserve wild lands in their pristine states: the National Wilderness

Preservation System (NWPS) created by passage of the Wilderness Act of 1964.

The Wilderness Act, great as it was, did not address one group of lands: those administered by the Bureau of Land Management (BLM). This omission was rectified in 1976 by passage of the Federal Land Policy and Management Act of 1976 (FLPMA). This Act directed the BLM to inventory its lands for wilderness values and to report to the President its recommendations for adding some of its wilderness lands to the NWPS.

The lands administered by the BLM are comprised mostly of desert and semi-desert landscapes. These lands have been called "the lands that nobody wanted" apparently because of their perceived lack of value. They were "barren," "lifeless" places. As Aldo Leopold said, the wilderness system was "lacking . . . in desert areas, probably because of that under-aged brand of esthetics which limits the definition of 'scenery' to lakes and pine trees" (1966, p. 268).

These "forgotten lands" were not forgotten by the grazing industry nor by the mining and energy industries. There were no limits to the use of these lands until 1934 when Congress passed the Taylor Grazing Act. By that time, however, many of the lands had been so severely overgrazed that the natural flora was all but eliminated. Entire ecosystems had been destroyed. Leopold (1966) commented that, "There is, as yet, no sense of pride in the husbandry of wild plants and animals,

no sense of shame in the proprietorship of a sick landscape" (p. 168). Nowhere was this more apparent than in the desert lands administered by the BLM. This, also, helps explain the omission of public domain lands from the Wilderness Act of 1964; these lands were sick, degraded, thought to be of little esthetic appeal.

Roderick Nash (1973) suggests another explanation for the omission of desert lands from the Wilderness Act. Nash thought that "wilderness" was synonymous with a dark, arboreal environment in the minds of most humans. This was because our "prehuman ancestors" apparently dwelt in such an environment until climatic changes 15 million years ago created an open, spacious environment where "protomen" could develop and use keen eyesight to further their chances for survival. Since then, Nash continues, man has opted to live in the open country and has viewed deep forests and jungles with suspicion and fear. Therefore, when modern people think of wilderness, it is usually forested country to which they refer (Nash, 1973, pp. ix-xi). "Remnants of the primordial dread of wilderness [forests] placed the nobleman's castle and the millionaire's split-level on the top of the hill (p. xi). Thus the creators of the Wilderness Act had forested areas and areas of special interest in mind rather than the open, empty spaces of desert lands when they crafted this Act.

Edward Abbey (1982) feels that not only does wilderness complement and complete civilization but also that:

the existence of wilderness is also a compliment [sic] to civilization. Any society that feels itself too poor to afford the preservation of wilderness is not worthy of the name of civilization. . . . How much wilderness is enough? Enough to go around, I'd say, or about one square mile per human with a little surplus left over. By a "little surplus" I mean wild areas where through general agreement none of us enters at all. An absolute wilderness, we might call it, justified by our recognition of the rights of other living things to a place of their own, a role of their own, and evolution of their own not influenced by human pressures. A recognition, even, of the rights of nonliving things--boulders, for example, or an entire mountain--to be left in peace, alone, for a few centuries now and then. A foolish, utopian idea, no doubt; I advance it merely as a suggestion of what is possible were the human consciousness, and the human conscience, ever to reach so generous a level. It is not enough to understand the natural world; the point is to preserve it. Let Being be. . . . In any case, the beauty and existence of the natural world should be sufficient justification in itself for saving it all. (pp. 118-120)

Edward Abbey is a visionary; and it was visionaries like him who persevered long enough to bring about a legally required wilderness preservation system. However, it will probably be some while before wild country, including the wild plants and animals that dwell therein, is preserved for its own sake rather than for human enjoyment.

By 1976, however, the concept of wilderness had expanded enough to include desert lands. Although the Federal Land Policy and Management Act was created to give the BLM the authority it needed to manage the public lands for multiple use and to husband its resources, it also required the BLM to evaluate all its roadless lands for wilderness values. The BLM's selection process began in 1978 with an inventory of all

its lands. FLPMA required the BLM to have completed its study and to have made recommendations to the President by 1991.

As of September 30, 1986, the only areas that had been designated as wilderness by Congress, under the authority of this Act, were some of the "instant study areas" which were evaluated prior to the initial inventories. Of the 30 units sent to Congress, 23 areas containing 368,739 acres were added to the NWPS. The last units designated were in 1984. There are currently 860 WSAs covering about 25 million acres in the 11 western states. Recommendations for these units have not yet been sent to the President and Congress for designation (BLM, 1986, p. 47).

In Alaska, no wilderness studies are being conducted under either Section 202 or 603 of FLPMA. Instead, the BLM lands in the Central Arctic Management Area are subject to a wilderness review under Sections 1001 and 1004 of the Alaska National Interest Lands Act of 1980 (BLM, 1986, p. 50).

This paper, then, is an evaluation of the BLM's wilderness selection process in the state of Oregon to determine how well the BLM has carried out its congressional mandate. Although the BLM administers lands throughout Oregon, this study is limited to that section of the state which has the highest concentration of BLM lands--the southeastern quarter. The reason for this limitation is due to the fact that most of the BLM lands are desert lands and it is this characteristic which provided the impetus for this study. Therefore, the study

area covers portions of the four BLM districts which are located in Oregon's desert areas: Lakeview, Burns, Vale, and Prineville. This study area covers approximately two-thirds of the state of Oregon

In order to gain an understanding of the BLM and its actions, the history of the BLM, its predecessors, and the lands it administers are reviewed in Chapter II. This chapter begins with an examination of the types of land which are administered by the BLM throughout the eleven western states and Alaska which comprise most of the BLM lands. Since this study covers land that is mostly in the Basin and Range Province, the environment of this category of land is reviewed in greater detail with special reference to the physical environment of southeastern Oregon. Then, the BLM's history is examined to gain a better understanding of the motivations of this government agency. This examination includes not only a review of the predecessors of the BLM, but also the use of the lands administered by them.

Chapter III then reviews the four legislative Acts which are of importance to the creation and maintenance of wilderness areas in the United States. These four Acts are: (a) The Wilderness Act of 1964 which contains the description of wilderness characteristics which the BLM must use in selecting land for inclusion into the NWPS, (b) the Administrative Procedures Act of 1976 which allows for

judicial review of the rulemaking procedures of government agencies, (c) the National Environmental Protection Act of 1969 which made it necessary for government agencies to draft environmental impact statements any time they undertook a major action, and (d) the Federal Land Policy and Management Act which gave the BLM organic authority to retain and manage its lands for both multiple use and wilderness values.

Chapter IV examines the BLM's wilderness selection process in general. It reviews the three-phase process created by the Secretary of the Interior for the BLM to use in making its decisions. The first phase included a double inventory process. An initial inventory of all roadless lands was conducted to determine whether they contained the wilderness characteristics described in the Wilderness Act. Lands that did were retained for further review; those that did not, were released and were no longer subject to special wilderness management. Those retained were subject to an intensive inventory where the wilderness characteristics were once again evaluated using better methods. Lands passing muster were retained for in-depth study of their wilderness qualities; those which failed were released from further consideration.

The second phase was the wilderness study. Each unit which had passed the inventories was examined in detail for its wilderness qualities as well as its potential to be managed for wilderness. These studies resulted in the formation of environmental impact statements which included

the BLM's recommendations for each unit. The third phase of this process was to be the report to the President on the BLM's recommendations. This chapter provides the basis for the evaluation of Oregon's BLM selection process which is examined in Chapter V.

The heart of this thesis is contained in Chapter V. This chapter examines and evaluates the BLM selection process in Oregon by reviewing the official documents published by the Oregon BLM to document its wilderness selection process. These documents include the initial inventory, the intensive inventory, a draft environmental impact statement and a supplement to that draft. Through examination of these documents, it will be determined how well the Oregon BLM has complied with the mandates of FLPMA and the Wilderness Act. Each step of the selection process is reviewed and an attempt is made to determine the major influencing factors on the selection process.

Chapter VI concludes this paper. It reviews the major findings of this study to determine and offers suggestions and comments on Oregon's BLM wilderness selection process.

Summary

This chapter has reviewed the concept of wilderness, the purpose of this paper, and the content of the subsequent chapters. Wilderness has played an important role in the development of civilization. It helped shape the quality and

character of America. Its preservation in a world that is rapidly becoming totally domesticated may be one of the great contributions to civilization.

The following chapter reviews the history of some of the last wild places in the United States and the agency which administers them.

CHAPTER II

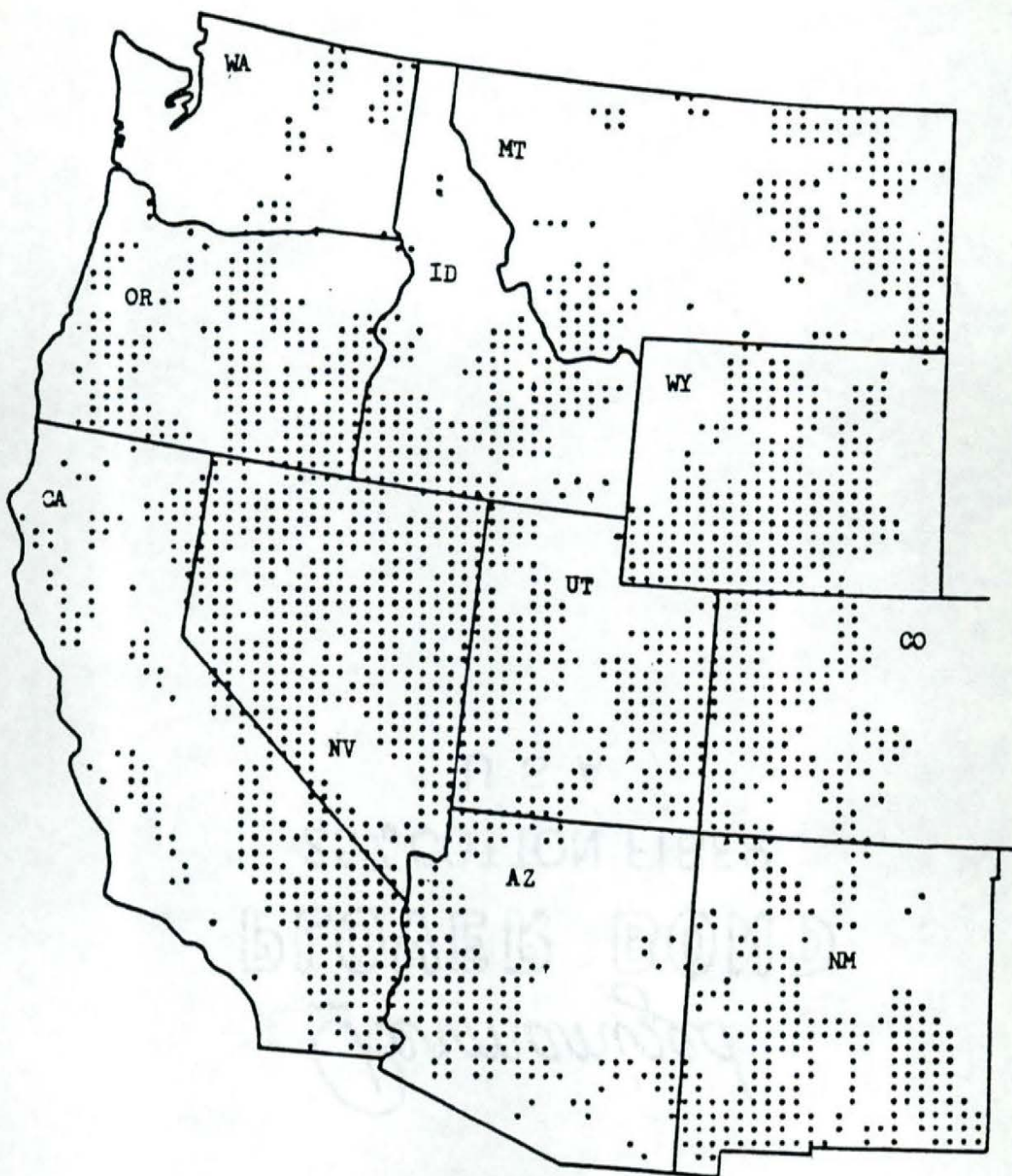
A HISTORY OF THE BLM AND THE LANDS IT ADMINISTERS

The BLM administers about 343 million acres which are mostly in the 11 western states and Alaska (see Map 1, Table 1). It would seem to follow, therefore, that the agency which administers such huge amounts of land, must wield considerable power and influence. However, the BLM and its precursors have a long, colorful, and somewhat blemished history. It appears that rather than being powerful and influential, the BLM has been held captive to the constituency it serves.

This chapter does two things: First it provides a physical description of the lands administered by the BLM, especially those in southeast Oregon which is the focus of this study; second, it examines the historical background of the BLM and its structure, policies and politics. This background is important to gain a better understanding of the BLM's wilderness selection preference in Oregon.

The Physical Environment

With the exception of Alaska, most of the lands administered by the Bureau of Land Management are either arid or semi-arid, where precipitation is normally less than 20



MAP 1. BLM Administered Lands in the Eleven Western States. Source: Rodney E. Greeno, 1986. The Bureau of Land Management's Definition of Wilderness. Unpublished master's theses, Univ. Of Wisconsin, Madison, WI.

TABLE 1. Public Lands Under Exclusive Jurisdiction of the BLM

State	Acres	Percent of State
Alabama	18061	0.01
Alaska	157,604,818	43.12
Arizona	12,165,333	16.74
Arkansas	1,650	0.00
California	17,148,203	17.11
Colorado	8,359,502	12.57
Florida	1,666	0.00
Idaho	11,904,751	22.49
Illinois	3	0.00
Indiana	40	0.00
Kansas	984	0.00
Louisiana	3,960	0.01
Michigan	1,008	0.00
Minnesota	210,170	0.41
Mississippi	56,280	0.19
Missouri	1,649	0.00
Montana	8,927,364	9.57
Nebraska	7,748	0.02
Nevada	47,740,150	67.94
New Mexico	12,871,051	16.55
North Dakota	67,648	0.16
Ohio	40	0.00
Oklahoma	4,927	0.01
Oregon	15,669,320	25.44
South Dakota	2789,713	0.57
Utah	22,129,465	41.99
Washington	312,358	0.73
Wisconsin	158,240	0.45
Wyoming	18,415,777	29.54
Total	334,046,232	19.39 (of U.S.)

Source: U.S. Department of the Interior, Bureau of Land Management, Public Land Statistics 1986. (Washington D.C.: Government Printing Office), p. 26.

inches annually (Grainger, 1982, p. 8). Because of this scarcity of water, vegetation is sparse and wildlife is generally not abundant. The following descriptions, drawn largely from the BLM's, Public Land Statistics 1986, characterize the twelve major concentrations of BLM administered lands:

1. Alaska: 168 million acres, comprised mostly of taiga, tundra, and mountains. The principal economic value is subsistence and sport hunting. However, all the Bureau's lands in Alaska were exempted from the wilderness inventory by statute and secretarial order in 1980 and 1981 (Alaska National Interest Lands Conservation Act, 1980; Greeno, 1986).

2. The Great Basin: 60 million acres in Nevada, western Utah, eastern California, and southeastern Oregon, characterized by wide alluvial valleys separated by steep north-south trending mountain ranges up to 7,000 feet in elevation. Vegetation is mainly desert shrub, pinyon-juniper, scattered aspen, pine, and fir at the highest elevations. The principal economic values are oil and gas leasing and exploration, mineral exploration, and grazing.

3. The Colorado Plateau: 20 million acres in eastern and southern Utah, western Colorado, northern Arizona, and northwestern New Mexico, characterized by arid slickrock canyons and badlands with island mountain ranges. Vegetation consists of grasses, desert shrub, pinyon-juniper, scattered aspen, pine and fir at the highest elevations. The principal

economic values are grazing, recreation, and mineral leasing, exploration, and production.

4. The Columbia Plateau and Snake River Plain: 20 million acres in northeastern Oregon, eastern Washington, and southern Idaho, characterized by flat, arid lava plains cut by infrequent narrow, deep gorges. The vegetation consists of grasses, sagebrush, and juniper. The principal economic values are grazing and recreation.

5. The California Desert: 12 million acres in southeastern California, characterized by wide, arid valleys and small mountain ranges. The vegetation consists of desert shrub, creosote, and Joshua trees. The principal economic values are recreation and mineral exploration.

6. The Wyoming Basins: 12 million acres in southwestern and northwestern Wyoming, characterized by rolling, arid steppe lands with some badlands and sand dunes. The vegetation consists of grasses, desert shrub, and sagebrush. The principal economic values are oil and gas exploration and production and grazing.

7. The High Plains: 12 million acres in eastern Montana, eastern Wyoming, and eastern New Mexico, characterized by flat to gently rolling arid plains. The vegetation consists mainly of grasses. The principal economic values are oil and gas leasing, exploration, and production, and grazing.

8. The Sonoran Desert: 10 million acres in western and southern Arizona, characterized by wide, arid alluvial valleys

separated by small, rugged mountain ranges. The vegetation consists of creosote, bur sage, palo verde, and cacti. The principal economic values are oil and gas leasing and grazing.

9. The Rocky Mountains: 7 million acres in northern Idaho, western Montana, central Wyoming and Central and southern Colorado characterized by high valleys, foothills, and mountains. The vegetation consists of spruce, fir, pine, sagebrush, and grasses. The principal economic values are recreation, grazing, mineral exploration, and timber.

10. Chihuahuan Desert: 5 million acres in southern New Mexico, characterized by wide, flat alluvial valleys with small mountain ranges. The vegetation consists of grasses and desert shrubs. The principal economic values are mineral exploration and grazing.

11. The Oregon and California Revested Lands: 2 million acres (which had been granted to the Oregon and California Railroad as an incentive for construction, but which reverted to the government when the conditions of the grant were not met) in western Oregon, characterized by humid coastal ranges and valleys. The vegetation consists of cedar, hemlock, and Douglas fir. The principal economic values are timber and recreation. However, these lands, as the Alaskan lands, were exempted from wilderness review since they are set aside by law for timber production (Oregon and California Act, 1937, and Federal Land Policy and Management Act (FLPMA), 1976).

12. Coastal Ranges and Valleys: 2 million acres in California and western Oregon, characterized by scattered parcels in arid to humid valleys and mountains. The vegetation consists of Mediterranean scrub, desert shrub, cedar, hemlock, and Douglas fir. The principal economic values are timber, recreation, and grazing.

Basin and Range Topography

The whole Basin and Range, or most of it, is alive. The earth is moving. The faults are moving. There are hot springs all over the province. There are young volcanic rocks. Fault scars everywhere. The world is splitting open and coming apart. You see a sudden break in the sage like this and it says to you that a fault is there and a fault block is coming up. This is a gorgeous, fresh, young, active fault scarp. It's growing. This . . . topography is what you see *during* mountain building. There are no foothills. It is all too young. It is live country. This is the tectonic, active, spreading, mountain-building world. (McPhee, 1980, p. 49)

This wonderfully alive quote came from Kenneth Deffeyes, a senior professor who teaches introductory geology at Princeton University, as he and John McPhee toured the Great Basin. In these few words, he has brought to life a landscape that many would find desolate and boring. But for those who feel as Deffeyes does, these lands are among the most beautiful in the world.

Basin and Range topography refers to landforms which have certain characteristics in common. These characteristics are recognizable by their size, continuity, uniformity of structure, and geologic durability (Bloom, 1978, p. 16). The

name derives from the landforms which characterize the area in the United States known as the Great Basin which includes Utah, Nevada, and parts of Oregon, Arizona, California, and New Mexico (Strahler & Strahler, 1973, p. 226). The following discussion describes these characteristics.

About 140 closed tectonic basins mark the semiarid or arid Basin and Range province of the Southwestern United States. Most of them contained lakes during the last glaciation, ranging from shallow playas to Lake Bonneville, which was more than 330 meters deep at its maximum (Bloom, 1978, p. 424) and covered approximately 19,933 square miles (Smith and Street-Perrott, 1983, p. 194).

Basin and range topography is typified by block-faulted landscapes which are usually in semiarid or arid climatic regions, where vegetation is sparse and geologic structures are boldly exposed:

The regional assemblage of fault-block mountains in the Great Basin section of the Basin and Range province of the western United States led to the original name "basin ranges" for all the mountains of the region. Subsequently, "basin-range structure" was the general term for block faulting. (Bloom, 1978, pp. 37-38)

Fault blocks which have been uplifted, tilted, and bounded on only one of their sides by fault scarps form these mountain ranges. Rather than a valley or a graben which is a depression produced by subsidence along faults, the basins are fault angle depressions between two tilted, elongated blocks.

"An assembly of tilted blocks, grabens, and horsts is called a fault-block landscape" (Bloom, 1978, p. 39).

The ranges in the Basin and Range province are building in a way different from most mountain ranges. Typically, mountains are formed as a result of compression where the earth's crust is folded, bent, and thrust up due to the action of plate tectonics. But in the Basin and Range province, the crust is spreading out, pulling apart. As this happens, the crust is broken into the blocks mentioned above. According to McPhee (1980), these irregularly shaped blocks "more truly suggest stretch marks, which they are" (p. 50). These mountain ranges are commonly 50 to 75 miles long, 6 to 15 miles wide, and reach elevations of 7,000 to 12,000 feet. McPhee describes these ridges as trending:

north-south because the direction of the stretching is east-west. The breaks, or faults, between them are not vertical but dive into the earth at roughly sixty-degree angles, and this, from the outset, affected the centers of gravity of the great blocks in a way that caused them to tilt. Classically, the high edge of one touched the low edge of another and formed a kind of trough, or basin. The high edge--sculpted, eroded, serrated by weather--turned into mountains. The detritus of the mountains rolled into the basin. The basin filled with water--at first, it was fresh blue water--and accepted layer upon layer of sediment from the mountains, accumulating weight, and thus unbalancing the block even further. Its tilt became more pronounced. In the manner of a seesaw, the high, mountain side of the block went higher and the low, basin side went lower until the block as a whole reached a state of precarious and temporary truce with God, physics and mechanical and chemical erosion.... Basin and range. Integral fault blocks: low side the basin, high side the range. For five hundred miles they nudged one another across the province of the Basin and Range. With extra faulting, and whatnot, they took care of their own

irregularities. Some had their high sides on the west, some on the east. (pp. 50-51)

Basin and range topography is littered with hot springs. As the crust spreads, it brings hot mantle near the surface. Underground water is heated when it passes over these hot spots, and creates hot springs when it escapes to the surface through fractures in the rock.

There are many ephemeral streams throughout the Great Basin, which often terminate in shallow, saline lakes. Many of these lakes evaporate to expose playas during the hot, summer months.

Southeast Oregon's Physical Environment

Most of southeast Oregon lies within the Basin and Range Province. The majority of this land is federally owned and is administered by the BLM. In Oregon, the BLM administers more land in this section than in all the other sections combined, thus most of the areas considered for wilderness by the BLM are located here.

The Oregon portion of the Great Basin is typically known as High Desert country because of its relatively high elevation. Most of the area ranges from 4,000 to 6,000 feet in elevation. These lands are classified as arid or semi-arid, meaning that they receive relatively small amounts of precipitation each year. The Alvord Desert receives less than 5 inches of precipitation annually, but Steens Mountain, rising 5,280 feet above the Alvord to the west, receives about

30 inches of precipitation each year. Most of the areas in this study receive between 10 and 15 inches of precipitation per year. Almost half of this precipitation falls between November and February, usually in the form of snow. Springs are generally wet, but July, August, and September are usually fairly dry.

The terrain consists of a series of fault-block mountains enclosing basins which have interior drainages. This means that precipitation in these areas does not find its way back to the oceans via rivers or streams. Much of the area between the mountains is rolling with low relief. But there are many precipitous fault scarps including Diablo Mountain, Fish Creek Rim, Abert Rim, Catlow Rim, Steens Mountain, and the Pueblo Mountains (BLM, 1985, p. 36).

Steens Mountain is one of the most significant features on this landscape. It is a 30 mile long tilted fault-block thrust upward 15 million years ago to its present elevation of 9,773 foot elevation, creating a rugged eastern scarp one mile above the Alvord Desert with a more gently tilted landscape dipping to the west (BLM, 1984, Map). Then, about one million years ago, glaciers carved huge U-shaped gorges on the mountain's western side. Other prominent fault block mountains in the region include Winter Ridge and Hart Mountain.

Shallow, saline lakes and playas ranging in size from less than an acre to several thousand acres are also located

throughout the province. In most years, the playas contain water for only short periods of time, in late winter and early spring. But this fluctuates both annually and cyclically according to precipitation and evaporation rates. Remnants of pluvial lakes are still in existence. Denzel and Nancy Ferguson (1978) describe some of these, including:

Upper Klamath, Silver, Summer, Abert, Goose, and the Warner Valley lakes. Summer and Abert lakes were once joined to form a more extensive body of water called Lake Chewaucan. Around the base of Steens Mountain, major pluvial lakes formed in the Alvord Basin (491 square miles, 200 feet deep), Catlow Valley (351 square miles, 75 feet deep), and in the Harney Basin (920 square miles, 70 feet deep), where Malheur and Harndy lakes are remnants. Upper Klamath Lake has gained outlet to the sea by way of the Klamath river. Catlow Lake, which at one time was one of the larger bodies of water in southeastern Oregon, is now totally dry. (p. 8)

The former shorelines of these ancient lakes are many times clearly visible as terraces standing 70 to 300 feet above current water levels. However, in many of the basins extensive salt deposits are all that remain of these ancient lakes; "the water has long since seeped into the earth or evaporated" (Ferguson & Ferguson, 1978, p. 9).

A small part of the study area is outside the Basin and Range Province. It is included in the Owyhee Uplands Province. This area is mostly a high, gently rolling plateau which generally slopes gently to the north. Most of this province is drained by the Owyhee River and the West Little Owyhee, both of which have carved deep, vertical-walled canyons in the plateau.

The Socio-Political Evolution of The Public Domain Lands
and the Creation of the BLM

The Bureau of Land Management is one of the four major federal land agencies. According to the BLM's Public Land Statistics (1986, p. 11), it manages fifteen percent of all land in the United States and 48 percent of all the federal lands. The BLM's 343 million acres are mostly in the eleven western states and Alaska (Map 1 and Table 1). These have been referred to as "the lands that nobody wanted." Essentially, they are the lands that were left over after the railroads, cattlemen, homesteaders, miners, and lumbermen had claimed huge portions of the public domain under the lenient disposal laws of the 1800s and early 1900s. Even the federal government did not claim these lands for special purposes as it did when it reserved over 350 million acres for national parks, forests, wildlife refuges, and Indian and military reservations (BLM, 1986, pp. 5-35). These leftover lands were generally viewed as barren and desolate (Nash, 1973, p. 14), and their only redeeming quality seemed to be as forage for cattle and sheep.

This perception has changed however, as these lands have become valuable for much more than just forage (see Table 2). Recreation on these lands has increased dramatically, with over 50 million recreation visits annually. There are even a number of national parks and national monuments such as the

TABLE 2. Resource Production from Western States' BLM Lands, Fiscal Year 1986 (in thousands = M) (a)

State	Grazing MAUM-b	Timber MMBF-c	Petrol MBbl-d	Nat Gas MMCF-e	Coal MTon-f	Recr MRV-g	Game MBGA-h
AZ	642	1	--	--	--	1,557	44
CA	411	23	17,282	5,511	--	29,052	124
CO	489	11	10,181	55,602	8,563	4,540	266
ID	1,064	22	--	--	--	3,342	104
MT	1,188	15	6,012	12,016	10,345	2,067	148
NV	1,673	4	1,006	--	--	1,458	201
NM	1,571	1	22,879	598,438	6,546	1,328	37
OR	936	1,147	--	--	--	3,563	259
UT	943	12	5,348	25,074	8,618	5,501	194
WA	--	--	--	--	--	--	--
WY	<u>1,522</u>	<u>15</u>	<u>71,391</u>	<u>207,815</u>	<u>36,131</u>	<u>1,549</u>	<u>365</u>
Total	9,503	1,251	134,099	904,456	70,203	53,957	1,742

Source: U.S. Department of the Interior, Bureau of Land Management, Public Land Statistics 1986 (Washington D.C.: Government Printing Office, 1986).

a. The data for petroleum, natural gas, and coal include all public lands in the western states, not just BLM lands; but most of the production is from BLM lands.

b. Thousands of animal unit months (an AUM equals the forage needed by one cow and calf for one month).

c. Millions of board feet.

d. Thousands of barrels.

e. Millions of cubic feet.

f. Thousands of short tons.

g. Thousands of recreation visits.

h. Thousands of big game animals.

Grand Canyon National Park and Arches National Monument located in these "barren" lands, and a new national park, the Great Basin National Park, was just recently designated in the fall of 1987 in Nevada.

In addition, these lands supply about five percent of the U.S. natural gas production, four percent of petroleum production, fifteen percent of coal production, and eight percent of timber production (U.S. Department of Commerce, 1985, pp. 697, 722). However, in the 1800s, the primary claim-to-fame for most of these lands was as the location for the great range wars.

Historical Use of the Land

Prior to 1934, the federal government was in the business of divesting itself of public lands (Clawson, 1971, p. 4). Much of the acquired lands purchased by the United States government was later ceded to new states when they were being created. But the government also gave away or sold very cheaply, many millions of acres to veterans, homesteaders, railroads, and miners (Clawson, 1971, p 14). In addition, in the late 1800s and up to the present, the federal government has reserved lands for special purposes. The leftover lands, referred to as either public domain lands or just public lands, are the current responsibility of the BLM.

To accommodate the giveaway of federal lands, land offices were specially created in 1800 and were overseen by the

Secretary of the Treasury, until 1849, when this responsibility was awarded to the Secretary of the Interior. These offices opened and closed as demand for the land waxed and waned (Clawson, 1971, p. 27). In 1812, the General Land Office (GLO) was created to handle the burgeoning business of surveys, sales, and other land transactions (Clawson, 1971, p. 28).

During these years, graft and corruption was rampant among land surveyors and speculators. "Fraud, collusion, misrepresentation, and corruption continually plagued the GLO," according to Clawson (1971, p. 31), as land speculators tried to make the best deals for the the best lands.

However, the nonarable or marginally arable lands went largely unclaimed and unmanaged. What management there was, was dominated by self-interest and controlled by western legislators who often dominated state and territorial legislatures and made legislative policies for their own benefit (Coggins et al., 1982, pp. 536, 549). Self-interest led to the deterioration of these lands, to a "tragedy of the commons", as each land user tried to maximize his own use of the land, without regard for the condition or quality of the land. When one region was worn out from grazing, the cattle or sheep were simply moved into new areas. Large ranch operations used the homesteading laws to grab huge areas of the west. Nearly always, they would claim areas that had water sources. With the possession of the water rights, they

were able to exclude other settlers or small grazing operators from using the lands surrounding their claims (Coggins et al., 1982, pp. 542-543). This led to the range wars between cattlemen, sheepmen, and homesteaders and between large operators and small.

Besides grazing, mining was the other dominant use of these lands:

For nearly a century after independence, mining was carried out on federal land by anyone who could extract minerals. Land with known deposits could not be taken up by homesteaders, for the mineral wealth of the land was considered its prime asset, to be developed above all else. Yet in spite of the interest in mineral development and the mining booms that occurred throughout the nineteenth century, laws specifically applicable to mineral-bearing lands were slow in evolving, in large part because there was little demand for them. (Clawson, 1971, p. 121)

Historically, the most sought after minerals were gold, silver, copper, lead, zinc, and uranium. In the 20th century, oil and gas mining has gained dominance. The mining law of 1866, revised in 1872, was enacted in the belief that mining was the most important use of public land. Although government agencies, conservation groups and recreationists have long sought changes in the mining laws, there have been only relatively minor changes (Clawson, 1971, p. 126). But it was the discovery of gold in California which started the boom in exploration and settlement of the West. The gold rushes also created a demand for locally available beef and for fast transportation, which led to the building of the railroads.

The railroads received large tracts of land to encourage the settlement of the western United States. Congress feared that too much power would accrue to the railroads if it gave them large blocks of land. Instead, Congress awarded land grants in a checkerboard pattern alongside the railway, with each square being one square mile in area (Coggins & Wilkinson, 1987, pp. 106-108). It was thought that the railroads would sell these lands to settlers or otherwise dispose of them. However, many of these areas remained in railroad hands, creating great difficulties in access and management of the public lands.

The Taylor Grazing Act of 1934

By 1934, the rangeland ecosystems were in collapse. There had never been any real governing law to limit grazing or to protect the land, and consequently, much of the land's productive capacity had been destroyed through overgrazing and general mismanagement. Coggins et al., (1982) state that perhaps only the occurrence of several severe winters in the late 1890s slowed the environmental damage caused by domesticated animals:

In their race for available grass, the ranchers overstocked and itinerant sheep finished off the stubble. Grass production declined precipitously. Perhaps only the severe winters that killed thousands of starving cows prevented wholesale desertification of the entire region. (p. 549)

Finally, in 1934, Congress realized that the policy of free use of the public lands for grazing had failed, and passed the Taylor Grazing Act of 1934, which placed public domain lands into controlled grazing districts (43 U.S.C. §315). President Franklin D. Roosevelt then withdrew from entry the remaining public domain to prevent a flood of applications for land acquisition (Clawson, 1971, p. 50).

In addition to creating controlled grazing districts, the Taylor Grazing Act excluded nomads, mandated a permit allocation system, and required federal cooperation with grazing permittees. Established ranchers who were adjacent to public lands were given almost exclusive grazing privileges (Coggins et al., 1982, p. 550). Since the permit system was based mostly on use of the land between 1929 and 1934, the depression years, many small operators who were in financial trouble came out rather poorly.

With an amendment to the Taylor Grazing Act, the Division of Grazing was created because it was generally felt that the GLO "lacked the competence to initiate and carry out a program of grazing management" (Clawson, 1971, p. 35). During this time, detrimental historic precedents were set: grazing fees were set to cover only administrative costs rather than the value of the fodder; more forage was allocated than was grown; a decentralized decision making process allowed too much local influence; and all other uses or values of the land were subordinated to livestock production. But worst of all was

the reduction of the range manager to the status of a "mere agent for the rancher-dominated Grazing Advisory Boards" (Coggins et al., 1982, p. 551).

The Division of Grazing was renamed the Grazing Service in 1939. The Grazing Service tried to implement regulations to end overgrazing, but western congressional leaders were so infuriated by this that they managed to decimate the Service's staff and reduce its budget by 53 percent (Culhane, 1981, p. 88). By 1946, the effectiveness of both the General Land Office and the Grazing Service had collapsed, and through consolidation of these two offices, a new agency was born: the Bureau of Land Management.

The Bureau of Land Management

The BLM's first years were spent slowly building its budget and personnel, but its revenues began to greatly increase during the 1950s with issuance of oil and gas leases on the Outer Continental Shelf (Clawson, 1971, p. 135). During the 1960s, under the influence of the Kennedy administration's dedication to environmental quality, the BLM's budget allocation for resource protection greatly increased. In addition, there was a renewed emphasis on ending overgrazing, and new attention was given to recreation values on public domain lands (Greeno, 1986, pp. 13-14).

One of the most significant conservation achievements during this period was passage of the Classification and

Multiple Use Act of 1964 (CMUA). This was the first substantive move by Congress toward placing the BLM on an equal footing with the other federal land agencies. It indicated that the public domain was to be largely retained in federal ownership rather than disposed, and gave the BLM a statutory multiple-use mandate in managing the public lands (CMUA, 1964, §§986-988).

In addition to its responsibility for managing its own lands for grazing, mining, and recreation, the BLM oversees mineral leasing in the National Forests and also in 69 million acres of land in which the government owns the mineral interests but not the surface rights. It also oversees the leasing of off-shore lands for gas and oil exploration and production. In total, the BLM has jurisdiction over the use of 453 million acres of land in the United States (Clawson, 1971, p. 43). The BLM has the further responsibility for making cadastral surveys, land records, and land classifications.

In 1964 the Public Land Law Review Commission (PLLRC) was established to review the status of public land laws and to recommend changes. It recommended that the BLM be given a permanent organic act with a multiple-use mandate (U.S. PLLRC, 1970). This eventually led to the creation in 1976 of the Federal Land Policy and Management Act, the BLM's first true organic authority.

Structure

The BLM is organized into three tiers: the Washington, D.C. office, the state offices, and the district offices within the states. There are two service centers to supplement this structure, one in Portland, Oregon, and one in Denver, Colorado (Clawson, 1971, p. 61).

The Washington office creates policy and issues directives within the limits determined by law and according to directions from the President or the Secretary of the Interior. It supervises the subordinate offices, and is charged with ensuring that all BLM actions are consistent with national policies and directives (Clawson, 1971, p. 62). This office is headed by the BLM Director, who is responsible for policy-making and implementation. The Director reports to the Assistant Secretary of the Interior for Land and Water Resources (Haugrud, 1985, p. 6). The Washington office has four major divisions: administration, resources and minerals, technical services, and legislation and plans, and each division is divided into several departments. The Department of Recreational, Cultural and Wilderness Resources in the Resources and Minerals Division, is responsible for implementing and supervising the BLM study of wilderness areas (Haugrud, 1985, p. 6).

Only the western states which have substantial acreage of public land have their own state offices, the second tier in

the BLM organization. The state offices coordinate the activity of the district offices within each state and provide them with technical assistance. Each of the State offices has a wilderness coordinator who oversees the study and selection of wilderness areas within that state.

The district office is the third, or bottom tier within the organization. It is at this level that the directives and policies of the Bureau are applied to the land. This office prepares resource inventories and land use plans, approves and oversees the activities on the land, and enforces the applicable laws for the use of the land. Also, those districts containing wilderness study areas have a wilderness specialist who directs the wilderness study for the district (Haugrud, 1985, p. 7). Each district is usually subdivided into resource areas, each with its own manager and professional staff. These offices are frequently located within their own resource areas, rather than in the district headquarters (Clawson, 1971, p. 57). This allows the personnel to stay more in tune with the area, its problems, and the people who use it.

Management Policy

The BLM lands are currently managed under the policies set forth in the Federal Land Policy and Management Act (1976), commonly referred to as FLPMA. (FLPMA is discussed in greater detail in Chapter II.) FLPMA delegated true organic authority

to the BLM for the first time by providing permanent, comprehensive legislation for the BLM to follow. Most importantly, FLPMA confirmed the change in federal policy from disposal of the public lands to one of retention. This had been an unofficial policy for some time, but FLPMA gave it the force of law. FLPMA also legitimized the policy of multiple use. The multiple use doctrine gives the BLM three objectives in managing the land: using and developing resources, protecting and conserving resources, and maintaining the quality of the environment. For the purposes of this paper, FLPMA's most important requirement was to force the BLM to identify areas of critical environmental concern and potential wilderness areas (FLPMA, 1976, § 603).

Politics

The enormous changes in the BLM's revenues, budget, and staff in the last thirty years have been accompanied by great changes in the BLM's politics. During the 1950s, the BLM was characterized as a "captive" agency, controlled by the BLM's National Grazing Advisory Board (composed of members of the National Cattlemen's Association and the National Woolgrowers' Association), western congressional representatives (often cattle ranchers), and the BLM Washington Office (Foss, 1960, pp. 109-203). Foss (1960) called this Board the "iron triangle" whose main function was to keep the BLM's funding and personnel levels so low as to preclude professional

management capable of ending the severe overgrazing of BLM lands, even to the detriment of the agency. Attempts to end overgrazing by BLM range managers resulted in their being punished by being transferred to less desirable positions and by denial of promotions (Foss, 1960, p. 202). The "iron triangle" gradually lost power during the Kennedy administration.

Environmental groups did not take an active role in BLM politics until the early 1970s, after passage of the National Environmental Policy Act of 1969 (NEPA) (Greeno, 1986, p. 18). When the Supreme Court broadened the concept of "standing", two suits against the BLM were won by environmental groups which fundamentally changed BLM politics because both of these suits were won by the environmental groups. The first, National Wildlife Federation v. Morton (1975) was brought to force the BLM to control off-road vehicle damage to wildlife and wildlife habitat. The second, Natural Resources Defense Council, Inc. v. Morton (1974) required the BLM to prepare over 100 site-specific environmental impact statements on grazing use, instead of the one national programmatic statement advocated by the BLM. Thus, the BLM was forced to consider environmental impacts in their policy-making processes in order to withstand court challenges.

Despite the influence of environmentalists in the 1970s and the loss of power of the "iron triangle", political pressure was still used against local BLM officials who made

unpopular decisions. Local personnel who made unpopular decisions were still transferred to obscure offices and denied promotions by higher level BLM officials who were pressured by western congressional representatives (Fradkin, 1979, pp. 94-97, 105-114).

The BLM was caught between the environmentalists on the one side (who claimed that it had a strong anti-wilderness bias) and mineral and grazing interests on the other (which considered that the BLM had a pro-wilderness bias) (Culhane, 1981, p. 214). However, the BLM's positions probably have varied between these two biases, depending upon the office concerned, as each level of administration has distinct decision-making authorities and associated political environments.

Public Rangeland Improvement Act of 1978

The Public Rangeland Improvement Act (PRIA) was legislated because of the many management shortcomings still found in the BLM (Coggins et al., 1982, p. 557). Almost every section calls for improvement in the rangeland condition. The Act finds that:

vast segments of the public rangelands are producing less than their potential for livestock, wildlife, habitat, recreation, forage, and water and soil conservation benefits, and for that reason are in unsatisfactory condition. (PRIA, 1978, §1901a, 1)

FLPMA is reaffirmed and expanded upon in PRIA, and specific problems such as wild horse management are elucidated.

Although PRIA was a further attempt to guide the BLM into better management of the public lands, there are still many shortcomings. By this time, few of the areas remain in their natural "pre-white settlement" condition. Therefore, the current BLM is faced with a depleted range and little money or interest from the current administration to attempt any significant changes. The BLM plants crested wheatgrass for rangeland fodder to replace the native bunch grasses which were depleted by overgrazing. Unfortunately, crested wheatgrass is not favored by most wildlife grazers, and has incurred its own set of problems.

Summary

This chapter has reviewed the evolution of the BLM and provided a description of the lands it administers, especially those in southeast Oregon, the focus of this study. The precursors of the BLM were characterized as basically being mismanaged and corrupt. The BLM itself was generally considered to be a "captive" agency as recently as the 1950s, and still is in some areas. Most of the lands administered by the BLM are used for grazing purposes and are still very degraded; little rehabilitation has occurred, and this has usually meant only the planting of crested wheat grass. Given the history of the BLM, it would not be surprising to discover that it might not be an enthusiastic agency for designating wilderness.

Chapter III will examine the legislative history of wilderness in the United States. Four legislative acts will be discussed which have either a direct or indirect influence on how the BLM must direct its wilderness selection process.

CHAPTER III

THE LEGISLATIVE HISTORY OF WILDERNESS DESIGNATION

This chapter examines the legislative history of wilderness in the United States, especially as it pertains to the Bureau of Land Management. Four legislative acts are reviewed which have either a direct or indirect influence on how the BLM must direct its wilderness selection process.

The two most important acts are the 1964 Wilderness Act, which provided the criteria for wilderness selection on most public lands, and the 1976 Federal Land Policy and Management Act, which provided the authority to designate wilderness specifically on public lands administered by the BLM. These two pieces of legislation provide the authority for all wilderness designation by the BLM.

The other two statutes, the Administrative Procedures Act of 1976 and the National Environmental Policy Act of 1969, are peripheral to actual wilderness designation. Their importance lies in the administration of laws. In other words, these Acts force government agencies to comply with their legislative mandates and provide citizens and others access for challenging agency decisions in courts of law. The BLM's

adherence to its congressional mandate forms the basis of this study.

The Wilderness Act of 1964

The creation of the Wilderness Act was an extraordinary piece of legislation, making history not only in the United States, but also around the world. It marked the first time in the history of the world that wild lands, in their pristine states, were to be preserved for posterity (Coggins & Wilkinson, 1981, p. 766). The Wilderness Act has been described as "one of the most idealistic pieces of federal legislation ever enacted" and "reads precious little like an ordinary federal statute" (Coggins & Wilkinson, 1987, p. 987). In creating the Wilderness Act, Congress eloquently defined wilderness as follows:

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 its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this chapter 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; (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. (Wilderness Act, 1964, sec. 1131(c))

Although small sections of wild lands had been preserved previously in national parks, monuments, and wildlife reserves, wilderness was not the primary reason for preservation; rather, some special characteristic of these areas was preserved for future generations of humans to appreciate. Some wild lands had even received administrative wilderness designation, but wilderness areas that were reserved in this manner could also be revoked administratively with a change of administration. So the Wilderness Act was the first really comprehensive legislation enacted to protect significant amounts of land from human development; protection which only an act of Congress could alter.

The events which finally led to the creation of the Wilderness Act have a long and colorful history. The wilderness bill received more congressional time and effort than any other piece of legislation in conservation history. Over a period of seven years, from 1957 until May of 1964, over six thousand pages of testimony were collected from nine separate hearings (Nash, 1976, p. 222). As David Brower (leader of the conservation movement of the time) said in a hearing before Congress, "the wilderness we now have is all . . . men will ever have" (Nash, 1973, p. 223). Brower and other conservationists envisaged a wilderness system containing about 50 million acres, or roughly two percent of the nation.

Roderick Nash (1976) described succinctly the culmination of years worth of debate which finally led to the creation of the wilderness preservation system:

The concept of a wilderness system marked an innovation in the history of the American preservation movement. It expressed, in the first place, a determination to take the offensive. Previous friends of the wilderness had been largely concerned with defending it against various forms of development. But the post-Echo Park mood was confident, encouraging a bold, positive gesture. Second, the system meant support of wilderness in general rather than of a particular wild region. As a result debate focused on the theoretical value of a wilderness in the abstract, not on a local economic situation. Finally, a national wilderness preservation system would give an unprecedented degree of protection to wild country. Previously, preservation policy in the National Forests had been only an administrative decision subject to change at any time by Forest Service personnel. Even the laws creating National Parks and Monuments deliberately left the way open for the construction of roads and tourist accommodations. The intention of the wilderness bill, however, was to make any alteration of wilderness conditions within the system illegal. (p. 222)

The Wilderness Act was principally concerned with defining the concept of wilderness and creating the National Wilderness Preservation System (NWPS). Designating the charter member areas of the NWPS and directing the management of the NWPS lands were two more very important goals. It gave immediate statutory protection to certain areas which had been previously designated for special protection by the Chief of the Forest Service. Additionally, it directed the Secretary of Agriculture to analyze those areas which had already been designated as "primitive" for congressional inclusion into the NWPS. Congress set aside certain national forest areas for

preservation, and set in motion a process for designating more wilderness areas in national forests, parks, and wildlife refuges.

Even with the passage of the Wilderness Act, however, the debate over the meaning and value of wild country did not end. For example, the Wilderness Act did not deal expressly with BLM lands, even though the introductory section of the Act described the NWPS "to be composed of federally owned areas designated by Congress as wilderness" (Wilderness Act, 1964). There are two interrelated reasons to explain the apparent exclusion of BLM lands from preservation under the Wilderness Act. First, at the time of passage of the Act in 1964, there was still a predominating view that the public lands administered by the BLM were to be transferred from public ownership to private. Second, given the arid nature of these lands, there seemed to be an implicit assumption that there was not much in those lands worth preserving (Leshy, 1981, pp. 362-363). The passage of the Federal Land Policy and Management Act (FLPMA, 1976) corrected this omission, and the lands selected for wilderness consideration by the BLM are subject to the wilderness classification provisions of the Wilderness Act.

The Wilderness Act left open two main loopholes for development: the two grandfather clauses for mining and grazing. In essence, these clauses allowed both mining and

grazing activities to continue on officially designated wilderness lands where they were already established prior to the effective date of the Act and subject to those regulations of the Secretary of Agriculture as he deemed necessary. Further, the Act allowed the continuation of staking mining claims and the operation of mineral leasing laws in national forest wilderness areas until midnight, December 31, 1983 (The Wilderness Society, 1984).

The Administrative Procedures Act

The Administrative Procedures Act of 1976 (APA) does not in and of itself deal with environmental or wilderness issues. However, it basically allows for judicial review of the rulemaking procedures used by government agencies. The APA applies to four categories of agency actions: "adjudication, formal rulemaking, informal 'notice and comment' rulemaking, and informal decisions" (Coggins et al., 1982, p. 610). Under the APA, courts must set aside those agency decisions which are found to be capricious, arbitrary, unlawful, abusive of discretion or lacking the use of required procedures (APA, 1976, §706). In effect, the APA requires that all administrative decisions are reviewable. Although in the past agencies were allowed discretion due to their "expert" professionalism, the courts have subsequently narrowed that interpretation so that, "reviewability is presumed and

nonreview is proper only when there is no law whatsoever for the court to apply to the dispute" (Coggins et al., 1982, p. 613). This means that the courts can give close scrutiny to the substantive and procedural grounds for federal agency decisions. Coggins and Wilkinson (1987) say that:

Almost all public land law litigation involves principles of administrative law in some fashion, partly because nearly all major litigation is against or by the government. The typical law suit is brought by a private party against a federal agency, and the federal defendant then raises a host of procedural objections--standing, exhaustion of remedies, mootness, sovereign immunity, jurisdiction, reviewability, and others. Those procedural defenses (seldom) result in dismissal nowadays, so the court then must turn to an examination of the substantive statute or regulation on which administrative action is premised. Such examination must proceed in the context of administrative law principles that define the court's scope of review. (p. 280)

They warn, though, that the scope of judicial review is still neither totally definable nor predictable:

The test and the consequences can vary by statute, by litigant, by situation, by procedural posture, by equitable considerations, and by court. (p. 617)

However, plaintiffs are increasingly able to challenge land agencies on legal violations because of the more detailed statutes and regulations promulgated by modern congressional and administrative lawmaking.

The National Environmental Policy Act of 1969

The National Environmental Policy Act (NEPA, 1969) is probably the most important of the peripheral statutes to affect management of the public lands. Its express purpose is

to encourage a productive and enjoyable harmony between humans and the environment. It promotes "efforts that will eliminate damage to the environment and biosphere and stimulate the health and welfare of humanity" (NEPA, 1969, §4321).

NEPA forces federal agencies to put into writing their reasons, evaluation, and conclusions whenever the agency proposes "a major federal action significantly affecting the quality of the human environment" (1969, §4332(2)(C)). This written document is called an environmental impact statement (EIS). It must include an analysis of all the adverse environmental impacts which may arise as a result of the proposed action, and it must discuss alternative courses of action. This is supposed to aid the agency in its decision-making process of whether to grant or refuse the proposed action. The EIS's primary purpose is to disclose the environmental consequences of a proposed action, thus alerting the agency decision-maker, the public, other agencies, Congress and the President to the environmental risks involved. Most importantly, "citizens who disagree with the conclusions (of the agency) can seek judicial review of the action" (Coggins & Wilkinson, 1981, p. 261).

An environmental impact statement is really the heart of the NEPA process designed to ensure achievement of national environmental goals. Each statement must assess in detail the potential environmental impact of a proposed action. As early

in the decision-making process as possible, and in all cases prior to the agency's decision, the agency must prepare a draft statement for review by appropriate Federal, State and local environmental agencies as well as the public. After comment from the agencies and interested parties, the statement is prepared in final form, incorporating all comments and objections received on the draft and indicating how significant issues raised during the commenting process have been resolved. Both draft and final statement are filed with the Council on Environmental Quality (CEQ) and are made available to the public.

Unfortunately, NEPA has only procedural effect rather than substantive. In other words, it can force an agency to consider all the alternatives to a proposed action, but it does not force the agency to make an enlightened or environmentally wise decision. However, NEPA does force agencies to document their decision-making processes and requires consideration of environmental issues in their programs. An important and intended consequence of this is to build into a Federal agency's decision-making process a continuing consciousness of environmental considerations. This, in turn, should ensure to the fullest extent possible under the law that the agency directs its policies, plans and programs so as to meet national environmental goals.

The Council on Environmental Quality (CEQ) was also created by NEPA. The function of the Council is to provide environmental policy advice to the President, and to review various Federal programs and activities for their consistency within the NEPA goals. Although the CEQ is now less active than it was during the Carter Administration, it still monitors trends in environmental quality. NEPA is a landmark for environmental laws; it offers opportunity to protect and to improve the quality of our environment.

The Federal Land Policy and Management Act of 1976

The Federal Land Policy and Management Act (FLPMA) gave the Bureau of Land Management (BLM) its first permanent, comprehensive legislative authority. It confirmed the change in federal policy from disposal of the public lands to retention; it legitimized the policy of multiple use; and it commanded a wilderness review of all BLM lands for possible inclusion into the National Wilderness Preservation System (NWPS) created by the Wilderness Act of 1964. BLM lands had not been considered under the Wilderness Act because it appeared that these lands were still being considered for disposal at the time the Act was adopted.

However, in 1964, just after passage of the Wilderness Act, Congress created the Public Land Law Review Commission (PLLRC) to review and recommend revisions in the vast number

of miscellaneous public land laws. The PLLRC report, published in 1970, mentioned deteriorated rangeland and recommended the exclusion of livestock from "frail lands" (PLLRC, 1970, p. 106). Even the BLM reported in 1974 and again in 1975 that the public rangelands under its jurisdiction were deteriorating (Zaleha, 1986, p. 132).

FLPMA embodied the Congressional sentiment that the public lands were not being well managed under the jurisdiction of the BLM. It required the BLM to use the management practice of multiple use, sustained yield which means, basically, that all the land's resources must receive equal consideration and weight in all decision making. For example, habitat for wildlife must be considered as important as, and treated equally with, forage for domestic grazing animals. Congress included strong language in FLPMA, commanding that land managers avoid "permanent impairment of the productivity of the land and the quality of the environment" and emphasizing the "longterm needs of future generations for renewable and nonrenewable resources" (FLPMA, 1976, §1702(c)). An important section in FLPMA is §1701(a)(8), which requires the public lands to be:

managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use.

FLPMA also mandated intensive planning by the BLM so as to avoid the "unnecessary or undue degradation" which has been so common in even the recent past. It directed the Secretary of the Interior to implement a three stage process for the BLM to use in managing the public lands: (a) the BLM must inventory the land's resources and values, (b) land use plans must be developed, and (c) these land use plans must be implemented in individual management decisions. These plans were especially important to wilderness advocates because they include the recommendations on wilderness proposals. In addition, identifying and creating protective measures for "areas of critical environmental concern" (ACECs) were the first priorities in the planning process.

Section 603 of FLPMA is the most important section for the purposes of this paper as it is the section which primarily deals with the selection process. Section 603(c) made clear Congressional intent to protect the wilderness qualities of these lands during the period of review by requiring the BLM to manage its lands:

in a manner so as not to impair the suitability of such areas for preservation as wilderness . . . (and) . . . in managing the public lands the Secretary shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection.

But section 201(a) also directed the Secretary of the Interior to inventory all public lands to assess "their resource and other values." Cecil Andrus, former Secretary of the

Interior, established a three-phase process for reviewing the BLM lands in accordance with these two sections: inventory, study, and reporting.

Section 603 required the BLM to recommend to Congress by 1991 those areas suitable for wilderness designation. This inventory of the land for wilderness characteristics was to be conducted "in accordance with the procedure specified in section 3(d) of the Wilderness Act." Areas found to have wilderness characteristics were identified as wilderness study areas (WSAs) in accordance with the BLM's Wilderness Inventory Handbook, published in 1978. This guide provided a "statement of policy, direction, procedures and guidance for the wilderness review program" (Coggins & Wilkinson, 1987, p. 1045). This was to afford protection for the wilderness qualities of the WSAs throughout the period of review.

Although FLPMA has afforded a great deal of environmental protection for the public lands, it did not go so far as to prohibit those uses of the land which cause degradation such as mining and grazing. Grazing, mining, and mineral leasing rights are given protection by section 701(h) of FLPMA which states that, "all actions by the Secretary concerned under this Act shall be subject to valid existing rights." In other words, if cattle were actually being grazed, if mining claims were actually being worked, or if exploration was actually in process at the time of passage of FLPMA, then these actions

could continue. However, these actions had to be managed under the BLM's nonimpairment standard which was based upon the language of section 603(c). Rules for adhering to this management policy were contained in the BLM's Interim Management Policy and Guidelines for Land Under Wilderness Review (IMP) published in 1979. These uses are commonly referred to as "grandfathered" uses.

Summary

This chapter has examined the legislative history of wilderness in the United States as it affects the Bureau of Land Management. Four legislative acts were reviewed which have either a direct or indirect influence on how the BLM must direct its wilderness selection process: the Wilderness Act of 1964, the Federal Land Policy and Management Act of 1976, the Administrative Procedures Act of 1976 and the National Environmental Policy Act of 1969.

The Wilderness Act provided the wilderness criteria for selecting lands to be studied for inclusion into a National Wilderness Preservation System. FLPMA mandated the designation of wilderness on public lands administered by the BLM. These two pieces of legislation provide the authority for all wilderness designation by the BLM.

The APA and NEPA force government agencies to comply with their legislative mandates and provide citizens and others

access for challenging agency decisions in courts of law.

Understanding the requirements of these acts allows for analysis of the BLM's wilderness selection process. This process can be analyzed in accordance with the provisions of these acts, and determinations can be made as to whether the BLM has followed its congressional mandate in forming its decisions on wilderness designations.

The following chapter reviews the BLM's entire wilderness selection process, from beginning the inventory procedures to making the recommendations to the President of the United States. It reviews the statutory wilderness characteristics contained in the Wilderness Act, describes the inventory procedures, and discusses the interim management of those lands designated as wilderness study areas.

CHAPTER IV

THE BLM'S WILDERNESS SELECTION PROCESS

To implement section 603 of FLPMA, which called for a review of public lands for wilderness values, the BLM designed a three stage process which consisted of an inventory, a study, and a report to the President. This turned out to be a long and cumbersome process which contained several flaws. The process duplicated the procedures which had to be followed in each stage. In addition, the guidelines created for the BLM personnel to follow disallowed comparisons among units in a process which lends itself ideally to comparisons.

The BLM was given 15 years from the passage of FLPMA in 1976 to complete its wilderness selection process. Although 1991 was the statutory deadline for this, the BLM tried to complete the process earlier. Some BLM lands had already been classified as "natural" or "primitive", and a report on these lands was to be sent to the President by 1980. In addition to this report, the BLM also completed its initial roadless inventory by 1980. It concluded that, of the approximately 174 million acres inventoried, a whopping 150 million lacked wilderness characteristics.

Although the BLM had hoped to complete the study by 1987, lawsuits brought by environmental organizations have set back

the timetable to the statutory deadline of 1991 (Haugrud, 1985 p. 119). At this time, the BLM is administering only 368,739 acres in 23 areas as wilderness, and continues to study about 25 million acres for wilderness potential nationwide.

This chapter reviews the selection process designed by Congress and implemented by the BLM. An understanding of the procedures to be used by the BLM in the wilderness selection process, will assist in the evaluation of the success of the Oregon BLM in its selection of areas for review.

The Inventory Process

During the inventory phase, the public lands were reviewed by the BLM to determine which ones had the wilderness characteristics that would trigger section 603 of FLPMA for review. During the study phase, the BLM examined the areas identified by the inventories and assessed their suitability for inclusion in the National Wilderness Preservation System (NWPS). Finally, the BLM was to report to the President its specific recommendations for lands to be added to the NWPS.

Congress decreed that each area's wilderness condition could not be impaired by new developments while the lands were being studied and recommendations were being considered. This "nonimpairment" directive has had several controversial exceptions which will be discussed in greater detail below.

FLPMA directed the BLM to study its wilderness areas to determine which ones deserved preservation; but the BLM could

not immediately comply because it had never previously managed any of its land for wilderness values. According to Haugrud (1985, p. 13), the BLM did not know which of its lands even fit the general description of "wilderness." Secretary of Interior Cecil Andrus' first step was, therefore, to inventory all of the BLM's lands to ascertain which areas met the Congressional definition of wilderness.

FLPMA directed the BLM to use the criteria set forth in the Wilderness Act to determine whether an area had wilderness characteristics. There were four basic requirements: (a) they had to be roadless, (b) either at least 5,000 acres in size or of sufficient size to make preservation practicable or an island, (c) in their natural state with human imprints substantially unnoticeable, and (d) provide either an outstanding opportunity for solitude or an outstanding opportunity for primitive and unconfined types of recreation.

In 1978, Interior initiated its wilderness review program. Initially, a "wilderness inventory" process was used to identify those roadless areas of 5,000 acres or more and those roadless islands that might have wilderness characteristics (see Figure 1). An "intensive inventory" was then performed on those areas. Areas identified at this stage as meeting section 603's requirements were then designated "Wilderness Study Areas" (WSAs). WSAs were subsequently studied to determine whether they would be recommended as suitable or unsuitable for wilderness designation. From the initial

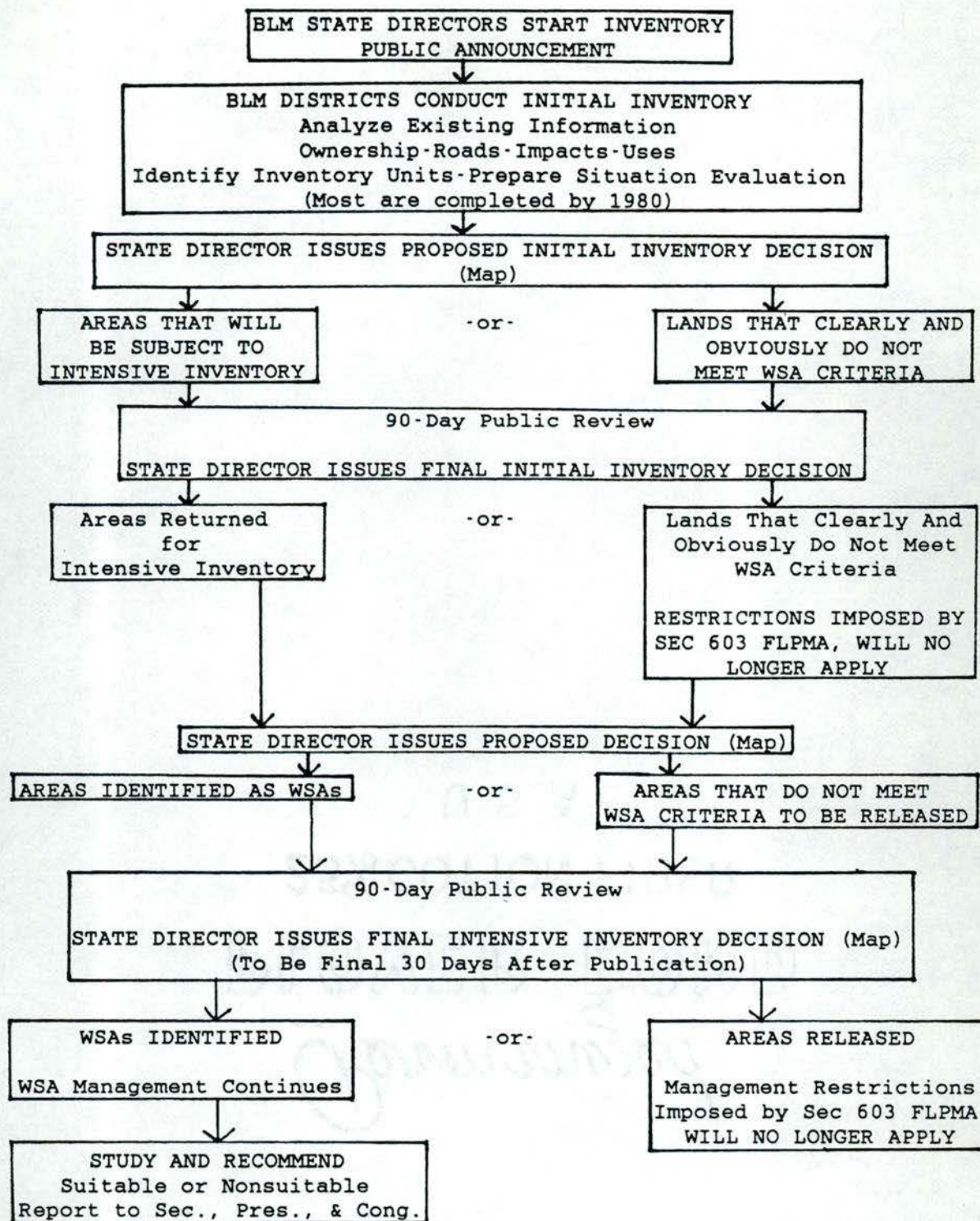


FIGURE 1. BLM Wilderness Inventory Process. Source: BLM. (1978). Wilderness Inventory Handbook, p. 9.

inventory of all public lands to the final formal recommendation to the President, all the lands still being considered were to be managed under the nonimpairment standard (Coggins & Wilkinson, 1987, p 1037).

The Interior Department believed that all the BLM's lands were subject to the "nonimpairment " directive until found not to have wilderness values. Interior therefore wanted the inventory to be completed as quickly as possible. In order to expedite the inventory, the BLM divided the inventory into three steps: the special/accelerated inventory, the initial inventory and the intensive inventory. The special/accelerated inventories were conducted on those lands which were currently being studied for development purposes. Most of these areas were found to be without wilderness qualities.

The initial inventory was used to rapidly eliminate from further review all lands which clearly and obviously did not meet the review requirement because they lacked the requisite wilderness values. The BLM used existing, on-file data of its lands to examine only the characteristics of roadlessness, size, and naturalness utilizing few field checks. Only lands that survived this initial inventory cut were to be evaluated during the intensive inventory.

Of the approximately 167 million acres reviewed in the initial inventory, about 117 million were eliminated from further review, and only about 50 million acres were retained

for further evaluation during the intensive inventory (Haugrud, 1985, p. 14). The intensive inventory involved on-site inspections and scrutiny of the land according to all four statutory wilderness characteristics. The intensive inventories were completed by 1981. Of the 50 million acres reviewed, approximately 24 million acres were determined to contain the requisite wilderness characteristics to make them eligible for wilderness preservation (The Wilderness Society, 1984, p. 35).

The BLM's Definition of Wilderness Characteristics

As previously mentioned, FLPMA directed the BLM to use section 1131 of the Wilderness Act (1964) to define wilderness (see Chapter II, p. 20). In addition to the four statutory wilderness characteristics required for designation, areas were to be studied for such supplemental values as ecological, geological, or other features of scientific, educational, scenic, or historic value.

The BLM developed two publications to guide its employees during the inventory process: the Wilderness Inventory Handbook (BLM, 1978) and the Interim Management Policy and Guidelines for Lands Under Wilderness Review (BLM, 1979a). These two documents attempted to direct the BLM's management policies concerning section 603's wilderness review requirements, and described the Department of Interior's interpretation of the nonimpairment standard (Coggins &

Wilkinson, 1987, p. 1037). A third publication from the BLM, "Wilderness Study Policy: Policies, Criteria and Guidelines for Conducting Wilderness Studies on Public Land" was not published until 1982, after most of the intensive inventories had been completed. Unfortunately, these documents were not as precise as one would like, and, consequently, decisions based upon them have varied considerably and been much debated.

The four statutory wilderness characteristics of roadlessness, size, naturalness, and outstanding opportunities for either solitude or a primitive and unconfined type of recreation are discussed in the following sections.

Roadlessness

To determine if an area was roadless, the BLM had to distinguish between roads and mere trails. It did so by adopting the definition used in the legislative history of FLPMA:

The word "roadless" refers to the absence of roads which have been improved and maintained by mechanical means to insure relatively regular and continuous use. A way maintained solely by the passage of vehicles does not constitute a road. (BLM, 1978, p. 5)

The main point is that trails created only by vehicular traffic were not supposed to disqualify an area from study. This was especially important for the arid areas of the West where the bulk of the public lands are located. Vehicle tracks may not disappear in this region, even over long

periods of time, and vehicles, especially off-road types, generally have easy cross-country access (Leshy, 1981, p. 385).

To further clarify the distinction between roads and ways, the BLM identified three subdefinitions:

1. Improved and Maintained: actions taken physically by man to keep the road open to vehicular traffic. "Improved" does not necessarily mean formal construction. "Maintained" does not necessarily mean annual maintenance.
2. Mechanical Means: use of hand or power machinery or tools.
3. Relatively Regular and Continuous Use: vehicular use which has occurred and will continue to occur on a relatively regular basis. (BLM, 1978, p. 5)

However, even these subdefinitions proved inadequate in many instances to distinguish between roads and ways. For example, in many of the semi-arid lands administered by the BLM, a route would be opened by mechanical means but would not require any additional mechanical work to ensure regular and continuous use. These subdefinitions did not resolve the question in this and similar situations. Eventually, the BLM issued a supplemental instruction memorandum known as Organic Act Directive 78-61 (BLM, 1979b, Change 2) to try to further delineate the definition of a road. The BLM asked three questions concerning each "road" and depending on a yes or no answer, made the determination. Its conclusions were tabulated by Haugrud (1985, p. 16) and are shown below in Table 3. Once an area was determined to be roadless, it could then be further considered for other qualities.

TABLE 3. Determination of a Road

<u>Opened Mechanically?</u>	<u>Needs Regular Maintenance?</u>	<u>Receives Regular Maintenance?</u>	<u>Is a Road?</u>
YES	YES	YES	YES
YES	YES	NO	NO
YES	NO	NO	YES
NO	YES	YES	YES
NO	YES	NO	NO
NO	NO	NO	NO

Size

The size requirement also presented the BLM with interpretive problems. According to section 603 of FLPMA, only areas of 5,000 acres or more were eligible for wilderness review. Yet the Wilderness Act recognized that some smaller areas might also be suitable for wilderness designation. The BLM had general authority under section 201 of FLPMA to inventory all its lands. It decided to use this authority to study areas of less than 5,000 acres for wilderness values if conditions met one of three qualifications, if:

1. the area is contiguous with lands managed by another agency which has been formally determined to have wilderness or potential wilderness values;
2. the area has received strong public support and it is demonstrated that the area is clearly and obviously of sufficient size to make practicable its preservation and use in an unimpaired condition, and is of a size suitable for wilderness management;
3. the area is contiguous with an area of less than 5,000 acres administered by an agency with authority to study and preserve wilderness lands, and the combined total is 5,000 acres or more (BLM, 1978, p. 12).

Commodity interests (e.g., a cattlemen's association, Asarco Inc., and an individual, Don Coops) protested this directive in three separate challenges brought before the Interior Board of Land Appeals (IBLA--the administrative court of the Department of Interior which rules on the validity of agency created rules and regulations). The IBLA ruled that the BLM did not have the authority under sec. 603 of FLPMA to study those areas with less than 5,000 acres for inclusion into the NWPS. The IBLA said that these areas not only could not be studied for wilderness qualities, but also that they could not be managed under the nonimpairment standard. A consequent lawsuit reinstated this directive in 1985 (see Chapter V, Sierra Club Lawsuit).

Naturalness

In order for an area to be considered unnatural, the imprints of human work had to be substantially noticeable. The BLM used the "average visitor" standard in making this assessment: If the area would appear natural to an average visitor, then, it was declared natural (BLM, 1979b, Change 2, p. 4). Each area was judged, therefore, on its apparent naturalness and not on its natural integrity. This was an important decision since few areas of the public lands are in their pre-white settlement condition of naturalness. Most of these lands have been subjugated to either cattle or sheep

grazing and mineral exploration, or both. Consequently, few of the areas are in their truly natural or pristine condition.

The BLM cited a number of impacts that, by themselves, did not destroy the naturalness of an area. Trails, trail signs, bridges, fire towers, fire breaks, fire presuppression facilities, pit toilets, fire rings, fish enhancement facilities, fencing and research monitoring devices all were acceptable impacts in wilderness areas (BLM, 1978, pp. 12-13).

However, determination of the number and severity of impacts necessary to make an area fail the naturalness test was still a subjective judgment. If all these impacts were in one area, they could disqualify an area from further consideration. BLM personnel were directed to consider the number, size and distribution of the imprints compared to the overall size of the unit to determine if naturalness was lacking (BLM, 1978, p. 13). This obviously gave the district personnel a great deal of discretion in applying the naturalness standard.

For sights and sounds occurring outside the inventory unit, assessment was generally deferred until the study phase of the review (BLM, 1979b, Change 3). Unit affected by outside sights and sounds were not usually found to lack naturalness even if the activities were quite prominent.

However, Greeno (1986) found that the naturalness criteria varied from state to state:

Some offices used straight-line and topographic boundaries to exclude unnatural areas instead of drawing to the edge of naturalness, and...some offices used less rigorous standards than others to document intrusions and release areas in dispute. (These procedures led some offices to) declare an entire area to be unnatural with a given density of intrusions which other offices would not declare to be unnatural. (pp. 58-59)

He also found that the larger the area of the unit being inventoried, the less likely it was to be field checked, and thus the inventory was more likely to be in error. In addition, very large areas were released from further consideration without ever having had the benefit of field checking. But again, this varied from state-to-state (Greeno, 1986, pp. 62-63).

John Leshy (1981) stated that:

The requisite degree of purity of a wilderness area will be debated as long as there is a NWPS. But so long as the ultimate designation decision is for Congress (to make), each time that body is confronted with a proposal to designate an area as wilderness, it will have to make a completely new determination. Eventually, the cumulation of designations will create a body of precedent. But since the designation decision remains a political one, and members of Congress and the underlying values they reflect continually change, precedent will never be controlling (p. 386).

Outstanding Opportunities for Solitude or Primitive and Unconfined Types of Recreation

During the intensive inventories, the "outstanding opportunities" value became the most important criteria for determining whether an area would be released from further study or retained for recommendation to the President.

According to Greeno, more areas were released because of not

achieving this requirement than for any of the other values during this phase of the review (Greeno, 1986, p. 98). A unit needed to possess either an outstanding opportunity for solitude or an outstanding opportunity for a primitive and unconfined type of recreation (BLM, 1978, pp. 13-14). BLM's "Handbook" recognized that determining whether either of these opportunities was "outstanding" was a subjective judgment that could not be reduced to a set of rules. However, the BLM did specify that the judgment could not be made by comparing inventory units. The national guidelines also prohibited the use of any type of rating system, whether numerical, alphabetical or qualitative, in making the determination (BLM, 1979b, Change 3, p. 2). This was to ensure that each unit would be assessed on its own merits rather than compared to other units.

The guidelines further instructed that the unit did not have to contain outstanding opportunities for solitude or primitive recreation throughout its entire area in order to satisfy the review requirements. A unit was not to be disqualified solely on the basis that an outstanding opportunity existed only in a portion of the unit (BLM, 1979b, Change 3, p. 2). However, this became, once again, a subjective judgment to be made by district personnel.

The solitude of a unit was evaluated by assessing the opportunities a person had to avoid the sights, sounds, and evidence of other people in the same unit. District personnel

were not supposed to make this assessment by comparing the opportunity for solitude in the unit with the opportunities normally found in human habitations (BLM, 1979b, Change 3, p. 3). In practice, solitude was assessed by the unit's ability to screen the sights and sounds of other people and activities within the unit, a "closet" definition which did not seem to coincide very well with the wide-open spaces of these desert lands. Since this screening resulted from the size, topography and vegetation of the unit, these three features became the foundation of the solitude assessment. The Handbook, though, had stressed that the interrelationship of these features, not the individual features themselves was the important factor in making this assessment:

It is erroneous to assume that simply because a unit or portion of a unit is flat and/or unvegetated, it automatically lacks an outstanding opportunity for solitude. It is also incorrect to automatically conclude that simply because a unit is relatively small, it does not have an outstanding opportunity for solitude. Consideration must be given to the interrelationship between size, screening, configuration and other factors that influence solitude. (BLM 1979b, Change 3, pp. 3-4)

However, Haugrud (1985) found that:

In spite of this guideline . . . most flat and unvegetated units were found to lack solitude; in the absence of both vegetative and topographic screening, such areas were generally released from further consideration. (p. 20)

The BLM guidelines stressed that in making the assessment of opportunities for primitive and unconfined recreation, the opportunities for recreational activities, not the level of present visitor use, was the relevant quality to be examined

(BLM, 1979b, Change 3, p. 4). All types of nonmotorized and nondeveloped recreational activities were considered, including hiking, backpacking, fishing, hunting, spelunking, horseback riding, mountain or rock climbing, river running, cross country skiing, snowshoeing, dog sledding, photography, bird watching, canoeing, kayaking, sailing, and sightseeing (BLM, 1978, p. 13).

Areas could not be disqualified from wilderness study because of the absence of hiking trails, water, or convenient access to the area. However, recreational inventory systems could be used in gathering information about the recreational value of a unit, but numerical rankings or ratings from an inventory system could not be used (BLM, 1979b, Change 3, p. 4).

Initial Inventories

As was earlier mentioned, the wilderness inventory was the first phase of BLM's Wilderness Review Program which had been mandated by FLPMA. It was conducted under the regulations in the "Wilderness Inventory Handbook," published in September 1978, and in subsequent changes to the Handbook published as Organic Act Directives 78-61, Changes 1, 2, and 3.

As can be construed from the foregoing, the BLM's wilderness inventory program was highly decentralized. The program centered on the individual state offices, with data collection and preparation of situation evaluations done by

each state's district offices. Decisions were announced by the state directors. Even though it was the Washington office which promulgated all the directives and guidebooks for the district personnel to follow, there were no provisions in the regulations for coordination and oversight of the state and district offices' implementation of these national regulations by the Washington Office. Appeals of the state directors' decisions were taken to the Interior Board of Land Appeals (IBLA), without any requirement for the BLM Washington Office to review these decisions (Greeno, 1985, pp. 25, 27).

By 1979, the BLM had released approximately 98 million acres from further study because they "clearly and obviously" lacked wilderness characteristics. However, the BLM's use of the phrase "clearly and obviously lacking wilderness characteristics" should not be taken too literally given the enormous ambiguities in the legal definition of wilderness. The determination of just how "clearly and obviously" these characteristics were missing for an area to not be "primarily affected by the forces of nature," or not have "outstanding opportunities" for solitude or primitive recreation, and thus be released from further consideration, remained issues throughout the inventory process and continued through the study phase.

The BLM's national regulations provided that the proposed initial wilderness inventory decisions be subject to a 90-day public comment period and that if "valid doubts or questions'

were raised, the lands in question would not be released from further inventory (BLM, 1978, p. 11). As Haugrud (1985) stated, however, "The study phase [was] a highly subjective decision making process, shrouded in a formal procedural veil" (p. 63).

The initial inventory began with the creation of state-wide plans which identified interested and affected parties and outlined the public input and information activities the BLM would conduct. Once the plans were completed, the district offices identified inventory units. Each area in each district was identified and became, for a time, a study unit. The unit was given a classification number which consisted of the state postal abbreviation, followed by a district code number, followed by a unit identification number. For example, an Oregon inventory unit such as the Sheepshead Mountain WSA was given the number OR-2-72, meaning Oregon, District 2, unit 72.

A file which contained all the pertinent documents, public comments, and BLM decisions was created for each inventory unit. These files were made available for public inspection at the state and district offices.

The inventory units were then examined to determine if they contained any areas that might have wilderness qualities. This examination utilized information gathered from BLM files, aerial photographs and topographical maps. The BLM personnel

seldom made on-site inspections of the land during the intensive inventory (BLM 1978, p. 10).

Each unit was evaluated for its roadlessness, size and naturalness conditions. Then, district personnel redrew the boundaries of the units to include only those areas possessing wilderness features. If the unit contained more than one distinct wilderness area, each area was assigned its own inventory number. The revised boundaries of the units were usually roads or boundaries of nonpublic land. State or other political division lines were not used as dividing boundaries (BLM, 1979b, Change 2, p. 9). In situations where a road entered but did not completely bisect an area with wilderness characteristics, the BLM often excluded the road from the unit by creating a nonwilderness corridor along the road, thereby creating a boundary that resembled a cherry-stem.

Following the identification and examination of the inventory units, the district staff prepared a description of each unit. This "situation evaluation" contained three major sections: the unit analysis, the unit evaluation, and the unit recommendation. In addition to describing the unit's easements, leases, mining claims and permanent improvements, the unit analysis section briefly described the ownership of the unit, its size, general vegetation, and topographical features. This section also described the existing uses of the land and the lands contiguous with the unit. In contrast, however, the unit evaluation and recommendation sections only

required the staff to decide whether the area should receive further wilderness consideration and to briefly explain the rationale for their decision (Haugrud, 1985, p. 22).

The District Manager formulated his initial recommendations based on these situation evaluations and forwarded them to the State Director. The state office used them to create the state-wide preliminary initial inventory decision. This preliminary decision was available to the public for a ninety-day public comment period during which public meetings were held around the state.

Each comment received was read and analyzed, and a copy of the comment was placed in the district and state files concerning that particular unit. A detailed analysis of all comments received was prepared by the state office and was again made available to the public.

The BLM made on-site inspections of areas which had been disputed during the public comment period to check the accuracy of its own statement with that of the comment. Because the data used by the BLM was often sketchy or outdated (old maps or air photos for instance), the on-site check would often show that the BLM had been mistaken. Therefore, the process of public comment and BLM verification brought substantial changes to the recommendations in some instances. Haugrud (1985) found that:

To challenge the BLM's determination concerning a unit, the comment had to be very specific. A broad statement describing the beauty or resource potential of the area

would not suffice. Comments that raised issues other than those of size, naturalness and roadlessness were retained for later consideration during the intensive inventory. In addition, the amount of support expressed for a favorable or unfavorable recommendation on a unit did not affect the preliminary decision: The BLM did not use public comment as a voting device in which the group with the most commentators could win. (p. 23-24)

Intensive Inventories

The lands which survived the initial inventory cut were passed to the intensive inventory. The purpose of the intensive inventory was to determine which of the roadless lands should be designated as Wilderness Study Areas (WSAs). These lands had to possess all the mandated wilderness characteristics necessary for inclusion in the National Wilderness Preservation System (NWPS). The intensive inventory was completed in a little more than one year-- beginning in the early fall of 1979 and ending in November 1980. The draft decisions were published in the spring of 1980 and the final decisions in the fall of 1980 (Greeno, 1986, p. 68).

To be designated a WSA, each unit had to have each of the four statutory wilderness characteristics: size, roadlessness, naturalness, and an outstanding opportunity for either solitude or for a primitive and unconfined type of recreation. Although the first three of these characteristics had been studied during the initial inventory, the Handbook required that they be reassessed during the intensive inventory. on the basis that the intensive inventory would

probably generate new data which could alter the original evaluations (BLM, 1978, p. 12).

The intensive inventory was also designed to document the existence of any supplemental values of the unit. Supplemental values were defined as any ecological, geological or other feature of scientific, educational, scenic or historic value. Archaeological sites and habitats for rare and endangered species are examples of such supplemental values. In addition, those areas with human imprints such as mining scars were to be evaluated for their potential to return to a natural condition (BLM, 1978, p. 12).

Field studies were performed on each unit to more accurately determine their wilderness and supplemental values. Thus, the intensive inventory decisions were based on firsthand knowledge, unlike the initial inventory. The field investigations were to document roads, ways, topographical and vegetative features, recreational attractions, human imprints, developments and facilities, and any other relevant features. The district personnel were to look for both representative and unusual features in each unit. In addition, photographic logs were to be made for each unit to highlight its characteristics. The photographs were keyed to a large-scale map that indicated the date of the picture, the location of the photo, and the direction in which the camera faced (Haugrud, 1985, pp. 25-26).

This process was called the intensive inventory analysis. It described each wilderness characteristic and stated whether the unit's existing features met the wilderness criteria. The analysis ended with a recommendation as to whether the unit should become a WSA. Both the analysis and the photo log were then placed in the unit's permanent files in the district and state offices.

From this point, the process was the same as for the initial inventory. The recommendations were sent to the state director who reviewed them and who then opened up a period of public review. After receiving public scrutiny during a 90-day public comment period and evaluating any discrepancies, the final recommendation for creating WSAs, were sent to the State Director. Following publication in the Federal Register, the decisions became final in thirty days.

The Study Phase

After having survived both the initial and the intensive inventories, each of the surviving units was again evaluated for the desirability of permanently preserving it in the NWPS. On the basis of this study, the BLM formulated recommendations on which areas to include in the NWPS. It began this phase of its review process on November 14, 1980, after the results of the intensive inventory had been published for all the states. Unfortunately, the BLM did not promulgate a policy to guide district personnel in studying the WSAs until February 3,

1982, two years later, when it published the Wilderness Study Policy: Policies, Criteria and Guidelines for Conducting Wilderness Studies on Public Lands (1982). Many of the WSA decisions had already been made by this date, without the benefit of the Policy's guidance (Haugrud, 1985, p. 46). Because of the Sierra Club lawsuit, the states had to reinventory and reevaluate many of their units. Therefore, a number of the states have not yet made their final recommendations. Oregon completed its original study in 1985, its Supplement (drafted because of the lawsuit) in 1986, and published its Supplement to the Draft EIS in 1987. Oregon has not yet sent a report to the President concerning its recommendations.

Although the national rules and regulations attempted to give the study a sense of objectivity, the decision as to whether a given area is suitable for inclusion into the wilderness system remains highly subjective. In making this decision, the BLM must consider a number of important questions. The national study policy lists eight criteria which must be analyzed before final recommendations are made. Two of these are termed "planning criteria". They are the most important and must be completely satisfied in favor of wilderness designation before a WSA can be recommended for inclusion in the NWPS. These two planning criteria can be summed up as answering the following two questions:

1. Does the WSA possess all the mandated wilderness values and will the benefits of wilderness preservation exceed the benefits of the foregone uses? and
2. Can the area be successfully managed as a wilderness? (BLM, 1982, p. 5103)

The six other criteria which must be considered by the BLM are termed quality standards and are less critical because a wilderness recommendation is not based solely on forming a particular conclusion from any one of them. These criteria include consideration of the land's energy and mineral resource values, the impact of preservation on other resources, the impact of nondesignation on wilderness values, the site-specific comments of the public, the local social and economic effects of preservation, and the consistency of preservation with other land use plans (BLM, 1982, pp. 5103-04). The BLM must then write an Environmental Impact Statement (EIS) or an Environmental Assessment (EA) on the decision, showing that it has considered each of the required factors.

Planning Criteria One

To answer the question posed by the first of the two planning criteria, the BLM attempted to evaluate the benefits of wilderness designation by appraising four qualities: (a) the distinctiveness of the mandatory wilderness characteristics, (b) the existence of "special" wilderness characteristics, (c) the multiple resource benefits accruing

from wilderness preservation, and (d) the ability to add diversity to the NWPS (BLM, 1982, pp. 5104-06).

Mandatory characteristics of wilderness (the first of the four qualities to be evaluated) were thus reexamined during the study phase. Again, these four characteristics include, roadlessness, size, naturalness, and outstanding opportunities for either solitude or primitive recreation. Roadlessness and size were seldom critical factors; size only become important in assessing the effect that any harmful activities might have on the naturalness of the region.

In contrast, the amount of naturalness in the unit was a critical determination. If the greater part of a unit was determined not to be very natural, or did not have the ability to return to a natural condition, it probably would not receive a favorable recommendation (Haugrud, 1985, p. 48).

The "Wilderness Study Policy" (1982, p. 5105) directed the BLM to evaluate naturalness by analyzing human imprints and outside sights and sounds. Areas could be designated wilderness as long as they "generally appeared" natural and human imprints were substantially unnoticeable in the area as a whole. Their presence was to be evaluated as to how it affected the WSA in its entirety. These human imprints were to be evaluated both on an individual and cumulative basis. The imprints were supposed to be documented by recording each of the following types of observations:

1. General description of those imprints present;

2. Distinguish those imprints which are the results of activities occurring outside the area;
3. Location and size of the areas in the WSA which are subject to imprints;
4. Potential for separating imprinted portions from the rest of the area and recommending the remainder for wilderness designation; and
5. The overall influence of human imprints on the naturalness of the area (BLM, 1982, p. 5105).

Outside sights and sounds were also to be reevaluated during the study phase because Congress felt that sometimes such conditions could enhance rather than diminish visitors' perceptions of solitude. This feeling was actually the result of House and Senate reports on the Endangered American Wilderness Act of 1978, which found that sometimes outside sights and sounds enhanced the wilderness experience (BLM, 1982, p. 5105).

The fourth characteristic, even more important than naturalness, was "outstanding opportunities" for either solitude or primitive and unconfined types of recreation. As with the other values, these also were derived from the Wilderness Act (1964) which stated that a wilderness area must have ". . . outstanding opportunities for solitude or a primitive and unconfined type of recreation (emphasis added). Greeno (1986, p. 104) found in his study that outstanding opportunities for primitive recreation were seldom found without outstanding opportunities for solitude also being present. Although these two characteristics were to be treated equally, Greeno (1986, pp. 95-108) determined that the

solitude requirement seemed to always weigh more heavily than the recreation standard.

The Policy instructed the BLM to rely on the area's size and configuration, topographical screening, vegetative screening, the presence of outside sights and sounds, and the ability of a user to find a secluded spot to make the determination of opportunities for solitude. The emphasis was on the opportunities a person would have to avoid the sights, sounds and evidence of other people within a particular WSA. The difference between the type of solitude available in human habitations and that in a WSA was not relevant according to the guidelines (BLM, 1982, p. 5105).

Outstanding opportunities for primitive and unconfined recreation were defined as activities that provide dispersed, undeveloped recreation and which do not require facilities or motorized equipment (BLM, 1982, p. 5105). Furthermore, these areas could possess either a diversity of possible activities or one activity of outstanding quality. However, the absence of such things as trails and water could not be a deterrent to classification as outstanding. The guidelines suggested that the Recreation Opportunity Spectrum (ROS) should be used in assessing this opportunity. The ROS is a sophisticated inventorying method used by the BLM and the Forest Service to inventory, plan and manage recreation resources (Haugrud, 1985, p. 49).

In addition to the mandated wilderness values examined in the study phase, the BLM was also to examine the "supplemental" wilderness values. These values included the ecological, geological and other features of scientific, educational, scenic or historic interest in the WSA. The consideration of these values in the study phase was based directly on the information contained in the intensive inventory report.

The third component in the wilderness study phase called for the consideration of other resources that would benefit from wilderness designation of the WSA. These resources could be placed into one of three categories:

(a) uses already existing in the WSA whose viability would be ensured only through wilderness preservation (i.e., wildlife habitat and archaeological sites); (b) values and uses that, although not presently in the WSA, could occur in the future only if the wilderness is preserved (such as the return of wildlife and fish species and improvement of water quality); and (c) benefits that would accrue to off-site areas only by wilderness preservation of the WSA (e.g., protection of watersheds, water quality and water yield) (BLM 1982, p. 5106).

The final component considered in determining the benefits of wilderness designation was diversity within the NWPS. Diversity could be generated in one of three ways. First, the WSA could expand the number of ecosystems in the NWPS.

Second, the WSA could create an opportunity for a wilderness experience within one day's drive (five hours) from a population center. And third, the WSA could increase the diversity of the system by balancing the geographical distribution of wilderness. For each WSA, the BLM had to document the effect of wilderness designation upon each of these factors.

Planning Criteria 2

The second planning criterion, that of manageability, was the biggest hurdle for a WSA to surmount in gaining a favorable wilderness recommendation; if the management requirement could not be met, the area would not receive a favorable recommendation for wilderness designation.

According to BLM policy (BLM, 1982, p. 5108), to find that a WSA was manageable based upon present knowledge of the WSA's resources and private development rights, the BLM had to be reasonably certain that the entire area could maintain its wilderness qualities. A wilderness area was capable of being preserved when both the quality of the wilderness could be maintained and the public benefits that justify wilderness designation could be continued. If only parts of the WSA could be preserved because of private development rights, then the boundaries of the areas were supposed to be adjusted so that only the manageable portions of the WSA were included in the wilderness recommendation (BLM, 1982, p. 5107).

Unfortunately, this often times resulted in such a reduction in size that the unit was eliminated due to the size requirement.

The Policy further stated that activities destructive to wilderness might occur because of private and state inholdings, valid existing rights (e.g. mining claims, mineral leases and rights-of-way), the overall land status pattern of the region, or development activities adjacent to the WSA. All of these possibilities had be examined in judging the manageability of the WSA.

Wilderness Study Areas and Interim Management

During the study phase, and until Congress makes its final decisions (sometime in the early 1990s, probably), the BLM must continue to manage the WSAs under the nonimpairment standard. However, this interim management policy has turned out to be one of the most confusing and controversial aspects of the BLM's wilderness study process.

According to section 603(c) of FLPMA (1976), the WSAs were to be managed in such a way "so as not to impair the suitability of such areas for preservation as wilderness. . . ." The confusion resulted from the continuation of this sentence: ". . . subject, however, to the continuation of existing mining and grazing uses and mineral leasing in the manner and degree in which the same was being conducted on the date of approval of this Act." This would appear to be almost a

direct contradiction of management policy within one sentence. To make the whole thing even more confusing, this same sentence continues further that, ". . . the Secretary (of the Interior) shall by regulation or otherwise take any action required to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection."

The BLM has attempted to reconcile these conflicting directives with its "Interim Management Policy" (IMP) (1979a). The IMP attempted to preserve the study areas while still enabling many types of activities to continue which may actually impair the wilderness quality. It applied two distinct management standards to all activities in the WSAs. The non-impairment standard ensured that the activities would neither destroy nor impair the wilderness qualifications of a WSA. The other standard, far less rigorous, regulated activities only to prevent unnecessary or undue degradation of the land, which is the BLM's normal management policy for all its lands.

Under the non-impairment standard, new activities were to be divided into two categories that separated activities which either protect or enhance the land's wilderness values from all others. The beneficial activities were to be allowed in the WSA while the other activities generally were not. The BLM considered some operations to be nonimpairing although they harm wilderness, as long as they were temporary and their

effects were eliminated before wilderness recommendations were made to the President. This type of activity had to meet three exacting requirements, called the "nonimpairment criteria," to qualify as a nonimpairing use:

1. The use must be temporary. The use or activity may continue only until it must be terminated in order to meet the reclamation requirement stated below.
2. Any temporary impacts caused by the activity must be capable of being reclaimed so that they are substantially unnoticeable by the time the Secretary of the Interior must send his recommendations on that area to the President.
3. When the activity is terminated and the reclamation is complete, the area's wilderness values must not have been degraded so as to significantly constrain the Secretary's recommendation regarding the area's suitability for wilderness preservation. (BLM, 1979a, pp. 10-11)

The rationale for this policy was that an activity that caused more than a marginal amount of damage to the wilderness was impermissible, since, to become a WSA, the areas' activities had to be substantially unnoticeable. Therefore, these uses cannot be greater than they were on the day of the passage of FLPMA. Marginally damaging activities, however, could continue in the WSA because they would have only a "de minimis" effect on the wilderness area (Haugrud, 1985, pp. 66-67). Moreover, the BLM is supposed to remove from the WSAs those uses which required new impairing support facilities or activities. However, fences, water reservoirs and vehicle ways which existed in WSAs prior to the passage of FLPMA would not have to be torn down nor destroyed as long as their

maintenance and use would not further degrade wilderness values.

Unfortunately, FLPMA (1976) contained three major exceptions to the nonimpairment standard:

1. Uses that existed on FLPMA's date of enactment, October 21, 1976, and involve grazing, mining and mineral leasing may continue in the same manner and degree as on that date, even if this will impair wilderness suitability.
2. Lands under wilderness review may not be closed to appropriation under the mining laws in order to preserve their wilderness character.
3. The BLM must recognize valid existing rights. (sections 603(c) and 701(h))

The first exception, called the "grandfather clause," has caused a great deal of controversy. The BLM interpreted this clause to mean that neither new nor more intense activities, including mineral leasing, could occur on WSA's than had been there on October 21, 1976. Although this interpretation was challenged in the Rocky Mountain Oil and Gas Association v. Watt court case, it was upheld by the Tenth Circuit Court. However, because of the grandfather clause, the IMP (BLM, 1979) stated that if,

one (oil) well had been drilled before October 21, 1976, additional wells could be drilled following a logical geographic extension at a logical pace of exploration, so long as the impacts were not of a significantly different kind than those of the first well. (p. 12)

The problem then arises as to what a "significantly different kind" of impact means.

In addition to mining, the grandfather clause also excepted grazing from the nonimpairment standard.

Furthermore, range improvements could be constructed in WSAs if (a) the BLM issued the grazing permit before October 21, 1976, (b) the permit provided for the installation of the improvements, and (c) at least some of the improvements were constructed or being constructed at the time of enactment. However, the IMP emphasized that the BLM could reduce grazing in order to prevent unnecessary or undue degradation of the land (BLM, 1979a, p. 23).

The second exception to the nonimpairment standard allowed all WSAs to remain open to appropriation under the Mining Law of 1872 unless previously withdrawn from such appropriation. This exception has been effectively circumvented, according to Haugrud (1985, p. 71) by first the Solicitor's (of the Interior Department) opinion, and then by the IMP. Under this interpretation, the exception only allows a claimant the right to file a notice of location and to perform the necessary annual assessment work, which is supposed to be nonimpairing. In effect, no new claims can be developed.

The third exception to the nonimpairment standard--valid existing rights--has undergone a major transformation with the change of administrations from Jimmy Carter to Ronald Reagan. Under the Carter administration, valid existing rights for pre-FLPMA leases were subject to the nonimpairment standard and new exploration and development were not allowed. Under the Reagan administration, however, this policy was reinterpreted, allowing both new exploration and development

for pre-FLPMA leases, and subjecting them only to the less stringent undue or unnecessary degradation standard (Haugrud, 1985, p. 72).

Summary

As can be determined from the foregoing, the selection process has been long and arduous. First areas for study had to be selected from at least 174 million acres. Then the areas selected had to be reevaluated for wilderness characteristics in an intensive inventory. Those areas which survived the intensive inventory were then evaluated for the third time for their wilderness quality as well as studied for qualities such as manageability. This process of elimination resulted in the dismissal of about 150 million acres by the end of the intensive inventory. Since final recommendations have not yet been reported to the President, there are no exact figures for the final amount of BLM acres which will be designated wilderness.

Although the BLM published a number of guides and instruction memorandums, the selection process has continued to be a very subjective matter. The process is filled with ambiguities as was discovered by Greeno (1986). The determination of what constitutes an "outstanding opportunity" for solitude or primitive and unconfined types of recreation is still a comparative process, although the BLM has been restricted from making comparisons. Further, determination of

what makes an activity "impairing" in a WSA varies from state to state. Lawsuits have attempted to resolve some of these problems, but each situation varies from the prior one, thus prolonging the confusion.

This chapter has laid the framework for the evaluation of Oregon's selection process examined in Chapter V. Chapter V will analyze the various stages of Oregon's selection process to determine if Oregon has been as exact as possible in implementing the Congressional mandate contained in FLPMA.

CHAPTER V

THE BLM'S WILDERNESS PROPOSAL IN SOUTHEASTERN OREGON

The Oregon BLM began its Initial Inventory in 1978 and issued its first proposed decisions in April 1979. Since then, Oregon has conducted an Intensive Inventory, reviewed those areas designated as Wilderness Study Areas (WSAs), completed a Draft Environmental Impact Statement (DEIS) and a subsequent Supplement to the DEIS (SDEIS). At this time, the last document, the SDEIS, has undergone public review, and the Oregon BLM is currently making its final decisions on its preferred alternative based on this review. The BLM's State Director, Charles W. Luscher, will send his recommendations to the President of the United States sometime later this year.

This chapter reviews Oregon's BLM wilderness selection process by examining the formal statements which the BLM used to document its decisions. It discusses the Inventories, the DEIS, the circumstances which required a supplement to the Draft, and the SDEIS. Further, it examines the BLM's reasoning and results for the decisions made in each of the four main districts in southeast Oregon: Lakeview, Burns, Vale, and Prineville.

The material in this chapter is primarily concerned with the large acres involved in the Initial and Intensive

Inventories and in the study period. The total acreage evaluated for wilderness is not clear, because the acreage cited by the BLM is inconsistent among their reports. For example, the acreages for special project inventories for a Pacific Power and Light powerline (1.7 million acres), a Proposed Alaska Natural Gas Pipeline (62,500 acres), and an accelerated inventory mandated by FLPMA for research/natural areas (1.2 million acres) are scattered throughout the BLM's documents, depending on when each of those studies was undertaken.

In addition, the numbers quoted in the various documents differ from each other. For instance, page 3 of the Initial Inventory, Final Decisions (1979c) shows the Oregon and California Revested (O & C) lands' acreage as 1,732,200 acres. Page 2 of the Final Intensive Inventory Decisions (1980), lists this figure as 1,759,200 acres, or 27,000 acres more. The BLM sometimes rounded off figures to the nearest million and other times, carried out to the nearest unit. Therefore, determination of the acreages involved has been difficult. However, the figures discussed below should refer only to those areas included in the regular inventories and in the study phase.

Figure 2 illustrates the inventory process in Oregon. It is similar to the process shown in Figure 1, Chapter IV, p. 57. It includes the additional acres inventoried for the Supplement to the Draft.

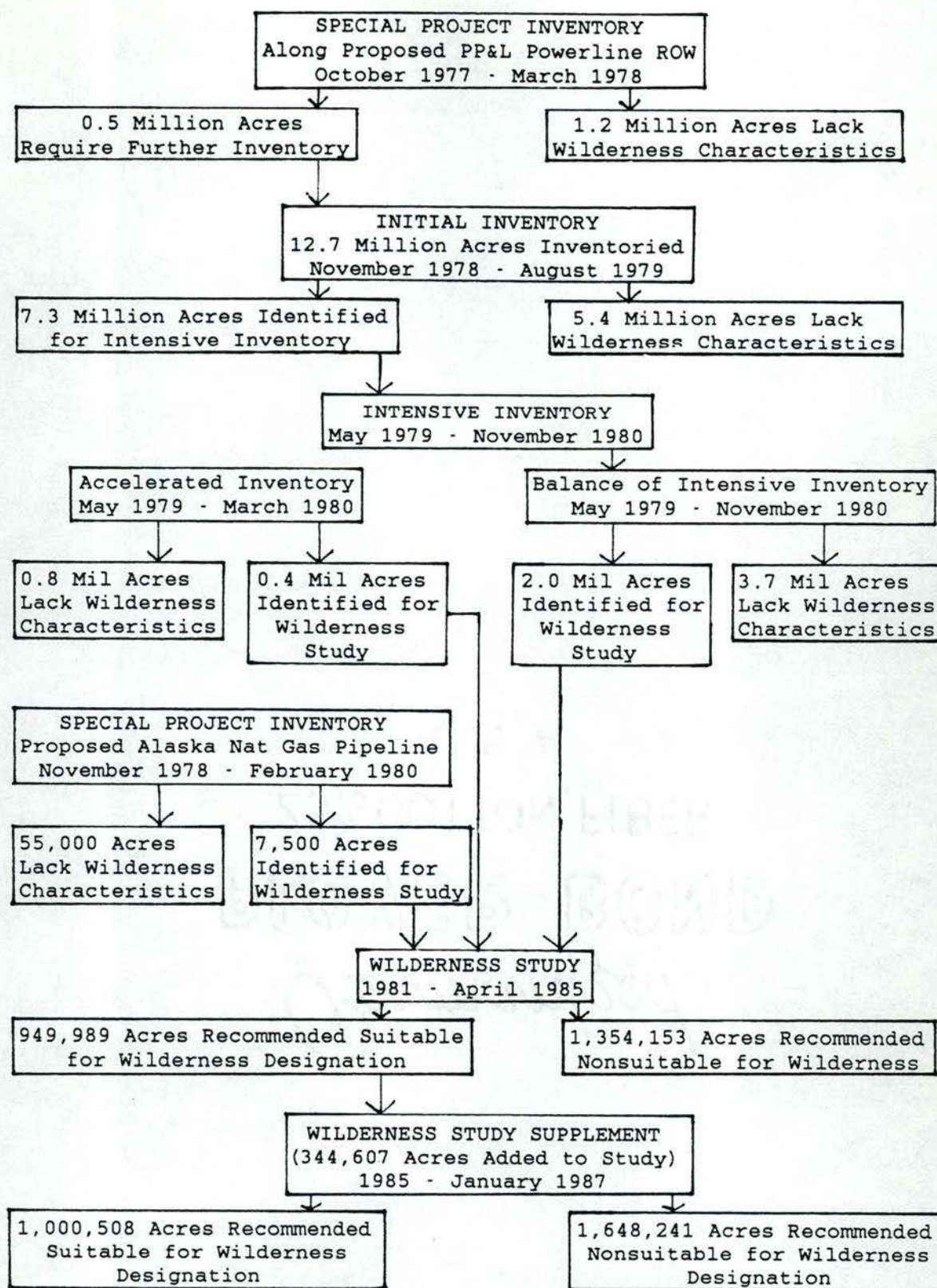


FIGURE 2. Wilderness Inventory Process in Oregon. Source: U.S. BLM. (1980). Wilderness Inventory.Final Intensive Inventory Decisions, p. 5.

The Initial Inventory in Oregon

Oregon has 15,724,500 acres of land managed by the BLM. Of this, 1,238,500 acres were dropped from review after undergoing an intense, preliminary examination called the special/accelerated inventory. Furthermore, 1,759,200 acres of O & C lands were exempted from review by the BLM because it claimed that, under the provisions by which it received these lands, they were to be managed for timber production only. After deducting these 2,963,000 acres, Oregon was left with 12,761,500 acres to evaluate through the regular inventory procedures. The Initial Inventory found that 5,887,000 acres were "clearly and obviously" lacking in wilderness characteristics. This left only 6,866,400 acres, 44 percent of Oregon's BLM lands in 263 units, to be further studied for wilderness characteristics during an intensive inventory (BLM News, 1979 p. 1).

The decisions made in the Initial Inventory were primarily based on secondary evidence, i.e., old maps, air photos, public comments, etc. Little to no field checking was done at this stage, although the BLM did use aircraft to spot "substantially noticeable" human imprints.

In addressing the wilderness values of these lands, there were two main reasons for dropping them from further consideration: either the "imprint of man" was substantially obvious, or the areas clearly lacked an "outstanding

opportunity for solitude or a primitive and unconfined recreation." The latter value precluded the adoption of areas more than the "imprint of man" value by almost a two-to-one margin according to my analysis of the BLM's August 1979 Initial Inventory, Final Decisions (1979c) (see Table 4). A total of 157 units were eliminated from further review by the Initial Inventory, but only 70 were given written justification in the Final Decisions because, in this document, the BLM only needed to respond to public comments about the proposed decisions which had been announced earlier. Table 4 summarizes the decisions made for those 70 units.

TABLE 4. Initial Inventory: Reasons for Unit Release

<u>Dist.</u>	<u>Units</u>	<u>Lacks Solitude</u>	<u>Lacks Recreation</u>	<u>Lacks Naturalness</u>	<u>Ways</u>	<u>Size</u>
Lakeview	20	16	15	15	1	5
Burns	8	2	2	0	0	6
Vale	37	24	24	8	0	26
Prineville	<u>5</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>4</u>
Total	70	43	42	23	1	41

This table shows that the BLM used more than one factor for eliminating most of these units. The lack of naturalness criterion and the lack of outstanding opportunities for solitude or for a primitive and unconfined type of recreation criteria were the most common reasons proffered. Some typical comments regarding naturalness include, "this unit . . . has

numerous ways which severely impact naturalness" (p. 21), and this unit contains "a 4-mile fence, a well, and corral in the western portion (of a 14,000 acre unit) which detract from naturalness of the area" (p. 17). These responses generally lack sufficient detail to allow clear insight into the BLM's justifications for eliminating the units. Furthermore, the Inventory Handbook (BLM, 1978) stated that developments in one portion of a unit were not sufficient cause to release the entire unit from further evaluation.

Size was only used 7 times when the acreage was actually less than the stipulated 5,000 acres. The other 34 times that size was mentioned, it was used as a relative factor in conjunction with shape and/or topography as additional support for elimination of the unit, even for those units which met the 5,000 acre minimum requirement. A common statement found throughout the Inventory document for example, was, "The relatively small size (8,800 acres) of the unit, in combination with its narrow shape and flat topography, precludes any opportunity for solitude" (BLM, 1979c, p. 22). Small size was mentioned on units as large as 11,720 acres. The Vale District used size as a limiting factor more often than the other districts, using it on at least 19 units, each of which contained a minimum of 6,000 acres, 1,000 more than the minimum required by the Wilderness Act.

The outstanding opportunities criterion, for solitude or primitive and unconfined types of recreation, was the most

heavily used factor to eliminate units. The reasoning sometimes seemed a little obscure, though. For example, "The dry lake bed, which occupies the majority of the unit (13,180 acres), does not offer an opportunity to avoid the presence of others in the unit" (BLM, 1979c, p. 24). It would seem that such a large open area would provide for a primitive and unconfined type of recreation which was of equal value in this "either/or" equation. Another example refers to the topography of some of the units. Vale District's unit 3-9, containing 12,060 acres, lists the unit's topography as "deep, narrow canyons and rimrock ridges;" the vegetation as, "native grasses and brush," but finds that the "the area's relatively small size, . . . absence of vegetative screening and little diversity in relief (result) in a lack of an outstanding opportunity for solitude" (p. 31). As Dieter Mahlein (1985, p. 12) pointed out, many of the areas which consisted of gently rolling hills provided screening when viewed from ground level. When surveyed from the air, however, they appeared substantially flat and were dismissed by the BLM as not providing enough topographical screening. This difference in perspective helps to explain the BLM's rationale when it stated that "the gently rolling foothills" or "rolling hills" provided little diversity in relief and therefore did not provide an outstanding opportunity for solitude.

At other times, the BLM's rationals in this document were totally obscure. A public comment would say the unit,

"clearly and obviously does not meet criteria for identification as wilderness" and the BLM's response would simply agree, "Comment supports the proposed decision and the unit will be eliminated from further review" (p. 37). This type of comment and response does not provide any information as to why the area failed to meet the wilderness criteria.

Roadlessness issues raised in Oregon's Initial Inventory decisions seem to indicate that Oregon offices were fairly cautious in identifying roads. The Initial Inventory seldom used roads as a deciding factor to eliminate units. More evidence of this care in identifying roads may be found in the subdivision of many Oregon units during the Intensive Inventory. By delaying identification of roads until the Intensive Inventory, the Oregon districts may have been giving themselves more time to study the routes and to gather public input (Greeno, 1986, p. 47).

Oregon also seems to have been fairly cautious in drawing to the edge of "naturalness" to create boundaries for wilderness areas (Greeno, 1986, p. 90). Some state offices did not draw to the edge of naturalness and thereby released thousands of acres from review. Oregon, however, consistently drew boundaries to this edge and released zero acres as a result. In fact, only two units in Oregon were divided into natural and unnatural portions in the Initial Inventory. By keeping entire inventory units in the inventory process, the Oregon BLM again seems to have been more disposed towards

maintaining neutrality in making its wilderness decisions than some of the other states. Utah, for example, drew boundaries far from the nearest development even in extremely rugged terrain. Greeno (1986) concluded that:

The distinction between Oregon and Utah BLM offices in drawing to the edge of naturalness can only be explained by inconsistent implementation of the national regulations at the choice of BLM managers. (p. 91)

This comment should probably also include district managers within a state. Each district in Oregon seems to have varied in how it applied the criteria for determining wilderness characteristics. The Vale District, for example, seems to have relied heavily on the size criterion as a limiting factor even when the units met the minimum size requirement.

Although Oregon's BLM decisions may have compared favorably to other states, it still released approximately 5.7 million acres from further review as a result of the Intensive Inventory. It did so using on-file data which was quite often out of date and, thus, inaccurate. It also relied on aerial surveys which tended to flatten out the topography and allowed human developments to appear more obvious than they might have from the ground.

The Intensive Inventory in Oregon

The Intensive Inventory was, as the name implies, more intense than the Initial Inventory. During this stage of the selection process, BLM personnel went into the field to

examine the units retained by the Initial Inventory. The field check resulted in the BLM's decisions of whether to retain a unit for inclusion as a Wilderness Study Area (WSA) or to release it from further review and from the non-impairment type of management provided by FLPMA.

The ability of the land to return to a natural condition without human manipulation (its rehabilitation potential, from mining, vehicle, and other scars), was evaluated for the first time (BLM, 1978, p. 12). Of course, thousands of acres which had these types of scars had already been released during the Initial Inventory because of their development impacts. The possibility that these lands might return to a basically natural condition had been eliminated without study.

Of the 262 units which had cleared the Initial Inventory, only 87 units were retained for further review as Wilderness Study Areas after the Intensive Inventory, and 175 units were released. Overall, Oregon released millions of acres as a result of the Intensive Inventory: 3,680,900 acres, or about 53 percent of the total amount of land being inventoried for WSA status. Oregon retained only 2,491,300 acres to be evaluated as WSAs, or about 16 percent of the original 15.7 million acres managed by the BLM in Oregon, and 36 percent of the roadless lands retained by the Initial Inventory (BLM, 1980, pp. 1-9).

Outstanding opportunities for solitude or primitive and unconfined types of recreation were the prime justifications

for release of units from further consideration for wilderness selection. Table 5, compiled from information obtained in Wilderness Inventory, Oregon and Washington. Final Intensive Inventory Decisions (BLM, 1980), lists the factors used by the BLM to release units from further review during the Intensive Inventory.

Several times units possessed outstanding opportunities for recreation but not for solitude, usually because of developments within the units. In one Burns' unit, however, district personnel found that the area possessed an outstanding opportunity for solitude because of the screening allowed by its diverse topography, but still considered the unit to be too highly developed to be designated as a WSA (BLM, 1980, pp. 127-128). This reasoning by the BLM appears to be rather contradictory in that the lack of naturalness criterion was supposed to be used only when the "imprint of man's work" was so substantially noticeable that it impaired a

TABLE 5. Intensive Inventory: Reasons for Unit Release

Dist. (units)	Lacks Sol.	Lacks Rec.	Lacks Natural.	Size	Units Affected by Roads	Units Elim. by Roads
Lakeview (71)	71	70	33	14	11	0
Burns (37)	35	36	13	6	34	1
Vale (49)	49	47	24	1	25	0
Prineville (24)	<u>24</u>	<u>24</u>	<u>2</u>	<u>10</u>	<u>4</u>	<u>0</u>
Total (181)	179	177	72	31	74	1

visitor's ability to have an outstanding opportunity to enjoy solitude or primitive types of recreation. If a visitor could have one or the other, then obviously naturalness should not have been the limiting factor.

In addition, the wide-open character of these lands was used many times as justification for release of units from further review. The following examples illustrate this point:

The broad, open expanses of this unit as a whole [106,480 acres or 166 square miles, in two subunits of 47,360 and 59,120 acres] offer very few opportunities to avoid others in the unit and little recreation opportunity. (p. 81)

Though the area may be remote, one would not readily find himself isolated from others in the unit. (p. 38)

There is not enough elevation for the visitors to sufficiently screen themselves from others . . . open rolling hills would allow the visitor to be highly visible. (p. 144)

and,

The unit lacks any significant opportunities for primitive and unconfined recreation because a visitor would be apparent to others in the unit [11,000 acres, 17 square miles]. (pp. 69-70)

This last example seems to offer better support for the lack of opportunities for solitude criterion than for the lack of opportunities for recreation. It also seems that 17 square miles should be a large enough area to prevent visitors from being too obvious to one another.

Although the BLM was directed to consider that "there must be no comparison among units" to identify an area's "outstanding opportunities," (BLM, 1979b, Change 3, p. 2), this was relatively difficult to avoid. It would seem that

determination of this value would inherently require some type of comparison, and without a national standard, each BLM district office was enabled to make subjective, multiple use tradeoff decisions during the inventory stage rather than during the study phase as was intended. Examples indicate that the lack of opportunities criterion was a very subjective element in the decision making in Oregon (BLM, 1980):

The unit does not contain a feature or element which would draw people to the unit to the extent that the opportunities for recreation would be considered to stand above others of their kind. (p. 61)

There are opportunities for primitive and unconfined recreation in the unit, but they are similar to others throughout eastern Oregon and do not stand above others of their kind. (p. 67)

and

The unit's large size did indeed offer some degree of solitude, but that the opportunity was not outstanding within the region (i.e., when the opportunity was considered with others of its kind). (p. 115)

Sometimes the BLM's unit descriptions seemed to contraindicate their decisions. For instance, Unit 3-8 in the Vale District, containing 15,600 acres, was described as providing opportunities for camping, hiking, horseback riding, backpacking, snowshoeing, photography, sightseeing. and hunting. Even with all these attributes, the unit was released from review in part because, "these [recreational] opportunities are not outstanding because of a lack of unique or interesting features" (BLM, 1980, p. 212).

The lack of naturalness was a determining factor in less than half of the units inventoried and was never used by itself to disqualify a unit from further review; it was always used in conjunction with a lack of outstanding opportunities for solitude or recreation. In one instance, after having said that the rationale for non-designation was due to the lack of naturalness which created a lack of outstanding opportunities, the BLM responded to a public comment by saying, "It is the Bureau's expressed intent in its existing planning documents to maintain the seedings in crested wheatgrass for intensive livestock grazing" (BLM, 1980b, p. 266). Another example shows that a 24,645 acre unit (38.5 square miles) lacked naturalness because of the cumulative impact of 37 reservoirs, spring developments, 10 miles of fence, 8 miles of vehicle ways and 2 miles of irrigation ditch. These developments, however, were mainly visible from ridge tops, and the unit was still found to have outstanding opportunities for solitude but not for recreation. (Although recreation was available, it was not considered outstanding.) Because of the lack of naturalness and lack of outstanding recreation opportunities, the area was released from further review (BLM, 1980, pp. 125-126).

However, the Intensive Inventory in Oregon resulted in the release of only 19,445 acres by not drawing to the edge of naturalness. These acres were in narrow fingers of BLM land which protruded from the WSAs (BLM, 1980).

The size criterion was also used in conjunction with outstanding opportunities for solitude and recreation. Although size was mentioned 31 times, it was only used as a means to illustrate the lack of outstanding opportunities for solitude or recreation. For example, "It offers poor opportunities . . . because of its small size" (21,120 acres or 33 square miles) (BLM, 1980, pp. 71-72).

Seventy-four units were affected by roads. Usually BLM personnel found that what they had thought were ways, were actually roads. This resulted in these units being divided into subunits. Frequently small subunits were then released because they failed to meet the size criterion. With one exception, however, there was always at least one subunit and frequently several, that still met the size requirement and was reviewed. Only in one instance was a unit so divided that it failed totally to meet the size requirement. Unit 2-88, Moon Hill comprising 9,900 acres in the Burns District, was divided into 5 subunits, all of which contained less than 5,000 acres (BLM, 1980, p. 192).

According to Greeno (1986, pp. 47, 124-125, 130), however, Oregon not only did a better job of reviewing its lands for wilderness qualities than did many of the other BLM state offices, but it also ranked fourth in total WSA acreage and third in percentage of BLM lands in WSAs after the Intensive Inventory. Once again, the Oregon BLM seems to have done well in comparison to other states. Considering, however, the

millions of acres that were eliminated from further review by the Oregon BLM's Intensive Inventory, Greeno's evaluation should probably be considered as a relative compliment, rather than as a testimonial for a pro-wilderness BLM in Oregon.

The Draft Environmental Impact Statement

By 1985, the Oregon BLM had completed the study phase, made recommendations to the State Director, and issued a Draft Environmental Impact Statement (DEIS) (1985) for public review and comment. The DEIS contained the results of the study phase and its publication resulted in a massive document comprising four volumes: a statewide summary and three volumes of appendices, totalling 1,296 pages, and including maps and photographs for each unit.

The DEIS again reviewed the remaining units for their four wilderness characteristics: roadlessness, size, naturalness, and outstanding opportunities for solitude and primitive and unconfined types of recreation. In addition, the DEIS, for the first time, studied these areas for their supplemental values. Although these values had been documented in the Intensive Inventory, they were given no weight in the decision-making process until the study phase. These values were defined as any ecological, geological, or other feature of scientific, educational, scenic or historic value. Archeological sites and habitat for rare or endangered species are examples of such supplemental values.

The DEIS analyzed 77 WSAs. Of these, the BLM recommended 41 units, comprising 949,989 acres, as suitable for wilderness designation; it recommended 36 units, comprising 1,354,153 acres, as unsuitable. This recommendation represented 6 percent of the BLM managed land in Oregon.

Environmental impact statements must present a variety of alternatives which a federal agency has analyzed, before it can decide on a major course of action. This was mandated by the National Environmental Policy Act of 1969. The BLM's Oregon DEIS includes two sets of alternatives. Up to five alternatives were used to analyze individual WSAs. Alternatives 1 and 4 were always considered for each unit, but not necessarily alternatives 2 and 3. These five alternatives include:

1. All wilderness.
2. Enhanced wilderness (opportunities to increase manageability of wilderness).
3. Partial wilderness (resolve or minimize resource conflicts).
4. No wilderness/no action.
5. Preferred alternative (usually one of the above or something totally different). (BLM, 1985, p. v)

For example, while studying Unit 1-24, Sand Dunes WSA, the BLM chose not to use the enhanced wilderness alternative (because they found no "practical way of enhancing the wilderness characteristics of the area), nor the partial alternative (because they found "no way of resolving or minimizing conflicts of land use by recommending only a portion" of the unit) (BLM, 1985, vol. 4, p. 50).

After decisions were reached for each individual WSA based on the above alternatives, a statewide set of alternatives was developed. These were different from, yet incorporated all, of the individual WSA alternatives. The State office determined that this was necessary because the WSA-specific alternative did not each address the same full set of alternatives. Also, some issues were not addressed on an individual basis, but needed to be analyzed on an aggregate or statewide basis. The statewide alternatives include:

1. All wilderness
2. Wilderness emphasis
3. Conflict resolution
4. Ecosystem diversity
5. BLM's proposed action
6. Commodity development
7. No wilderness/no action. (BLM, 1985, p. ii)

The Oregon DEIS had been published and was undergoing public review and comment when the results of a lawsuit brought by several environmental groups were announced in 1985. Since the effects of this lawsuit had many ramifications on Oregon's DEIS, the BLM was forced to draft a Supplement to the Draft, which created many changes in the original. For this reason, the DEIS is not discussed at this time. Rather, it is examined in conjunction with the SDEIS in a separate section below.

Sierra Club Lawsuit

The BLM's Inventory Handbook (1978) had contained a directive concerning areas of land that contained less than

the 5,000 acre minimum required by the Wilderness Act for wilderness consideration. This directive stated that these small units were to be inventoried if they fell within any of three situations:

1. the area is contiguous with lands managed by another agency which has been formally determined to have wilderness or potential wilderness values;
2. the area has received strong public support and it is demonstrated that the area is clearly and obviously of sufficient size to make practicable its preservation and use in an unimpaired condition, and is of a size suitable for wilderness management;
3. the area is contiguous with an area of less than 5,000 acres administered by an agency with authority to study and preserve wilderness lands, and the combined total is 5,000 acres or more. (BLM, 1978, p. 12)

This directive was appealed by commodity interest groups to the Interior Board of Land Appeals (IBLA). The IBLA, under the authority of the new Reagan administration in 1981, subsequently rescinded this directive. The Board found that although the BLM did have the statutory authority to inventory these parcels, it did not have the authority to study them for inclusion in the NWPS nor to manage them under the nonimpairment standard (IBLA 305, 1981). Furthermore, the IBLA said that even those under-5,000 acre areas which were contiguous with Forest Service RARE II study areas were ineligible for review and were not to be managed under the nonimpairment standard.

On December 30, 1982, the BLM, in an order from Secretary of the Interior, James Watt, the BLM formally adopted the

Board's reasoning, reversed its policy, and dropped from review all areas under 5,000 acres, affecting approximately one and a half million acres in WSAs throughout the states (Watt, 1982, p. 58372). The Watt Order (as it came to be called) had three main sections. First, it ordered that split-estate lands (lands in which the U.S. Government did not own the subsurface mineral rights) be removed from the wilderness inventory completely and no longer be managed under the nonimpairment standard. The WSAs which had contained these split-estate lands were then to be reexamined for size and wilderness values. Second, Watt said that all units of less than 5,000 acres should not be studied for wilderness values as a matter of law and therefore, should be dropped from WSA status. Third, all roadless areas larger than 5,000 acres that were being considered because of their contiguity with areas being reviewed by other agencies for wilderness values should be eliminated unless they had wilderness characteristics of their own.

A number of environmental organizations immediately challenged this decision in a suit known as Sierra Club v. Watt (1985). Chief Judge Karlton of the U.S. District Court, Eastern District of California, found that although section 603 of FLPMA did not authorize the BLM to review for wilderness consideration those areas of less than 5,000 acres, the Secretary did have broad discretion under sections 202 and 302 to manage those areas under the nonimpairment standard.

Judge Karlton inferred that the IBLA had tried to make some of Congress' wilderness decisions for them; he said that it was up to Congress to decide whether these areas should be designated wilderness or deleted from the wilderness proposal, not the BLM.

Impact on the Oregon Proposal

Because of the Watt Order, the Oregon DEIS had excluded all those areas which comprised less than 5,000 acres. The inventories had included split-estate lands and had made suggestions for the purchase of those split-estate lands which contained wilderness qualities. The DEIS, however, had excluded these areas because of the Watt Order of 1982.

As a result of the Sierra Club Lawsuit, Oregon had to create a Supplement to its 1985 Draft Oregon Wilderness EIS. This SDEIS was finally published in January 1987. Over 128,000 acres of split-estate lands that had been deleted from wilderness review, were subsequently restored to 27 WSAs included in the DEIS. The discretionary authority of the Secretary of the Interior under section 202 of FLPMA (1976), was affirmed, which resulted in adding 6 WSAs containing 4,980. Because of the configuration of some split-estate lands and full-fee estate lands acquired since completion of the original wilderness inventory under the authority of sections 202 and 302 of FLPMA, even more land was reevaluated for wilderness characteristics (BLM, 1987, vol. 1, p. 2).

Altogether, the Supplement evaluated 8 WSAs containing 113,100 acres which were not addressed in the original DEIS, plus 231,507 acres in 59 WSAs as modifications to the original DEIS. These additions raised the total number of Wilderness Study Areas evaluated by 8, from 77 to 85, and the total number of acres included by 344,607, from 2,304,142 to 2,648,749, or about a 15 percent increase overall (BLM, 1987, vol. 1, p. 2).

The 1987 Supplement to the Draft

The SDEIS is composed of two volumes: a new statewide summary and an appendix, totalling 583 pages. The Supplement, however, addresses only those units which have been modified or added because of the lawsuit. Furthermore, it does not reanalyze the entire area of each affected unit, but, rather, addresses only the affected areas within the unit. Therefore, it is necessary to use both the DEIS and the SDEIS (1,879 pages in six volumes) to understand the BLM's recommendations. This is a very cumbersome process which does not lend itself to quick analysis of the BLM's EIS.

Of the 85 Wilderness Study Areas in Oregon, the BLM recommended the all wilderness alternative for only 11 units (amounting to 258,522 acres), a partial wilderness alternative for 33 units (amounting to 741,986 acres which eliminates 603,723 acres), and the no wilderness alternative for 41 units (amounting to 1,044,518 acres) (see Table 6). This means that

of the 2,648,749 acres in WSAs, the Oregon BLM recommends only 1,000,508 acres, or less than half of the amount in WSA status. Remember also, that the BLM manages over 15,700,000 acres in the state of Oregon, that 6,866,400 of these acres were assessed as roadless, meeting the minimum size requirement, substantially natural, and possessing outstanding opportunities for solitude or primitive types of recreation according to the Initial Inventory. Since that first inventory, over 5 million acres have been released from further wilderness consideration.

Table 6 compares the amount of acreage in each unit that was retained by the Intensive Inventory to the acreage recommended in the SDEIS. In addition it shows the number of acres added to each unit by the Sierra Club lawsuit, and compares this with the number of acres included in the BLM's recommendations.

The table shows that of the 344,607 acres added to the inventory because of the Sierra Club lawsuit, only 39,525 acres were added to the BLM's recommendations in the SDEIS. In addition, only one new WSA was recommended for the all wilderness designation, Unit 3-74. Of the 85 units evaluated in the SDEIS, seven were outside the scope of this paper. However, it is interesting to note that of these seven units, the BLM recommended three for the all wilderness alternative; these three units totalled 342 acres and included two islands on the Oregon coast, one of three acres and one of five acres.

TABLE 6. BLM Recommendations for Wilderness Study Areas

WSA #	Total Acres	Lawsuit Added Acres	Lawsuit Added WSAs	SDEIS P.A.* Acres	Change in P.A. Acres
Lakeview District:					
1-2	29,680	960		25,640	780
1-3	28,340	640		21,010	120
1-22	12,600	640		9,110	440
1-24	16,440	440		0	0
1-58	113,120	5,200		51,160	3,680
1-78	24,600	0		14,800	0
1-101	23,760	480		23,760	480
1-117	16,690	620		11,920	620
1-132	10,350	0		9,890	0
1-139	69,530	0		0	0
1-146A	68,640	1,280		69,640	1,280
1-146B		8,520	8,520	0	0
Burns District:					
2-14	5,560	0		5,560	0
2-23L	21,325	325		0	0
2-23M	8,090	0		0	0
2-72C	54,390	3,270		45,705	2,545
2-72D	34,830	2,110		34,830	3,110
2-72F	20,520	420		0	0
2-72I	40,592	1,992		25,185	685
2-72J	8,535	635		0	0
2-73A	22,240	640		15,785	640
2-73H	15,440	640		0	0
2-74	251,060	39,370		69,165	4,755
2-77	27,940	730		0	0
2-78	16,215	1,495		0	0
2-81	72,690	3,380		41,315	2,440
2-82	103,965	6,420		20,500	1,500
2-83	16,825	2,170		0	0
2-84	141,410	4,190		0	0
2-85F	69,740	4,320		35,930	990
2-85G	37,555	1,705		0	0
2-85H	26,590	770		22,015	1,015
2-86E	54,280	2,390		21,530	360
2-86F	9,400	160		6,430	160
2-87	14,545	485		0	0
2-98A	200	200	200	0	0
2-98C	741	741	741	0	0
2-98D	208	208	208	0	0

TABLE 6. (Continued)

WSA #	Total Acres	Lawsuit Added Acres	Lawsuit Added WSAs	SDEIS P.A. Acres	Change in P.A. Acres
Burns District (Continued):					
2-103	9,395	0		0	0
Vale District:					
3-18	6,200	5,640		0	0
3-27	19,580	440		0	0
3-31	19,200	840		16,080	580
3-32	8,700	200		7,700	0
3-33	13,600	680		0	0
3-35	5,600	240		0	0
3-47	33,600	1,560		0	0
3-53	23,500	560		0	0
3-56	51,800	1,920		0	0
3-59	13,100	0		0	0
3-73	12,700	0		0	0
3-74	3,000	3,000	3,000	3,000	3,000
3-75	7,600	0		7,600	7,600
3-77A	39,000	0		36,300	0
3-77B	12,100	0		0	0
3-110	75,300	3,360		48,285	1,625
3-111	86,300	5,000		0	0
3-114	54,600	4,040		0	0
3-118	59,900	3,760		0	0
3-120	31,490	40		0	0
3-128	27,900	340		22,200	0
3-152	30,565	1,755		13,830	1,020
3-153	32,040	1,550		30,080	1,190
3-156	51,290	2,830		51,290	2,830
3-157	42,900	2,500		13,300	740
3-162	28,600	1,640		26,240	1,100
3-173	62,500	3,840		62,500	3,840
3-194	99,600	99,600	99,600	0	0
Prineville District:					
5-1	7,538	0		7,332	0
5-6	19,587	235		15,470	0
5-8	6,369	120		5,830	120
5-9	5,982	0		0	0
5-21	32,221	0		20,727	0
5-31	10,985	240		0	0

TABLE 6. (Continued)

WSA #	Total Acres	Lawsuit Added Acres	Lawsuit Added WSAs	SDEIS P.A. Acres	Change in P.A. Acres
Prineville District (Continued):					
5-33	19,631	240		17,001	240
5-34	8,791	700		8,391	0
5-35	20,700	720		0	0
5-42	10,600	0		0	0
5-43	<u>18,435</u>	<u>1,120</u>	<u> </u>	<u>0</u>	<u>0</u>
Total	2,620,655	246,256**	112,269**	994,026	39,525

* P.A. is the BLM's Preferred Alternative.

** These totals do not include acreages of WSAs not reviewed in this study.

Of 78 WSAs evaluated, 38 (almost half) received a no-wilderness recommendation. Of the 40 which received some type of positive wilderness recommendation, only 8 were given the all-wilderness recommendation. Table 7 shows that, for those 38 units which received the no-wilderness recommendation, livestock, mining, and vehicle access were the primary factors which influenced the decision.

After having been evaluated for wilderness characteristics during two inventories, these 85 units were further scrutinized during the wilderness study phase. It seems rather amazing that after having twice been evaluated, and found to possess outstanding opportunities for solitude or primitive and unconfined types of recreation, that several of these units failed to retain these values during the study

TABLE 7. Factors Influencing the No-Wilderness Alternative

Factor	Lakeview Dist.	Burns Dist.	Vale Dist.	Prineville Dist.	Total
Solitude	1	0	1	1	3
Recreation	2	0	2	4	8
Manageability	1	4	4	0	9
ORV Use	2	0	5	2	9
Livestock	2	13	11	4	30
Powerlines	0	0	2	2	4
Minerals	1	11	13	4	28
Vehicle access	0	8	8	4	20
Timber	0	2	1	1	4

phase. However, the outstanding opportunities found during the inventories for solitude in 3 units and recreation in 8 units were determined not to exist in the study phase.

The Lakeview District chose the no-wilderness alternative for only 3 out of its 12 units; Burns, 15 out of 27; Vale, 15 out of 28; and Prineville, 5 out of 11. Both the Burns and Vale Districts relied heavily on structural developments for livestock and potential mineral and energy developments as factors influencing the no wilderness choice.

The manageability criterion was a determining factor for wilderness recommendations several times. If an area could not be managed successfully for its wilderness values after designation, then there was not much sense in making such a recommendation. For instance, the Lakeview District found that Unit 1-24, the Sand Dunes WSA, could not be effectively managed for wilderness because of the prevalence of off-road

vehicles (ORVs) in the area and the widespread access which ORVs have to this unit. The BLM felt that trying to enforce closure of this unit would therefore be very difficult and very costly. The district personnel believed that these potential management problems outweighed the benefits of retaining this unit for its wilderness values. Usually, however, manageability was a factor because of private property either within the unit's boundaries or bordering the unit in such a way as to make access difficult for wilderness recreation.

Although the lack of manageability is listed as a primary factor only nine times, it was a secondary consideration in most of the 38 units denied a wilderness recommendation. Usually the rationale would declare an area manageable and then issue a disclaimer such as, "A manageability problem could arise if mineral development occurred on the split-estate land" (BLM, 1985, vol. 4, p. 203). Sometimes the disclaimer concerned the potential development of privately owned parcels within the boundaries of the unit which could adversely affect its manageability for wilderness values. For example, "Future developments on inholdings and on lands adjacent to the WSA could detract from the area's wilderness qualities." The "inholding could be used in ways which would adversely affect the wilderness values of surrounding public land" (BLM, 1985, vol. 4, p. 60).

The livestock factor usually refers to structural developments proposed in WSAs to enhance current livestock use or to increase livestock use in the future. Vehicle access usually refers to ranchers' access to their cattle for delivering salt and routine checking. Sometimes, though, it also refers to vehicular recreation, usually for hunting, but sometimes for fishing or other recreational activities. Very rarely, it refers to access for educational or research purposes.

The study phase alone, which examined only 2.6 million of the Oregon BLM's 15.7 million acres, found that an all-wilderness recommendation on these acres would preclude a great deal of range improvements. For example, vegetative manipulation without seeding (i.e., burning), would be precluded on 41,632 acres. Manipulation with seeding (of crested wheatgrass) would be precluded on an additional 43,291 acres (BLM, 1987, vol. 1, p. 76). This adds up to 84,923 acres which would not undergo manipulation for livestock grazing. This type of "improvement" would be precluded because it has not previously occurred in these areas, and thus, cannot be initiated once wilderness is designated. Only improvements of a similar nature to those in existence when FLPMA was passed can be developed in wilderness areas. Under the BLM's preferred alternative, vegetative manipulation would be foregone on only 23,785 acres.

In addition to the thousands of acres which would forego vegetative manipulation for the benefit of livestock, other livestock improvements would also be precluded. For example, 106 reservoirs and waterholes, 37 springs, 90 miles of water pipelines and 109 miles of fences would not be developed under the all-wilderness alternative throughout eastern Oregon (BLM, 1987, vol. 1. p. 76).

Also, range improvements in wilderness areas cannot be made solely for the benefit of livestock grazing or to increase the number of animal units months (AUMs). (An AUM is the amount of forage required to sustain one cow and her calf for one month.) The BLM estimated that 68,739 AUMs of additional livestock forage could be precluded under the all-wilderness alternative. Only 36,835 AUMs could be foregone under the BLM's preferred alternative.

The mineral factor shown in Table 7 includes both mineral and energy potential within the units. It ranked second to the livestock factor in influencing the no-wilderness recommendation. Only in a few of the units were actual mining claims already staked or test-holes drilled for oil, gas or geothermal energy. Rather it was the potential for development of minerals or energy sources that was the limiting factor.

According to an Opinion by the Solicitor of the Department of Interior in 1979 (U.S. Department of the Interior, 1979), development of new claims in WSAs only allowed claimants the

right to file a notice of location and to perform only the necessary annual assessment work to keep the claim valid. Also, this assessment work had to be nonimpairing. Given this severe restriction on new claims, the BLM and mining interests may have felt that it was better to opt for the no-wilderness alternative than to be precluded from developing claims in these areas. For claims already in existence when FLPMA was passed in 1976, however, the "grandfathered" clause of valid existing rights allows these leases to be developed subject only to the undue or unnecessary degradation standard.

Each WSA had to be evaluated for its mineral and energy potential. When a mineral or energy source was found, it was rated for both the geologic favorability of the mineral's occurrence within the unit and the quantity and quality of the data upon which this rating was based. This latter was termed the "confidence" level and the geologic favorability was termed the classification level. The classification level used a numeric system from 1 to 4 such that a number 1 level indicated no potential for occurrence of that mineral or energy source in the area and a number 4 rating indicated a high favorability of occurrence. The confidence level used an alphabetical rating system from A to D, where A indicated that the the quantity or quality of the data was very poor and D indicated abundant evidence.

Many times when the mineral and energy potential rational was used to exclude an area from a positive wilderness

recommendation, the supporting evidence was not very substantial. For example, an area's classification of mineral and energy potential might include four or five types of minerals plus the geothermal, coal, oil and gas potential of the unit. The highest rating for any of one of these might be a 3B, indicating a moderate favorability for this mineral or energy resource to occur because of the type of geology of the area, but only indirect evidence that it might actually be present.

A good example is that of Unit 3-27, the Beaver Dam Creek WSA in the Vale District (BLM, 1985, vol. 4, pp. 16-17). The rationale for the no-wilderness recommendation included a statement that the mineral and energy resource potential was of higher benefit than the wilderness qualities. The mineral and energy potential list included: metals, limestone, bentonite, diatomite, zeolites, geothermal, uranium/thorium, coal, and oil/gas. Of these, the highest rated commodities were the oil/gas and metals potentials. The ratings were both 3B, indicating a moderate potential for the occurrence given the area's type of geology, but only indirect evidence that it actually occurred there. The next highest rating, 2C, was for zeolites. This indicated that although the geology suggested a low potential of occurrence for this mineral, there was some direct, but quantitatively minimal, evidence of its existence. Consequently, the use of the potential mineral and energy

development in this unit appears to be a doubtful rational for excluding it from a wilderness recommendation.

Timber production was a factor in only 4 units, and both the acreage involved and the amount of harvestable timber were small. However, in one instance the BLM used timber harvest for a wildlife enhancement project as a determining factor in not designating Unit 3-18, Castle Rock WSA in the Vale District. Upon examination, this factor does not appear appropriate for a non-wilderness decision. The rational used by the BLM in this case stated that the "benefits of . . . full implementation of the wildlife habitat management plan (which includes the possible cutting of trees to benefit wildlife) outweigh" the preservation value of this unit for wilderness. Later in the evaluation, however, the BLM explained that only 236 acres contained harvestable timber, that this area was presently closed to commercial harvest, and most importantly, that cover for wildlife in the area was such that, "harvest would not be beneficial to wildlife for several decades" (BLM, 1985, vol. 4, pp, 4, 6). It is curious that the Vale District would use as its rational for not recommending this area for wilderness, a condition that would not occur for at least several more decades.

Only four areas were disturbed by powerlines. Three of these were because of potential powerlines being erected in the future, and one because powerlines not within the unit's

boundaries were still visible from nearly every point within the unit.

Recreation had both a positive and a negative influence on the wilderness recommendations. A finding of outstanding opportunities for primitive and unconfined types of recreation encouraged a pro-wilderness recommendation. However, nonprimitive types of recreation (e.g., car camping, vehicle hunting, ORV use, etc.) already established in an area, were a negative influence on wilderness designations. Although nonprimitive types of recreation were not given any statutory weight by FLPMA or the Wilderness Act, they were mentioned in the rationals for the no-wilderness recommendations fairly regularly. For example, Unit 3-31, the Camp Creek WSA in the Vale District, received a partial wilderness recommendation because it would "allow recreationists to continue to drive vehicles on the tableland and to the rim of the canyons" (BLM, 1985, vol. 4, p. 31).

The study phase was also the time to evaluate the "supplemental" wilderness values documented in the intensive inventories. These values include the ecological, geological and other features of scientific, educational, scenic or historical values in the WSAs (BLM, 1978, p. 14). Although these values, when found, were supposed to be included in the benefits of a wilderness designation, it is difficult to determine how much affect they really had on the decisions. In description after description of units which received the

no-wilderness recommendation, these values are simply enumerated in short paragraphs. They are not discussed in the rationals either for or against, nor are they included in sections titled "Environmental Consequences."

The SDEIS also included an analysis of the impact of preservation on (a) other resources, (b) the impact of nondesignation on wilderness values, and (c) the local social and economic effects of preservation. These are part of the quality standards which had to be considered in the EIS, but which played only a secondary role in the decision process. For the most part, these items were not used in the BLM's rationals for their recommendations, although each was addressed in the unit analyses.

Summary

This chapter has examined the official statements published by the Oregon BLM to document its wilderness selection process. It has reviewed the inventory procedures and results, the Draft EIS, the effects of the Sierra Club Lawsuit, and the Supplement to the Draft EIS.

The initial inventory document, Wilderness Review, Initial Inventory, Final Decisions (BLM, 1979c), is a rather unsatisfactory document. There are several problems with it.

1. It contains information on only 70 of the 157 units that were eliminated from further review by the initial inventory. These 70 units were included as a result of the

public's comments made on the BLM's proposed decisions announced earlier in the year. Since the BLM was required only to respond to those comments it did not restate its decisions on the other 87 units which did not receive public comment.

2. The descriptions of the units, the public comments and the BLM's responses were all fairly insubstantial. These responses generally lack sufficient detail for the reader to gain a clear insight of the BLM's justifications for eliminating the units.

3. Without having the units retained for further evaluation included in this document, the document seems very one-sided, rather terse, and negative in tone. Considering that the Initial Inventory eliminated about 5.7 million acres but reserved almost 6.9 million acres for the Intensive Inventory, this perception is probably inaccurate and, therefore, very unfortunate.

Where the Initial Inventory retained over half the number of acres it evaluated for wilderness characteristics, the Intensive Inventory retained only about a third of the acreage evaluated. The Intensive Inventory duplicated the criteria used in the Initial Inventory, but not the evaluation process. Where the Initial Inventory relied upon on-file data, the Intensive Inventory relied on data from field checking the units evaluated. The lack of outstanding opportunities for solitude and primitive or unconfined types of recreation were

the primary factors in releasing units from further consideration. Although many units were affected by ways that were found to be roads or roads that were found to be ways, only one unit was eliminated because of this factor.

The DEIS had to be revised as a result of a lawsuit brought by environmental groups against the BLM at the federal level. This resulted in an addition of 344,607 acres in Oregon which the BLM had to evaluate for wilderness qualities, and to the publication of a supplement to the Draft EIS. This SDEIS recommended only 1,000,508 acres of the BLM's 15.7 million acres. The major negative influencing factors were livestock, mineral and energy resources, and vehicle access (usually for livestock operators to reach their herds).

The following chapter will conclude this analysis. It reviews the substance of this paper and identifies those areas in Oregon's BLM selection process which seemed to either not adhere to the mandate from FLPMA or which did not appear to follow the guidelines established by the national BLM office.

CHAPTER VI

CONCLUSIONS

This study has illustrated that wilderness is an important attribute of our society. Many years of research and debate went into the crafting of the Wilderness Act of 1964. It took another twelve years for desert lands to be legally recognized as possessing esthetically pleasing wilderness qualities; the Federal Land Policy and Management Act of 1976 called for an evaluation of the mostly desert lands administered by the BLM for possible inclusion into the National Wilderness Preservation System.

The case study included in this report covered the high desert country of southeastern Oregon. As is typical for most BLM lands, this land has been used primarily for livestock grazing for over one hundred years. So, although the Wilderness Act (1964) specified that wilderness should be "untrammeled by man" and "primarily affected by the forces of nature, with the imprint of man's work substantially unnoticeable" (sec. 1131(c)), almost all BLM lands have been trammled by domesticated livestock and their human owners. Little of this land is in its "pristine" or "primitive" condition. Overgrazing has changed the biota from the grassy

fields described by early explorers to one of sage brush, cheatgrass, and some juniper today.

Thus, the BLM has had to evaluate the human impacts on this landscape to determine whether the combined impacts of human works would be substantially noticeable by the average visitor on foot or on horseback.

The objectivity of BLM personnel has been of prime concern throughout the wilderness selection process. The agency's predecessors were characterized as being mismanaged and corrupt. The BLM itself is generally considered to have been a "captive" agency as recently as the 1950s, and the bonds between BLM personnel and the industries they regulate is still very close in many situations. Given this history of the BLM, it would not be surprising to discover that it might not have been an enthusiastic agency for choosing wilderness areas.

Although the BLM published a number of guides and instruction memoranda, the selection process continued to be a very subjective procedure. The process is filled with ambiguities as was discovered by Greeno (1986). The determination of what constitutes an "outstanding opportunity" for solitude or primitive and unconfined types of recreation is still a comparative process, although the BLM was restricted from making comparisons or using any type of rating system by the Wilderness Inventory Handbook (1979b, Change 3, p. 2).

The selection process has been long and arduous. In Oregon, areas for study had to be selected from 15 million acres. Then the areas selected had to be reevaluated for wilderness characteristics in an intensive inventory. Those areas which survived the intensive inventory were then evaluated for the third time for their wilderness quality as well as studied for qualities such as manageability. This process of elimination resulted in the dismissal of about 13 million acres by the end of the intensive inventory. Since final recommendations have not yet been reported to the President, there are no exact figures for the final amount of BLM acres which will be designated wilderness. But the current Oregon recommendation is 1,000,508 acres in 44 WSAs.

Evaluation of the Oregon BLM's Selection Process

The BLM districts in Oregon seem to have begun the wilderness selection process with a fair amount of care and objectivity. Of the 12.7 million acres of land inventoried for wilderness values, the Initial Inventory reserved 6.8 million acres for further study. This was slightly less than half (44 percent) of all the BLM administered lands in Oregon. However, these first decisions were primarily based on secondary evidence, i.e., old maps, air photos, public comments, etc. Only if a public comment directly opposed the information contained in this evidence did the BLM do any

field checking. For the most part, field checking was reserved for the intensive inventory stage.

The BLM had to evaluate its lands for the four wilderness characteristics designated in the Wilderness Act: (a) roadlessness, (b) size, (c) naturalness, and (d) outstanding opportunities for solitude or for primitive and unconfined types of recreation. These four criteria were evaluated in each of the two inventories and again in the study phase.

Roadlessness was never a very big issue in Oregon. During the Initial Inventory, it appears that whenever a doubt occurred as to whether a way was a road or vice versa, judgment for that unit was delayed until field checking could be done during the Intensive Inventory. However, throughout the process, the presence of numerous "ways" (jeep trails, for example) in the units greatly affected the perception of the naturalness criterion. The presence of ways was used in the discussion of areas' naturalness in almost every case where naturalness was a limiting factor (although ways, by themselves, were seldom used in the rationals).

The size criterion was also seldom used by itself to disqualify an area from further study. That only occurred if the area was less than the 5,000 acres established in the Wilderness Act as a sufficient size for a wilderness experience to occur. However, size was frequently used (especially by the Vale District in the Initial Inventory) in conjunction with shape, topography and vegetative screening to

disqualify areas. These factors would be listed in addition to other, more important criteria to disqualify areas.

The lack of naturalness was a disqualifying factor in just under half the cases. Naturalness was determined by both the amount of human imprints and their distribution throughout an area. These imprints could be ways, spring developments, guzzlers (troughs of water), reservoirs, fences, mining scars, etc. If the imprints were generally not noticeable or if they were located in one section of a unit which otherwise had a positive evaluation, then the area would usually be retained for further evaluation. In most cases, lack of naturalness was used as a contributing factor in disqualifying areas. However, there were a few times that the lack of naturalness was the dominant disqualifier.

During the Intensive Inventory, the BLM was allowed to document an area's ability to return to a natural condition, either by itself over time or with non-mechanized labor. If this possibility was determined to be present and the area contained all the other necessary wilderness characteristics, then the lack of naturalness was not to be considered the limiting factor. However, this possibility apparently was not discussed in the BLM documents. It is therefore unclear whether areas were released or retained because of this factor.

The criterion which had the most impact on disqualifying areas from wilderness review during the inventories was that

of outstanding opportunities. Outstanding opportunities were to be evaluated for either solitude or primitive and unconfined types of recreation. However, almost every time one of these conditions was lacking, the other would be found to be lacking also. If an area was found to have one but not the other, and possessed the other required values of size, roadlessness, and naturalness, then the area was to be retained for further evaluation. Only five times during the inventories was one of these opportunities found without the other. Each time, however, naturalness was also lacking and thus, the units were eliminated.

The BLM's national inventory regulations tried to avoid the subjectivity of comparison by prohibiting comparison among units. It made "outstanding opportunities" dependent upon three relatively objective factors found within the units: vegetative and topographic screening, size, and shape of the units. Primitive recreation opportunities were dependent upon both the quantity and quality of recreational activities to be found within the units. However, the determination of outstandingness inherently requires comparisons, whether among units, regions, or with the nation as a whole. Greeno (1986) decided that it was more likely that:

the national regulations were written with the intent of leaving the issue of comparison open while saying specific units could not be compared to avoid the problems the Forest Service encountered and to allow lands not meeting the "standards set by the Wilderness Act" to be released. (p. 114)

Leaving aside the the issue of comparison, the whole question of outstandingness should not have been addressed until at least the Intensive Inventory stage. Since the Initial Inventory used second-hand evidence, there was really no way to determine the areas' outstanding opportunities. These could only be evaluated "in the field." But Oregon, as did the other States, released millions of acres in the initial inventory solely because of the lack of these opportunities.

The definition used by the BLM for solitude is an issue by itself. This definition tended to be a "closet" interpretation, meaning that solitude was the ability a visitor had to avoid the sights, sounds, and evidence of other humans in the areas. As Jay Vest (1987) wrote in his article on wilderness solitude,

one can only marvel at the shallowness of federal agencies' interpretations of the wilderness legislation; indeed, they have largely ignored the cultural ethos from which it evolved. Instead of acknowledging the historical principles that motivated the wilderness movement, they have focused upon superficial dictionary definitions. . . . Cloistured solitude bears little relationship to wilderness solitude. Without a philosophical treatment of wilderness solitude, any attempt to quantify its cognitive, functional, and practical dimensions must be seen as premature. (pp. 304-305)

Vest has made a significant point and one that was mentioned repeatedly in the public comments. Commentators frequently mentioned that the wide open spaces and the largeness of the areas gave them the feeling of solitude, of communing with nature, whether or not there was vegetative or topographic

screening. Another point is that vegetative and/or topographic screening might even degrade the wilderness experience in this type of landscape. This is because it is the wide open spaces which draw visitors to these areas in the first place. If wilderness visitors wanted vegetative and topographic screening, they would probably go to forested and/or mountainous wilderness areas. However, the BLM state director was able to discount this type of comment because of the "closet" definition presented in the inventory instructions (1978, p. 13). Vest concluded:

Given that wilderness solitude affirms ecstatic communion . . . over wild nature, being absolutely alone via topographic and vegetative screening is a shallow and improper criterion for assessment. . . . Rather than throw out vast prairie-like wildlands because they lack topographic and vegetative screening, agencies ought to examine the ecological distinctiveness of the wildlands and their ecology as it fosters an aesthetic experience. In doing so they would acknowledge wilderness solitude and truly reflect the spirit and intent of the Wilderness Act. (p. 330)

It appears that the BLM's definition of solitude is contradictory to the history of the Wilderness Act and, therefore, does not reflect the intent of the Wilderness Act.

During the study phase, the BLM was required to reevaluate the four mandatory wilderness characteristics and certain "planning criteria." These criteria had be completely satisfied in favor of wilderness designation before a WSA could be recommended for inclusion in the NWPS. These two planning criteria can be summed up as answering the following two questions:

1. Does the WSA possess all the mandated wilderness values and will the benefits of wilderness preservation exceed the benefits of the foregone uses?
and
2. Can the area be successfully managed as a wilderness?
(BLM, 1982b, p. 5103)

There are six other criteria which must be considered by the BLM termed quality standards. They were less critical because wilderness recommendations were not based solely on forming a particular conclusion from any one of them. These criteria include consideration of the land's energy and mineral resource values, the impact of preservation on other resources, the impact of nondesignation on wilderness values, the site-specific comments of the public, the local social and economic effects of preservation, and the consistency of preservation with other land use plans (BLM, 1982, pp. 5103-04).

From the evaluation in Chapter V, however, the Oregon DEIS and SDEIS appear to have used the six less critical criteria as the primary factors in choosing the no-wilderness alternative for its recommendations. Manageability, the critical criterion, was used only nine times according to this study. However, the wisdom of using manageability as an absolute bar to wilderness suitability is open to debate, according to Haugrud (1985). He states that:

The policy rests on the assumption that private property rights such as mineral leases and mining claims must be given the right to be developed and fully utilized. However, this assumption is not necessarily correct. Congress has the authority to annul any private right so long as the right is taken for a public purpose with due

compensation. If the wilderness values in a WSA are valuable enough to exceed the cost of extinguishing all existing rights, Congress may clearly decide to authorize such a taking and declare the area as wilderness. (p. 51)

Therefore, the BLM should not assume that Congress must allow valid existing rights to continue in the region. Although the BLM has the obligation to explain and document the costs of extinguishing these rights, it should consider the acquisition of pre-existing private rights that can harm wilderness features as an additional cost to wilderness designation, not as an absolute bar to the area's suitability.

Furthermore, the quality standards, which were not to be the critical criteria upon which to base recommendations, seem to have been relied upon heavily in Oregon's documents. For example, both the livestock use and the mineral potential of these lands were used repeatedly in the rationals as justifications for the no-wilderness alternative. By simply reading these documents, one certainly receives the impression that these criteria were of primary importance to the BLM in making their decisions.

Another instance in which the BLM used a less critical quality standard to form the basis of its rational was ultimately contradicted further on in the evaluation. The BLM used the quality standard of a timber harvest for wildlife enhancement as a determining factor in not designating Unit 3-18, Castle Rock WSA in the Vale District. The rational stated that the, "benefits of . . . full implementation of the wildlife habitat management plan (which includes the possible

cutting of trees to benefit wildlife) outweigh" the preservation value of this unit for wilderness. However, the BLM later explained that only 236 acres contained harvestable timber, that this area was presently closed to commercial harvest, and most importantly, that cover for wildlife in the area was such that, "harvest would not be beneficial to wildlife for several decades" (BLM, 1985, vol. 4, pp. 4, 6). This type of explanation makes the BLM appear to have been grasping for excuses to exclude areas from wilderness designation. Furthermore, by using quality standards as justifications for the no-wilderness alternative, the Oregon BLM appears to have not followed the national directives outlined in the Wilderness Study Policy (1982, p. 5103).

The BLM appears to have been influenced primarily by commodity interests in its selection process. Only 1,000,508 acres received a favorable recommendation out of the 12.7 million acres inventoried. Grazing interests appear to have been the greatest influence on the BLM's selection process. During the inventory stages, the primary factors for release due to a lack of "naturalness" were because of the substantial number of human imprints. These generally consisted of structural developments used mainly by the grazing industry. Spring developments, fences, reservoirs, and ways or roads to herd locations were the primary causes for areas found not to be in a natural condition. In addition, a number of times that areas were found not to offer outstanding opportunities

for solitude or primitive recreation, it was because of these imprints. The reasoning was that visitors would not have a sense of solitude if they were able to see spring developments or fencelines, etc., within a wilderness area.

Sometimes the BLM was quite direct in showing the influence of the livestock interest. For example, after having stated that the rationale for non-designation was the lack of naturalness which created a lack of outstanding opportunities, the BLM then responded to a public comment by saying, "It is the Bureau's expressed intent in its existing planning documents to maintain the seedings in crested wheatgrass for intensive livestock grazing" (BLM, 1980, p. 266).

The other major commodity interest was the mineral and energy potential of these lands. Although these factors were quality standards, the "potential" benefits of their "potential" development were used by the BLM to outweigh the benefits of wilderness designation 28 times in the EIS. It is questionable whether "potential" benefits from "potential" development should have been a qualifying factor in these decisions. An inherent problem with using potential benefits is that non-WSA areas were not evaluated for their mineral and energy "potentials." It is entirely possible, therefore, that nearby areas may be developed in the future because they possess much greater mineral or energy resources, while the non-designated WSA is not developed but is degraded because of

road developments or indiscriminant exploration. Aldo Leopold (1966) observed that:

We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect. There is no other way for land to survive the impact of mechanized man, nor for us to reap from it the esthetic harvest it is capable, under science, of contributing to culture. . . . That land is a community is the basic concept of ecology, but that land is to be loved and respected is an extension of ethics. (pp. xviii-xix)

The purpose of conducting a two-stage inventory was to get land which lacked wilderness potential out of the wilderness management classification and back into commodity production or multiple use, as quickly as possible. Because the BLM did not conduct on-site evaluations during the initial inventories, millions of acres were released. It is probable that some of those acres did possess wilderness values that went unnoticed because of the hurried nature of the review.

One inventory with field checks and public comments should have sufficed. Although this would have kept some lands out of production for a while longer, it would have increased the likelihood that all the potential wilderness areas were evaluated. In Oregon, this could have increased the amount of land in WSAs by up to 3 million acres. The BLM should then have made its recommendations to the President and Congress. It seems that the BLM has taken on too much responsibility in the decision making process. This happened when it released millions of acres during the initial inventories because they lacked naturalness and outstanding opportunities. These two

characteristics should have been documented by the BLM, but not acted upon by the BLM. It is possible that this type of release has thwarted Congressional ability to designate wilderness in BLM lands. If so, then the BLM has failed its mandate from FLPMA by not issuing a comprehensive report to Congress.

Wilderness designation, as important as it is, is not enough to protect our wild lands. If Congress implements the BLM's recommendations for Oregon, only 1,000,508 acres will receive protection. Grazing will continue to occur on those acres as well as any mining activity that had begun prior to FLPMA's passage. The remaining 16 million acres administered by the BLM in Oregon will continue to be open for multiple use, or "multiple abuse" as some say. There is an urgent need for a new land ethic which was best expressed by Bruce Babbitt, Governor of Arizona, in an address to the 1985 Sierra Club Annual Meeting:

We . . . need a new western land ethic for non wilderness. The old concept of multiple use no longer fits the reality of the new west. It must be replaced by a concept of public use. From this day on, we must recognize the new reality that the highest and best, most productive use of western public land will usually be for public purposes-- watershed, wildlife and recreation. . . . The great urban centers of the west are filled with citizens who yearn for solitude, for camping facilities, for a blank spot on the map, a place to teach a son or daughter to hunt, fish or simply survive and enjoy. . . . The time is at hand to go beyond multiple use. Mining entry must be regulated, timber cutting must be honestly subordinated to watershed and wildlife values, and grazing must be subordinated to regeneration and restoration of grasslands. It is now time to replace neutral concepts of multiple use with a statutory mandate that public lands are to be administered

primarily for public purposes. (Coggins and Wilkinson, 1987, pp. 1055-1056).

This new land ethic, together with the preservation of legally designated wild areas is the only possible solution to the management of our lands.

Wilderness is a resource which can shrink but not grow. Wilderness is the raw material out of which man has hammered the artifact called civilization. . . . That same stuff is something to be loved and cherished, because it gives definition and meaning to . . . life. This is a plea for the preservation of some tag-ends of wilderness, as museum pieces, for the edification of those who may one day wish to see, feel, or study the origins of their cultural inheritance.

Aldo Leopold, 1966

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