

**THE COALITION FOR VIRGINIA WILDERNESS
1991 PROPOSAL TO THE
UNITED STATES CONGRESS FOR DESIGNATION OF
VIRGINIA WILDERNESS AREAS**



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INTRODUCTION

The Wilderness Act was passed in 1964. The eight years of constant effort to win its passage created a solid foundation of support in the Congress and nationwide which continues effectively to this day.

The first sentence of the Wilderness Act, a statement of policy, says:

"In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness."

Virginia with its extensive national forests in the mountains, its national wildlife refuges in tidewater, and its Shenandoah National Park, has much wild land, undeveloped federal land, which is worthy of keeping that way. Even these public lands, generally thought of as intended to stay wild, are increasingly and continually threatened with development of all kinds, whether logging, mining, building new roads, resort construction, and damming of rivers. Many of these man-made works are desirable in themselves at the proper time and location, yet they inevitably destroy the wild character of the area in which they are built. It has become more and more apparent, as our population grows and our mechanical ability to alter the face of the earth becomes ever more powerful, that if we are to have any wild places left of significant size, we will deliberately have to plan and act with that objective.

Most of us think of the benefits of wild places first in terms of recreation, of somewhere to go to get away from it all—from the pressures of daily living, from the crowding of people upon people, from our dependence upon machines with their noise and rushing speed, from the tyranny of clocks. It is the quiet and the beauty of wild places which refresh the human mind and spirit, which restore a decent perspective to our lives by easing one's sense of responsibility for the fate of the world. Additionally, we humans have come to realize that we are dependent upon the unhindered processes of nature with their web of interrelated forces for a healthful, worthwhile way of life.

The extensive undisturbed areas offered by wilderness provide more than healthy, inspiring recreation. Wilderness provides:

(1) Habitat for the daily living and breeding of numerous species of wildlife;

(2) Water conservation, by retarding, then slowly releasing the natural precipitation which falls on the earth;

(3) The living forest, which purifies the air, conserves the soil and water, provides diversity of habitat for innumerable forms of life as it grows, matures and decays;

(4) Permanent protection of our natural heritage of flora and fauna, especially of rare, threatened and endangered species;

(5) Genetic reserves of micro and macro plant and animal types elsewhere being destroyed indiscriminately; and

(6) Opportunity for essential study of the processes of nature uninterrupted by the actions of man—knowledge essential if our planet Earth is to continue to be the one green living world the astronauts see from outer space.

In the following pages is further information about the Wilderness Act of 1964, how it works, what may and may not be done in Congressionally-designated wilderness, and how new areas of national forests, parks and wildlife refuges (plus Bureau of Land Management lands out west) may be added to the National Wilderness Preservation System and so be given the protection of the Wilderness Act. Separately in a back folder are contained maps and descriptions of the several areas on Virginia's George Washington and Jefferson National Forests now being recommended to this 102nd Congress (1991-92) for placement in the National Wilderness System.

Let the reading of these pages contribute to an understanding of the Wilderness Act and to an appreciation of the material and spiritual benefits to be gained by selectively applying this Act to Virginia's wild, wonderful outdoors.

Ernie Dickerman
Buffalo Gap, Virginia

THE WILDERNESS ACT

The Wilderness Act is designed to secure for the American people the benefits of enduring areas retaining their primeval character and influence. To accomplish this, the Wilderness Act creates a mechanism whereby qualifying, federally owned land may be designated by Congress for inclusion in the National Wilderness Preservation System.

An area eligible for consideration for wilderness designation must meet the standards set forth in Section 2(c) of the Act. The first part of this section defines wilderness 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," and which "retain(s) its primeval character and influence without permanent improvements or human habitation."

This section of the Act allows designation of land which "generally appears" to have been "affected primarily by the forces of nature." Such land may qualify for wilderness status if the imprint of man's presence is "substantially unnoticeable." Thus, a forest area used in the past for logging purposes could qualify as long as it has begun to recover from that past activity (i.e., plant and animal life have regenerated and roads and other structures have been allowed to deteriorate through disuse). Similarly, the existence of unpaved roads is not fatal to designation if the road will revert to nature upon abandonment. Some other aspects of the definition of wilderness include:

- outstanding opportunities for solitude or for a primitive and unconfined type of recreation;
- a size of 5,000 acres or a size sufficient so as to lend itself to the preservation of its wilderness character; and
- other features of scientific, educational, scenic, or historical value.

The greatest advantage secured by wilderness designation is the restrictions on use. Commercial exploitation is excluded by the Act's general prohibition thereof. Permanent roads and motorized vehicles are generally prohibited. These restrictions help secure protection of the characteristics which qualified an area for designation in the first place, leaving wilderness as an "outstanding opportunity for solitude or for a primitive and unconfined type of recreation."

In wilderness areas, hunting and fishing remain permissible uses when not prohibited by other laws (as in national parks). Hiking, camping, canoeing, and horseback riding continue as before. Trails may be maintained in order to facilitate human passage through the areas. The Act is flexible and provides for reasonable management and emergency services in wilderness areas. The managing agency may utilize motor vehicles, equipment, aircraft landings or the construction of temporary roads as minimally necessary to administer the lands in accordance with the Act. Thus, the federal government may continue to take measures to control fire, insects, and disease. Motorized vehicles and equipment, including aircraft, may be utilized as needed to assist persons lost or disabled in a wilderness area.

In sum, the Act provides a flexible means of protecting an important and diminishing part of Virginia. Permanent and intrusive encounters are discouraged while traditional outdoor activities and emergency services are encouraged. Whether a particular area is valued for its vastness, primeval character, or for its scenic, ecological, geological, or other unique physical attributes of scientific or historical interest, the goal of the Wilderness Act helps to ensure that future generations of Americans may visit an area of Virginia unviolated by earlier visits of man, and then, quietly leave to accommodate the next visitor.

Some people, because commercial logging is prohibited in wilderness, claim that wilderness is "single use" rather than "multiple use" and, without looking into the matter further, oppose wilderness. As a matter of fact, wilderness is recognized as one of the multiple uses in the Multiple Use and Sustained Yield Act. Further, of the principal multiple uses enumerated in that Act, wilderness very effectively serves the conservation of water and soil, provides undisturbed natural habitat for many species of wildlife, recreation is a prime use, and grazing (also called "forage") may be permitted under the Wilderness Act.

The accommodation of multiple uses is well stated in a 1980 Virginia Wilderness Committee article, authored by Ernie Dickerman:

Not at all. The five prime uses designated for national forests are water conservation, wildlife, recreation, grazing, and timber. Of these five uses, wilderness serves the first three and accommodates the fourth through a grandfather provision. Only timber harvest is prohibited. The accommodation of multiple uses is well stated in a 1980 Virginia Wilderness Committee article, authored by Ernie Dickerman:

The Wilderness Act defines wilderness "as an area where the earth and its community of life are untrammelled by man, or man himself is a visitor who does not remain." The Act further defines a wilderness area as "land retaining its primeval character and influence, without permanent improvements or human habitation, 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 5,000 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, scientific, or historical value."

What is a wilderness area?

COMMON QUESTIONS ABOUT THE WILDERNESS ACT

Virginia now has sixteen designated wilderness areas: Saint Mary's, James River Face, Peters Mountain, Mountain Lake, Shawyers Run, Barbour's Creek, Rich Hole, Rough Mountain, Ramsey's Draft, and parts of Shenandoah National Park. These areas total approximately 169,453 acres out of a total of approximately 1,891,000 acres of federal land.

The Coalition for Virginia Wilderness has identified several candidate areas in the George Washington and the Jefferson National Forests which meet the requirements for designation under the Act. These areas are prime examples where the "imprint of man's work (is) substantially unnoticeable," where "outstanding opportunities for solitude or a primitive and unconfined type of recreation" prevail, and where the benefits of undisturbed ecological processes permanently contribute to the health of mankind and all life. These several areas are described in the back pocket of this brochure. The Coalition For Virginia Wilderness recommends these candidate areas to the people of Virginia and the Congress of the United States for favorable consideration for placement in the National Wilderness Preservation System under the Wilderness Act.

While the harvesting of timber is definitely prohibited, it is the living forest—not the clear cut or heavily cut over land—which holds back the water and controls erosion; which purifies the air; which provides essential habitat necessary for food, shelter and breeding of specific species of animals and birds; and which is beauty and inspiration for mankind. Wilderness is multiple use.

Are fishing and hunting prohibited in wilderness areas?

No.
If state or federal law otherwise permit hunting or fishing within a candidate area, the designation of wilderness does not affect its availability for these uses.

Can previously logged areas be designated as wilderness?

Yes.
Wilderness is defined as an area of federal land "retaining its primeval character and influence... which generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable." This language was drafted particularly to provide for the preservation of wild land in the East. Thus, lands which have been impacted by man but which are returning to their natural state are eligible for designation. Consequently, evidence of prior timber harvests and dirt roads do not automatically disqualify candidate sites. The key is that the imprint of man's prior work be substantially unnoticeable.

Are motorized vehicles allowed in wilderness areas?

Generally, no.
Section 4c of the Act states that except as specifically provided for in the Act, "no use of motorized vehicles, motorized equipment or motor boats, no landing of aircraft, and no other form of mechanical transport" are permitted within a wilderness area. The Act does provide exceptions where the use of aircraft or motor boats was established prior to wilderness designation and further authorizes motorized vehicles as may be necessary in the control of fire, insects, and diseases, and in emergencies involving the health and safety of persons. Generally, however, motorized vehicles and mechanized transportation are prohibited.

Are roads permitted in wilderness areas?

Generally, no.
Section 4c also states that there shall be "no permanent road within any wilderness area...(and) there shall be no temporary road." Once again, the Act makes a few limited exceptions. Roads may be maintained for the minimum necessary administration of the area for the purposes of the Act, including facilitating measures required in emergencies and for protecting the public health and safety. Roads also are authorized to service private property surrounded by wilderness areas. In general, however, roads are not permitted.

Is there a minimum size for wilderness areas?

No.
The Act states that an area be five thousand acres or of sufficient size to make practicable its preservation and use in an unimpaired condition. There are many congressionally designated wilderness areas of less than 5,000 acres, including five presently in Virginia.

Does wilderness designation restrict the use of private land?

No.

Only federal lands can be designated as wilderness areas. In addition, the Act has provisions to ensure that private land, "landlocked" by wilderness sites, remains accessible to use by the owner.

May hiking trails be maintained?

Yes.

Existing foot and horse trails and trail shelters are generally deemed consistent with the purposes of the Act and may be maintained. But new trails and shelters may not be built because they would constitute development within the designated wilderness, contrary to the Act.

STEPS IN THE PASSAGE OF A WILDERNESS BILL BY CONGRESS

1. Introduction of the bill by a Member of Congress (usually at the request of several citizen organizations).
2. Referral of the bill to the proper committee, either to the House Interior Committee or to the Senate Energy Committee, according to where the bill was introduced.
3. Review of bill by committee staff.
4. Public hearing at Washington D.C., held by the committee.
5. Review of hearing testimony by committee staff.
6. "Mark-up" session by the committee at which the committee makes any changes it wants in the language of the bill and then votes whether or not to "report out" the bill, i.e., whether to send it to the full House or Senate for vote.
7. Debate and vote on the committee's bill on the floor of the House or the Senate (as the case may be).
8. If the bill is passed, then it is sent to the other body of the Congress (i.e., Senate or House) where it is subject to Steps 2 through 7 again.
9. If the other or second body passes a bill identical to the wording of the bill passed by the first body, then the bill is considered "enacted" and is sent to the President for his signature, which makes the bill a law. Of course the President has the right to veto any act if he wishes. This kills it unless the veto is later over-ridden by a two-thirds majority vote in each body of the Congress.
10. If the bill as passed by the two bodies is not identical in wording, then it is referred to a joint House and Senate conference committee, whose job is to compromise the differences and agree on some identical language. Then the joint committee's "conference report" is sent to the two bodies, each of which then votes whether to accept the "conference report". If both vote to accept the "conference report", the bill is thereby "enacted" and goes to the President for signing into law.

LITTLE RIVER

28,000 acres, located in Augusta County,
Dry River Ranger District, George Washington National Forest



Notable Characteristics: 28,000 acres of wild land within a single, unbroken boundary. The Little River wilderness proposal extends on the west from the crest of Shenandoah Mountain at just over 4,300 ft. elevation down to just under 1,700 ft. on the east near Forest Road 101. The proposed wilderness is bounded on the south by Forest Road 95 and on the north approximately by Briery Branch. It is well watered by numerous streams, including the two forks of Little River (from which the area gets its name) and the upper reaches of North River itself.

Given its size and isolation from human influences, it is a productive haven for black bear, Turkey, ruffed grouse and deer are other major game species. Brook trout live in many of the streams. An extensive network of trails exists, some being maintained and others being enduring ancient logging roads 50 years and more old.

The 28,000 acres of the Little River proposal and the 20,000 acres of an enlarged Ramseys Draft Wilderness as proposed are adjacent along a portion of Forest Road 95. Together they form a combined wilderness of 48,000 acres interrupted only by the excluded Forest Road 95—indeed offering an extraordinarily vast wilderness rarely found on our southern Appalachian national forests.