



Big Bend National Park Superintendent's Order 31

Wilderness Management

Effective Date: 12/13/2022

Review by: 12/13/2026

Supersedes: Elaborates but does not replace December 1995 Backcountry Management Plan

Reviewed by: Chief of Administration, Chief of Facility Management, Chief of Interpretation and Visitor Services, Chief of Science & Resource Management, Chief of Visitor & Resource Protection, Deputy Superintendent.

Purpose

The purpose of this Superintendent's Order¹ is to provide a reference for NPS staff and others describing the status of lands in Big Bend National Park (BIBE) that are eligible for or recommended for wilderness designation and provide a guide to determine the applicable agency management policies for such lands. In addition, the document provides clear direction on several park-specific issues that arise on wilderness lands.

Successful wilderness stewardship relies on staff and park visitors who are educated about wilderness values, recognize their importance, and take ownership in their conservation. While many park staff are already knowledgeable and enthusiastic, success requires that the base needs to be broader and the understanding to be deeper. Knowledgeable and engaged staff will also lead to more educated and engaged park visitors, and improved stewardship of Big Bend National Park and its wilderness resources.

¹ This document is covered by NEPA Categorical Exclusion 3.2.H (*Policies, directives, regulations, and guidelines that are of an administrative, financial, legal, technical, or procedural nature*), for which no documentation is required per [NPS NEPA Handbook](#) (2015).

Overview

This Superintendent's Order includes the following sections:

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- General Wilderness Management Requirements
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Authorities -- Wilderness Law and Policy

Wilderness is a philosophical concept, but it's also a federal law and there are requirements for federal wilderness managers. Wilderness areas are the most protected lands in the US, intended to be minimally managed. Howard Zahniser, the author of the 1964 [Wilderness Act](#), said that he envisioned wilderness stewards (he would not have liked the term wilderness managers) as "[guardians, not gardeners.](#)" Yet some management is necessary to both facilitate use consistent with the law, and to reduce the impacts of that use or to restore ecological integrity. The challenge is to manage with not just minimal impact on the land, but with as minimal an impact to the visitor experience as possible, which includes sights and sounds.

The [1964 Wilderness Act](#) is the guiding law. In §2(c), wilderness is defined:

A wilderness, in contrast with those areas where man and his 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 Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work

substantially unnoticeable; (2) has outstanding opportunities 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.

Zahniser chose to use the word untrammled quite intentionally, even though it is not well understood. It does not mean untrampled. [Webster](#) defines untrammled as “not confined, limited, or impeded.” Another way to view this is “uncontrolled.” Our challenge is to manage wilderness with restraint, and to review every potential management action through the lens of “Is this consistent with the spirit and letter of the law? Is it absolutely necessary?” And then, necessary for what purpose, as the law provides clear (if not well understood) direction on that as well. More on this later, when we discuss “Minimum Requirement.”

Four different federal agencies have wilderness management responsibilities: NPS, the US Fish & Wildlife Service (USFWS), and the Bureau of Land Management (BLM), all within the Department of the Interior; and the US Forest Service (USFS), within the Department of Agriculture. All are subject to the same law, but interpret it in some cases slightly differently. The USFS and the BLM have enacted specific wilderness regulations spelling out their rules but the USFWS and NPS have not. For the NPS, wilderness management direction is spelled out in [Chapter 6](#) of the 2006 [Management Policies](#)² (“Wilderness Preservation and Management”) and [Director’s Order 41](#) and further elaborated on in [Reference Manual 41](#), both entitled “Wilderness Stewardship”.

Federal Wilderness can only be designated by Congress, but agencies can *propose* or *recommend suitable* or *eligible* lands for designation by Congress. The italicized words have different legal meanings but according to §6.3.1 of MP2006, NPS is required to manage all of these “pre-designation” areas formally identified as having wilderness characteristics ...

... for the preservation of the physical wilderness resources, [and] planning for these areas must ensure that the wilderness character is likewise preserved... The National Park Service will take no action that would diminish the wilderness eligibility of an area possessing wilderness characteristics until the legislative process of wilderness designation has been completed.

As this requirement is agency policy, not law, it can be changed administratively by NPS or DOI leadership.

Status of Wilderness Lands at Big Bend

As of 2022, Big Bend National Park does not have any Congressionally-designated wilderness. NPS studied BIBE for wilderness in 1974, and again in 1978. The 1978 effort *proposed* 538,250 acres for designation to the Department of the Interior, which concurred with the proposal and on May 11, 1978

² 2006 is the most recent update to [NPS Management Policies](#), hereafter referred to as MP2006.

forwarded to Congress a formal *recommendation* that 538,2503 acres be designated. The 1978 transmittal of the BIBE wilderness recommendation also identified an additional 44,750 acres as potential wilderness additions. The map transmitted to Congress in 1978 with the BIBE Wilderness Recommendation (reproduced as Appendix A to this Superintendent's Order) delineates numerous wide non-wilderness corridors surrounding many roads, of irregular shape, as well as several large non-wilderness blocks in and around existing developed areas.

The Rio Grande is not included in the NPS wilderness recommendation for Big Bend National Park. Recommended wilderness boundaries come down near the river only in the deep canyon areas of the national park, where roads and permanent installations are impractical, if not impossible. In addition, no lands or waters within Rio Grande Wild and Scenic River downstream of the Big Bend boundary have been studied or recommended for wilderness.

The North Rosillos addition to Big Bend National Park was authorized by [Public Law 96-607](#) in 1980 and not included in the study that led to the 1978 recommendation. While the NPS identified about 93% of the North Rosillos Addition as *suitable*⁴ for wilderness in a draft memo included as [Appendix E](#) of the park's 2004 General Management Plan, the process was not completed at that time. NPS resumed the assessment in 2022, completing extensive field work on foot, vehicle, and airplane, to evaluate the current conditions of this section of the park and complete the assessment begun years before.

The North Rosillos has 63,505 acres that meet the primary eligibility criteria detailed in MP2006 §6.2.1.1 necessary to qualify for inclusion in the National Wilderness Preservation System. 7,161 of these acres have minor non-conforming uses that could be removed or restored, e.g. powerlines, administrative roads, rights-of-ways, and 15 relatively small, undeveloped inholdings totaling 1,032 acres. These acres nonetheless fall within the additional wilderness eligibility criteria described in MP2006 §6.2.1.2.

The North Rosillos Wilderness Eligibility Assessment is currently undergoing agency and Departmental review, and is expected to be approved and published in the Federal Register in early 2023. The map of this area is in Appendix B of this Superintendent's Order.

All of the park lands recommended for wilderness in 1978, and all of the lands determined to be eligible for wilderness in the North Rosillos area in 2022, remain subject to management in accordance with the NPS [Organic Act](#) and all other laws, executive orders, regulations, and policies applicable to units of the National Park System. Park lands not recommended for wilderness or potential wilderness in 1978, and the North Rosillos acreage found ineligible for wilderness in 2022 (upon approval by the NPS Director) are not subject to the additional requirements of MP2006 Chapter 6.

³ The 1995 BIBE Backcountry Management Plan cited 533,900 acres, but that was from the 1974 wilderness recommendation which was superseded by the 1978 effort.

⁴ The agency criteria at the time for *suitable* wilderness included both the physical characteristics of the land qualifying for possible wilderness designation, and an overlay as to what management believed were appropriate. In many areas of the NPS, that meant acreage was determined not to be *suitable* based on the desire of park managers for future development, which was contrary to congressional intent. Hence NPS changed its terminology from *suitable* to *eligible* in the 2006 update of [Management Policies](#) (§6.2.1) and the subsequent next release of DO-41. Eligible lands are generally those possessing the physical characteristics described in the [Wilderness Act](#), or having nonconforming uses that can be mitigated to restore wilderness character or values. See §6.2.1.1 and 6.2.1.2.

NPS will take no action that would diminish the wilderness eligibility of an area possessing wilderness characteristics until the legislative process of wilderness designation has been completed, as required by Chapter 6 of MP2006. Hence NPS staff need to be cognizant that our approach to wilderness management can be heavily scrutinized and is not protected by legislation.

General Wilderness Management Requirements

The introductory paragraph (Section 2(a)) of the [Wilderness Act](#) makes it clear that wilderness is to be managed for the benefit of the people for the long term:

“wilderness areas” ... shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness.

Section 4(b) of the Act further defines the purposes of wilderness, which clearly serve people:

wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

The same section also mandates that federal wilderness managers preserve wilderness character:

each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character.

The Act does not define wilderness character explicitly, however, which has led to some confusion – and a lot of writing by philosophers and [agency practitioners](#).

It’s obvious that wilderness needs to be managed differently than other lands, and the §4(c) of the Act does spell out what isn’t allowed:

Except as specifically provided for in this Act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this Act and except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.

Summarizing: commercial enterprises (unless they are necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas)⁵ and permanent roads are always prohibited in wilderness. In most circumstances, and without going through a formal analysis, documentation, and approval process, the following are also prohibited in wilderness areas:

Temporary roads	Use of motorboats	Any form of mechanical transport
Use of motor vehicles	Landing of aircraft	Any structure or installation
Use of motorized equipment		

The key phrase is “*except as necessary to meet minimum requirements for the administration of the area for the purpose of this Act.*” The minimum requirement directive is often misunderstood to mean the minimum requirement to accomplish the agency’s objective – but this is incorrect. That objective must be one necessary for the administration of the area for the purpose of the Act, i.e. for the purpose of wilderness, as described in the Act itself. That raises the bar significantly. It means NPS can’t legally make a decision authorizing an otherwise-prohibited §4(c) use for convenience, for cost, or to benefit otherwise legitimate NPS purposes but ones that don’t further the purposes of wilderness.

There’s still a lot of subjectivity, and the ultimate authority for approving §4(c) exceptions in a national park wilderness area lies with the Superintendent. The analysis and rationale for the decision must be documented using a Minimum Requirement Analysis (MRA). The NPS does not mandate a specific format for conducting an MRA, and most parks have developed their own tools based on the Minimum Requirements Decision Guide⁶ template published by the interagency Arthur Carhart National Wilderness Training Center. Unfortunately, most parks (and even the Carhart template) do not put sufficient emphasis on the caveat “*for the administration of the area for the purpose of this Act*” and it has led to some agency actions that have been challenged in the courts and overturned. A good summary of the NPS policy requirements for MRAs can be found here.

Big Bend is currently developing a park-specific Minimum Requirement Analysis template, which will be added to this SO when complete.

Public Access, Visitor Use, and Visitor Facilities in Wilderness

All wilderness areas in Big Bend National Park, like all other park lands, are open to visitor access 24/7/365 unless otherwise designated in the Superintendent’s Compendium or closed by emergency order. No area of the park will be closed to public access due to its wilderness status.

All visitor activities must be in compliance with federal law, regulation, and agency policy, and the compendium.

⁵ Section 4(d)(5) of the Wilderness Act notes that “Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.” That said, BIBE needs to perform and document an analysis that commercial outfitting services are necessary to realize the recreational purposes of the Big Bend wilderness.

⁶ Expected to be updated in early 2023 with a new template called the “Minimum Requirement Analysis Framework” or MRAF.

Walking and hiking trails are permitted in wilderness. New trails can be constructed in wilderness, subject to the normal park priority setting, budget, and environmental and cultural compliance processes.

Big Bend currently has over 200 miles of designated trails. Most are in wilderness, and all designated wilderness trails will be maintained at a level to allow for adequate visitor access and resource protection. All maintained trails are kept clear of overgrown vegetation, fallen trees/limbs, boulders, and other debris. Trail drainage and erosion control structures are cleaned out, repaired, and/or constructed as necessary, and social trails/shortcuts are blocked, to maintain the integrity of the trail tread, protect nearby resources, and ensure public access. Signs and signposts and trail markers are maintained for visitor safety are updated as needed.

Primitive, walk-in or horseback campsites are also permitted in wilderness. Bear boxes and privies or composting toilets, are permitted at wilderness campsites.

Day hiking in Big Bend National Park, in or out of wilderness, does not currently require any permit or reservation.

All overnight camping in the park requires a permit. Permits for developed campsites and for most backcountry campsites are available online at www.recreation.gov. Permits for other backcountry sites are available at visitor centers. Camping at Big Bend can be categorized by campsite type:

- Frontcountry camping:
 - Campsites at developed campgrounds. These campgrounds are not located in areas managed as wilderness.
- Backcountry camping
 - Designated, primitive drive-in campsites. These campsite footprints are not located in wilderness, although most are adjacent to areas managed as wilderness.
 - Designated, primitive hike-in campsites. These sites are located in areas managed as wilderness.
 - Zone camping, or any camping outside of a designated campsite. Many areas within the park are open for zone camping. Zone camping is not permitted in the High Chisos, the Burro Mesa area, or within ¼ mile of a road. Zone camping may be available in both non-wilderness as well as areas managed as wilderness. Zone camping includes camping on beaches along the river corridor, which are outside of wilderness except in the deep canyons.

Existing designated primitive hike-in campsites in the wilderness may need to be reconfigured at some point and/or the park may decide to designate additional campsites in the wilderness area. As with all new construction in the park, new campsite locations in wilderness would be subject to natural and cultural resource compliance and conformity with other park goals, as well as completion and approval of an MRA.

No new roads will be built in wilderness. No new structures or installations will be constructed in wilderness unless approved through the MRA process. Existing campsite structures such as bear boxes and toilets, where they exist, will be subject to an MRA when/if they are replaced or augmented. The

park will do an MRA to establish the criteria for campsite structures in wilderness for the purpose of resource protection or to meet other specific wilderness management objectives, consistent with MP2006 §6.3.10.3.

No roads, structures, facilities, or activities outside of wilderness are impacted in any way by the wilderness. As wilderness maps have been carefully drawn to exclude all existing public facilities (other than primitive trails and campsites), the activities enjoyed by Big Bend visitors in developed areas and along roads are unaffected by wilderness.⁷

Aviation In / Over Wilderness

Public use of Unmanned Aircraft Systems (UASs), aka drones, is prohibited in all national park areas. Non-emergency administrative use of UASs in wilderness would require an approved MRA.

The Wilderness Act does not prohibit overflights of wilderness areas, although the Federal Aviation Administration requests that all aircraft maintain a minimum altitude of 2,000 feet above the surface of lands and waters administered by the NPS, including wilderness areas.⁸

American Indian Tribe Access in Wilderness

The NPS will cooperate with, and honor, the Constitutional and other legally established rights of Federally-recognized American Indian tribes at Big Bend. Indian tribal members' access will be permitted in the wilderness for sacred or religious purposes consistent with the intent of the American Indian Religious Freedom Act, [Executive Order 13007](#): "Indian Sacred Sites" of May 24, 1996, the [Wilderness Act](#), and related laws and policies.

Accessibility for Persons with Disabilities in Wilderness

NPS policy ensures that equal opportunities are available for people with disabilities in all programs and activities, including the opportunity to participate in wilderness experiences. In addition, under section [504\(a\) of the 1973 Rehabilitation Act](#) and [43 CFR 17.549](#) the National Park Service has legal obligations to ensure that no person who has a disability is denied the opportunity to participate in a program solely because they have a disability. All people, including those who have disabilities, are to be allowed to participate as long as they are able "to achieve the purpose of the program or activity without modification to that program or activity that fundamentally alters the nature of that program or activity."

⁷ While the 4WD Black Gap Road was included within the 1978 wilderness recommendation, the NPS has made no effort to close this road. NPS does not maintain this road but it does remain open and that will continue unless Congress directs otherwise if/when wilderness is enacted into law. The [Keep Big Bend Wild](#) group currently advocating for wilderness designation has communicated to the NPS that it is committed to excluding this road corridor from any map they will offer Congress.

⁸ <https://www.nps.gov/articles/mitigating-the-impacts-of-aviation.htm>

The [1968 Architectural Barriers Act](#) (ABA) requires that when a federal agency constructs or alters a facility, that facility is to be accessible. Congress clarified the issue of accessibility in federal wilderness in the [1990 Americans with Disability Act](#) (ADA), even though this act does not normally apply to federal agencies.

[43 CFR 17.550](#) states that agencies are not required to take any actions or provide access that would result in a fundamental alteration in the nature of a program or activity. However, the agency has the burden of proving that compliance would result in a fundamental alteration.

Section 507(c) of the ADA ([42 US Code 12207](#)) specifies that, in federally designated wilderness, a person who has a mobility impairment may use a wheelchair that (1) is designed solely for use by a mobility impaired person for locomotion, and (2) is suitable for use in an indoor pedestrian area. Wheelchairs or mobility devices that meet both parts of this definition are legally recognized as wheelchairs when used for locomotion by a person who has impaired mobility, may be used anywhere foot travel is allowed, and are not to be considered as forms of mechanical transport. This section of the ADA further states that “no agency is required to provide any form of special treatment, or accommodation, or to construct any facility or modify any conditions of lands within a wilderness area to facilitate such use.”

In the case of the Big Bend National Park Wilderness, all visitors will be encouraged to enjoy the wilderness on its own terms. In the rare circumstances where modification of the wilderness environment is determined to be the minimum requirement necessary to administer the area as wilderness, e.g. a backcountry toilet to prevent resource damage, the NPS will make the facilities as accessible as feasible within the minimum requirement design.

Natural Resource Management in Wilderness

The Introduction to [Chapter 4 of MP2006](#) (“Natural Resource Management”) defines natural resources as:

- *physical resources such as water, air, soils, topographic features, geologic features, paleontological resources, and natural soundscapes and clear skies, both during the day and at night*
- *physical processes such as weather, erosion, cave formation, and wildland fire*
- *biological resources such as native plants, animals, and communities*
- *biological processes such as photosynthesis, succession, and evolution*
- *ecosystems [and]*
- *highly valued associated characteristics such as scenic views*

The text goes on to describe the NPS objective and mandates for natural resource management:

The Service manages the natural resources of parks to maintain them in an unimpaired condition for present and future generations in accordance with NPS-specific statutes, including the NPS [Organic Act](#) and [Title II of] the [National Parks Omnibus Management Act of 1998](#); general environmental laws such as the [Clean Air Act](#), the [Clean Water Act](#), the

[Endangered Species Act of 1973](#), the [National Environmental Policy Act](#), and the [Wilderness Act](#); executive orders; and applicable regulations.

The [1964 Wilderness Act](#) describes a wilderness area as a place that is “*protected and managed so as to preserve its natural conditions and which ... generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable.*”

Although these ideas have much in common, they aren't the same. As established by the Act, the objectives to manage wilderness for the forces of nature (ecological conditions, what some consider “naturalness”) and to keep the wilderness untrammled and to minimize the impacts of people (what some consider “wildness”) can be in conflict. Considering Big Bend's long and continuing history of use by humankind, the NPS must grapple with how to effectively manage the park wilderness while attempting to restore an ecosystem that has been, in some cases, extensively impacted. This creates a challenge for wilderness managers, scientists, and restoration practitioners.

Although hands-off management was probably once sufficient to keep wilderness both natural and untrammled, land managers realize that human use of the landscape has left much of Big Bend, including wilderness areas, with abandoned roads, fence lines, stock tanks, and buildings; nonnative or invasive plants and animals; extirpated native species; artificial fire regimes; trash piles; and altered water flow. The wilderness character of many of the areas recommended for wilderness in 1978 at Big Bend was already to some degree, altered, unnatural and trammled. Nonetheless, the human-built structures are no longer in use and their immediate vicinities can be either rehabilitated (subject to environmental and cultural compliance) or left to recover naturally.

Park managers are legally obligated under the [Wilderness Act](#) to determine whether to attempt to restore natural conditions or to leave an area alone in order to preserve as much wildness as possible. Further complicating the picture, human-induced climate change including reduction in rainfall and an increase in severe storms, favors some species over others, and will likely lead to unprecedented ecological conditions and continuing degradation that, if managers do not intervene, may appear “untrammled” but will hardly be “natural.” Park managers are already faced with the dilemma of artificially aiding some species to try to preserve them in their native habitat, if can be maintained or restored, or else accept their loss as the conditions they require disappear from the park. Some loss is inevitable.

With regard to natural resource management in wilderness, [MP2006](#) section 6.37 states:

The principle of nondegradation will be applied to wilderness management, and each wilderness area's condition will be measured and assessed against its own unimpaired standard. Natural processes will be allowed, insofar as possible, to shape and control wilderness ecosystems. Management should seek to sustain the natural distribution, numbers, population composition, and interaction of indigenous species. Management intervention should only be undertaken to the extent necessary to correct past mistakes, the impacts of human use, and influences originating outside of wilderness boundaries... Management actions... should be attempted only when the knowledge and tools exist to accomplish clearly articulated goals.

Thus, conservation and restoration activities should occur only when necessary, and the threshold for taking management actions (intervention) is particularly high in wilderness. Big Bend National Park managers should err on the side of intervening as little as possible in wilderness. That said, erosion is often exacerbated by previous human-caused disturbance, such as roads, stock tanks, disturbed areas, overgrazed areas, previous attempts to restore grasslands, etc. Attempting to prevent loss of soil and erosion damage to park lands will likely be an ongoing management concern in both wilderness and non-wilderness.

The question of when and how such actions should be taken is often difficult to answer, and unfortunately, the concept of maintaining “natural conditions” does not provide much guidance on whether or not to actively intervene.

In considering whether or not to take action, BIBE managers must define as precisely as possible what outcomes are desired and feasible to achieve before determining how much intervention is warranted. The following questions (as well as the MRA criteria) can help guide managers in their decision:

- Is the extent and significance of diminished naturalness known?
- Is action needed to maintain ecological integrity—the presence of all appropriate elements and processes operating at appropriate rates?
- Is the action needed to promote resilience of the wilderness—the capacity of the system to absorb change and still persist without undergoing a fundamental loss of character? Is action needed because little semblance of natural conditions is possible without intervention?
- What is the intensity of the proposed action—how big an area will be affected over how long a time? Is the intervention short or long term?
- Is there sufficient understanding about reference conditions and processes, as well as the long-term effects of the action?
- What are the benefits and risks of taking action versus not taking action? Is the threat or change facing the wilderness considered to be a high priority? Does the action have the most potential to make a difference?
- Is there public understanding and support for the action?
- Is the action required to counteract detrimental influences from outside wilderness boundaries?

Cultural Resource Management in Wilderness

The [Wilderness Act](#) specifically notes the National Park Service’s continued cultural resource management responsibilities within NPS wilderness, stating in §4(a)(3) that wilderness will “*in no manner lower the standards evolved for the use and preservation... of the unit of the national park system.*” The law then cites, but does not limit that responsibility to:

- The 1916 NPS [Organic Act](#) (“to conserve historic objects”)
- The 1906 [Antiquities Act](#)
- The 1935 [Historic Sites Act](#)

Had the [1966 National Historic Preservation Act](#) (NHPA) been passed prior to the [Wilderness Act](#), logic suggests it, too, would have been listed.

The Big Bend wilderness includes many cultural resources, including archeological sites, historic structures, ethnographic resources, and cultural landscapes. All federal laws intended to preserve the nation's cultural heritage all fully apply in NPS wilderness. In particular, the agency still has cultural resource management obligations under §106 and §110 of the NHPA. Any management actions undertaken within wilderness are also subject to NEPA and NHPA compliance, and appropriate consultations with the Texas SHPO, affiliated American Indian tribes, other interested agencies or organizations, and the general public.

Any actions that involve ground disturbance or possible disturbance of historic structures, traditional cultural properties or cultural landscapes must comply with Section 106 of the NHPA and will include consultation with the Texas State Historic Preservation Officer (SHPO) of the Texas Historical Commission, American Indian tribes, and other interested parties, as appropriate. Adverse impacts on cultural resources in wilderness will be avoided if possible, and will be subject to the MRA process

Wilderness, does however, change the way the cultural resource preservation laws are applied. Section 6.3.8 of [MP2006](#) states that “*the laws pertaining to historic preservation also remain applicable within wilderness but must generally be administered to preserve the area's wilderness character.*” In addition, it states, *[c]ultural resources that have been included within wilderness will be protected and maintained according to the pertinent laws and policies governing cultural resources using management methods that are consistent with the preservation of wilderness character and values.*

Hence the provisions of the [Wilderness Act](#) must be complied with when conducting cultural resource management activities, including inventory, monitoring, treatment, and research. The federal courts have scrutinized several cultural resource treatments in NPS wilderness, and have found the agency in violation of the [Wilderness Act](#). Hence BIBE management will be conservative in our proposed treatments and transparent in our decision-making process to assure consistency with all applicable laws and policies. If otherwise prohibited management actions are proposed in the wilderness area for the purposes of historic preservation, they are subject to the minimum requirement process to minimize negative impacts to wilderness character and values.

The bottom line: NPS will continue to inventory and assess cultural resources in wilderness, but active management will generally be very limited.

Scientific Research and Monitoring in Wilderness

Big Bend National Park has an active science and resource management program that works to promote applied science activities oriented toward providing NPS managers with information needed to make management decisions.

[MP2006](#) (§6.3.6.1) encourages scientific activities in wilderness when they are consistent with the National Park Service's responsibilities to preserve and manage wilderness.

Scientific activities are to be encouraged in wilderness. Even those scientific activities (including inventory, monitoring, and research) that involve a potential impact to wilderness

resources or values (including access, ground disturbance, use of equipment, and animal welfare) should be allowed when the benefits of what can be learned outweigh the impacts on wilderness resources or values. However, all such activities must also be evaluated using the minimum requirement concept and include documented compliance that assesses impacts against benefits to wilderness. This process should ensure that the activity is appropriate and uses the minimum tool required to accomplish project objectives.

Thus, scientific activities that potentially impact wilderness resources or values, including access, ground disturbance, plot markings, use of equipment, and animal welfare, would be permitted provided the benefits of the gained knowledge, and/or the benefits to the park's wilderness stewardship capability, outweigh the impacts to wilderness resources or values.

The same section of [MP2006](#) goes on to say that scientific activities involving prohibitions identified in section 4(c) of the [Wilderness Act](#) may be conducted when:

The desired information is essential for the understanding [of the] health, management or administration of wilderness, and the project cannot be reasonably modified to eliminate or reduce the nonconforming wilderness use.... The preservation of wilderness resources and character will be given significantly more weight than economic efficiency and/or convenience.

Applications for research and scientific work in the wilderness area must include a minimum requirements analysis of the project's methodologies; the park will develop an MRA template and clarify expectations for researchers considering working in wilderness. Director's Order 41 stresses it is important for scientists to understand that their research be conducted in accord with wilderness preservation principles. All scientific activities, including the installation, servicing, removal, and monitoring of research devices, must be evaluated using an MRA and include documented compliance that assesses impacts against benefits to wilderness. Scientific activities that involve activities or structures prohibited by section 4(c) of the [Wilderness Act](#) (e.g., motorized equipment, mechanical transport) may occur in wilderness if several requirements are satisfied, as enumerated in [MP2006](#) §6.3.6.1.

Research and monitoring devices may be installed and operated in the Big Bend Wilderness if

- the desired information is essential for the administration and preservation of wilderness and cannot be obtained from a location outside wilderness without a significant loss of precision and applicability; *and*
- the proposed device is the minimum requirement necessary to accomplish the research objective; and
- plots and other markings are unobtrusive but durable, consistent with park plot marking standards, and clearly indicate that they are associated with a scientific project approved by the NPS. Generally, GPS points are preferred to mark research plots rather than physical markers.

Research and monitoring devices must be removed by the project manager or principal investigator when determined too no longer be essential. The expectation for future removal (if any) and the process for that removal should be incorporated into the original MRA analysis and the scientific

research permit, if one is issued⁹. Permanent equipment caches are prohibited in wilderness; temporary caches may be permitted if they satisfy the minimum requirement concept.

Big Bend National Park will strive to limit the number of physical installations associated with research and monitoring activities in wilderness. That limit will be based on what is necessary to understand and document ecosystem conditions and dynamics. Each installation should be subject to the questions:

- How does this installation contribute to the administration of the area for the purpose of wilderness?
- Would any decision necessary for the preservation of wilderness character be adversely affected if this installation were not placed in the wilderness?
- Can this installation be co-located with other existing installation(s)?

The park will develop an MRA for Scientific Research and Monitoring Activities to streamline the review process.

Fire Management in Wilderness

Fire management activities are permitted in wilderness. Section 4(d) of the [Wilderness Act](#) specifically says that “*such measure may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.*”

As with non-wilderness areas of the park, protecting human life and property is the highest priority of the fire management program, and whatever means are necessary to do that will be used.

Whenever possible, however, fires in Big Bend wilderness will be managed using techniques that minimize impacts on natural, cultural, and wilderness values.

Management ignited prescribed fires to improve the condition of natural resources are permitted in the Big Bend wilderness.

The Big Bend National Park Fire Management Plan (2005) highlights that:

- In the event that fire poses an imminent threat to life or property, fire suppression activities can be classified as “Emergency Needs” and, as such, do not require documented analysis prior to approval of a generally prohibited activity or use in wilderness.
- Suppression in wilderness will be consistent with the “minimum requirement” concept.
- In Fire Management Unit 3 (the High Chisos), [a]ny high-severity fire in these fuels would require heavy-handed suppression to save existing rare, threatened, or otherwise special plants. Where possible, fire would burn to natural boundaries such as cliffs or talus slopes, trail or

⁹ Removing abandoned research and monitoring devices, many of which were never subject to an MRA originally, should be considered. The removal project itself may need to be subject to a new MRA.

roadway, ideally at low and moderate intensities. Management tactics should use hand tools only in this wilderness area.

- Wilderness areas are to be managed in ways that minimize human impacts on the resource. Fire lines along natural barriers such as the river, roads, trails, cliffs and talus slopes are sought wherever possible, and disturbance to the landscape, cultural and other resources minimized. Suitable sites for staging areas and spike camps have been located in previously disturbed campsites and developed areas. Falling of trees will be minimized. Stumps will be flush cut and covered during Rehab.
- Fire camps and incident command centers will be located outside of wilderness. “Coyote” camps (minimum impact) will be permitted in the proposed wilderness.
- Within wilderness chain saws, helicopters, or pumps will only be used when essential to meet suppression objectives, but with due consideration to impacts on wilderness character and subject to minimum requirements determination.
- Establishment of permanent helicopter facilities are not allowed in wilderness.
- For fire management purposes, it is generally possible to use unimproved helispots in wilderness and walk into the work site if such an unimproved helispot is available within a 30-minute walking distance.
- Non-fire fuel treatments are primarily completed by use of hand tools, including chainsaws. In the ... wilderness area, minimum requirement analysis is completed prior to ... chainsaw use.

The April 2021 South Rim 4 fire in the High Chisos demonstrated that hand tools can be a very effective means of managing fire in the Big Bend wilderness.

Border Security in Wilderness

Wilderness management and border security can and do co-exist today along the southern border of the United States, and relationships between the NPS and the US Border Patrol at Big Bend are excellent. The Border Patrol has numerous agents that live and work full time in BIBE, focusing on their border security mission and working alongside NPS law enforcement rangers. The field staff of both agencies cooperate on a daily basis to protect multiple national interests at Big Bend – which include conservation, public enjoyment, visitor safety, and security of the nation’s borders.

As the Border Patrol agents and senior management embrace the wild values of Big Bend National Park, they have long conducted their mission with sensitivity to the values of the national park in mind. For example, the Border Patrol assists the NPS with maintenance of unpaved roads in Big Bend – but does not drive off those roads except in the most dire emergency. NPS and Border Patrol management confer on a frequent basis to ensure that their operations are complementary so that neither impedes the accomplishment of the other’s mission.

The Departments of Homeland Security and Interior have a national [Agreement](#)¹⁰ in place to guide the agencies through any border security issues or needs that should arise, such as accommodating

¹⁰ “Memorandum of Understanding Among U. S. Department of Homeland Security and U.S. Department of the Interior and U.S. Department of Agriculture Regarding Cooperative National Security and Counterterrorism Efforts on Federal Lands along the United States’ Borders”

required border security infrastructure that cannot avoid being placed within wilderness, while minimizing that infrastructure's impact upon wilderness values and the visitor experience.

Additionally, wilderness does not preclude NPS or any arm of the Department of Homeland Security, including the Border Patrol, from using necessary means to ensure life safety and respond to emergencies, including motorized equipment and helicopter landings if necessary. In non-emergency situations, the interagency [Agreement](#) (§IV.B.6) requires the prompt preparation of an MRA prior to the NPS authorizing a use normally prohibiting in wilderness. The agencies pre-plan their programs carefully, however, to minimize the circumstances where it would be needed.

In emergency situations, the Border Patrol is authorized without prior approval from the NPS to travel off-road, per § IV.B.4. The Agreement requires that *“as soon as practicable after each such motorized off-road pursuit, [the Border Patrol] will provide the local Federal land manager with a brief report.”* This is not a blanket authority; § IV.B.5 stipulates that *“If motorized pursuits in wilderness areas, areas recommended for wilderness designation, [or] wilderness study areas ... are causing significant impact on the resources, or if other significant issues warrant consultation, then the Federal land manager and the [Border Patrol] will immediately meet to resolve the issues”* according to a dispute resolution protocol provided for in the Agreement. This has been a very rare occurrence at Big Bend and has not been necessary in many years due to excellent communication and cooperation between the NPS and the Border Patrol.

Emergency Services in Wilderness

Protecting human health and safety is a priority for park managers. Although wilderness is to be experienced on its own terms with inherent risks and challenges, NPS staff will continue to provide emergency services for all park visitors. During emergency incidents, consideration will be given to protecting the park's wilderness resources. While hazard mitigation may be required, under no circumstances will pure convenience dictate the destruction of any wilderness resources. Leave No Trace minimum impact techniques will be incorporated into incident action plans and used whenever possible to lessen impacts to wilderness resources during emergency operations.

[MP2006](#) (§6.3.5) provide for the administrative use of motorized equipment or mechanical transport in emergency situations involving human health and safety. For the purposes of this directive, emergency situations include the following:

- response to those in need of medical or physical assistance when threats to human health and safety are reasonably assumed
- response to those who are determined to be unjustifiably overdue and threats to human health and safety are reasonably assumed
- any response to downed aircraft
- any response to an “unknown emergency” (e.g., mirror flash, second-hand visitor report, radio distress signal)
- any reported disaster
- special law enforcement operations when threats to human health and safety are reasonably assumed

- responses to wildland fires that threaten life, or pose significant threats to property, cultural, or natural resources

Logistics of Big Bend National Park, however, do not necessarily mean that use of motorized/mechanized equipment will either decrease response time or increase visitor safety. While emergency operations are exempt from having to do an MRA (or advance compliance), good management suggests the park should preplan and set appropriate sideboards with an MRA for the use of normally prohibited equipment in wilderness, e.g. wheeled litters.

NPS and partner agency aircraft are permitted to fly over the Big Bend Wilderness as needed, although in non-emergency situations they will generally stay at an altitude that minimizes the noise impact on park visitors. Landing of helicopters is permitted by authorized aircraft in emergency situations using unimproved helispots.

Administrative Facilities in Wilderness

As stated in [MP2006](#) (§6.3.10), NPS administrative facilities (e.g. radio repeater sites, storage or support structures, etc.) will be limited in wilderness to the types and minimum number essential to meet the minimum requirements for the administration of the wilderness area. Permanent storage caches are prohibited in wilderness unless necessary for health and safety purposes or when they are determined to be necessary through a minimum requirements analysis.

A decision to construct, maintain, or remove an administrative facility will be based primarily on whether or not the facility is required to preserve wilderness character or values, not on considerations of administrative convenience, economic effect, or convenience to the public or park staff. As with other normally prohibited activities, an MRA is required. MRAs will be completed for all administrative facilities in wilderness if there are none on record.

Boot Cabin is an administrative facility located in recommended wilderness. The park also has one radio repeater site located in wilderness, on Emory Peak.

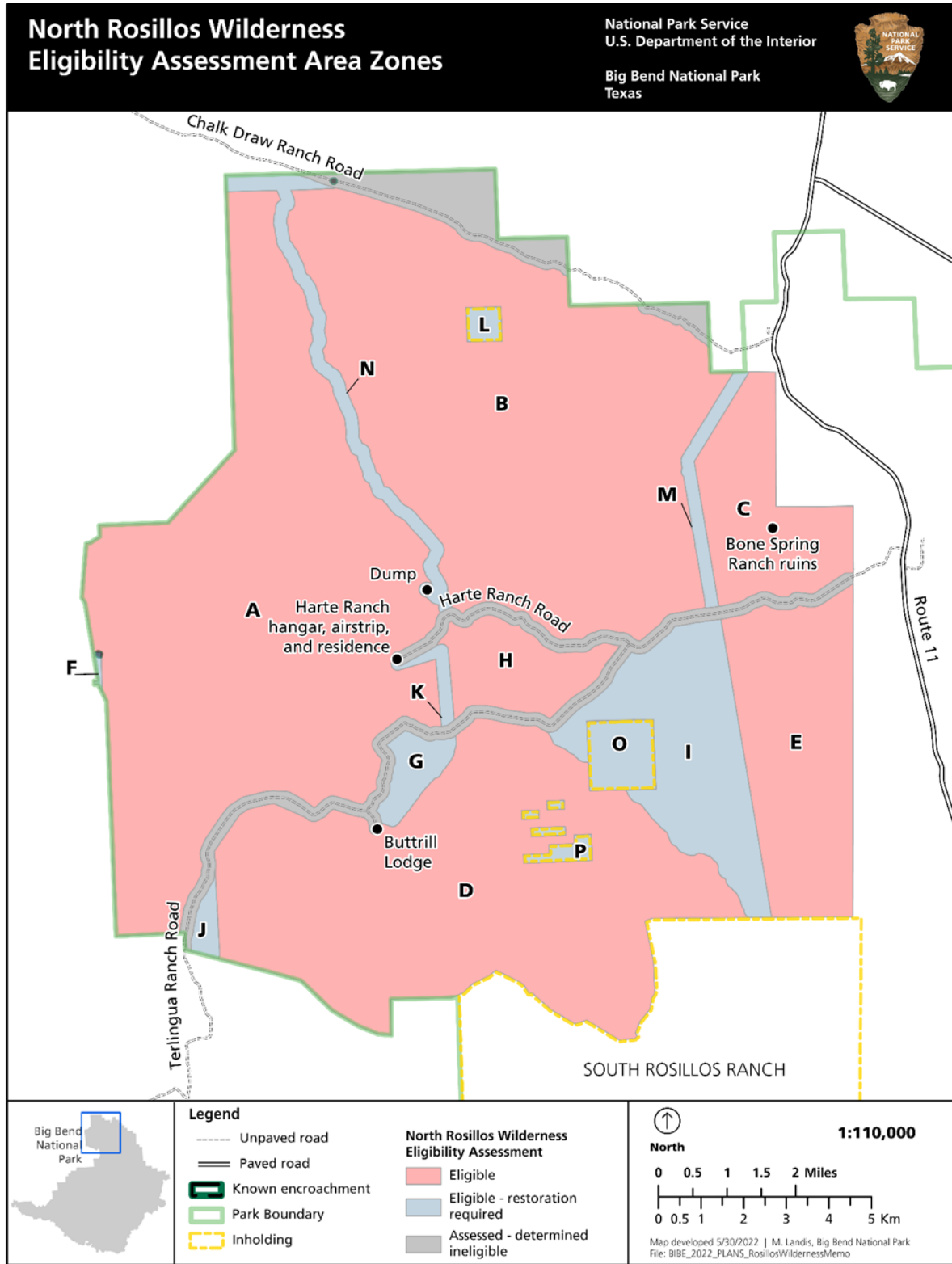
Unnecessary signs can detract from wilderness character and make the imprint of people and management more noticeable. Consequently, [MP2006](#) (§6.3.10.4) states that only signs necessary for visitor safety or to protect wilderness resources are permitted in wilderness. Signs that provide other information, such as natural and cultural history or other interpretive messages, will not be located within the wilderness area. If needed, signs in the Big Bend wilderness would be the minimum size and number necessary and would be compatible with their surroundings. As these are permanent installations, MRA(s) are required for new signs in wilderness. A programmatic MRA will be completed to identify the types of signs that will be permitted as well as those that should be removed or relocated.

Special Events in Wilderness

[MP2006](#) (§6.4.5) directs that the agency will not sponsor, or issue permits for special events in wilderness if the events are inconsistent with wilderness resources and character, or if they do not require a wilderness setting to occur. Permits will not be granted for competitive events, such as races, to take place in wilderness.

Appendix B

North Rosillos Wilderness Eligibility Map



Appendix C

Frequently Asked Questions About Wilderness Designation

1. VISITOR ACCESS TO FACILITIES AND RECREATION

Would wilderness designation mean removal or changes to existing developments such as campgrounds, lodging, visitor centers, gas stations and employee housing?

No. All existing visitor and administrative support facilities, including all paved and unpaved public roads, would remain. Such areas would not be within designated wilderness. The NPS would still maintain and, with appropriate environmental and cultural compliance and public involvement, be able to improve facilities within the existing developed areas of the Park. NPS is about to invest as much as \$50 million dollars in replacing the Chisos Mountain Lodge and the potable water systems in the Chisos Basin, clearly indicating their commitment to maintaining, and improving this popular developed area in the heart of the park.

Would wilderness designation result in paved or unpaved roads being closed or restricted?

No. All public roads, paved and unpaved, would not be changed by wilderness designation of nearby undeveloped areas. While the Black Gap Road was proposed to be removed in the 1978 wilderness recommendation, there's no little or no support for that today. The [Keep Big Bend Wild](#) effort would not close the Black Gap Road, which has occasionally been suggested in the past. Existing roads would be corridors of non-wilderness, with wilderness boundaries beginning at a distance to be determined from the centerline of the road. The National Park Service policy is 100 feet on either side of the centerline unless local situations indicate otherwise.

Would any trails be closed or require additional permits if they were within the boundaries of a designated wilderness area?

No. All park trails would remain open and would be unaffected by wilderness designation. There would be no change in permit requirements due to wilderness designation. Also, there would be no change to off-trail hiking opportunities or permits.

The park has announced seasonal closure of portions of selected trails to protect nesting peregrine falcons from human disturbance since 1985. Such closures are based upon natural resource protection – regardless of wilderness status – and are expected to continue.

How would wilderness designation affect private and commercial river use?

No change would occur to river access or use as a result of wilderness designation. The 1978 wilderness proposal did not include the river, nor roads that provide access to the river. A new proposal would be consistent, and not include the river in wilderness. While some access roads have changed since 1978, no existing access roads or routes would be within wilderness, and almost all the lands south of river road (aside from the 3 major canyons) are also outside of the wilderness boundary, allowing continued use and maintenance of unpaved roads that provide essential river access. Primary

guidance for river use and access would continue to be the park's General Management Plan and River Use Management Plan, both subject to periodic revision and update with public involvement.

Would visitors still be able to hire commercial guide services?

Yes. Most guided activities within Big Bend National Park occur along the roads or on the Rio Grande River, both of which are non-wilderness areas. Few guided activities occur within wilderness areas. That said, guided services can be an important means of experiencing wilderness for many people. Everyone cannot be expected to have the experience, knowledge, or equipment for a successful wilderness experience. Knowledgeable guides are also excellent tutors to help visitors safely learn about the wilderness they are experiencing – from birds to plants to geology. Whether guided or not, wilderness users are expected to conduct themselves and use equipment appropriate to preserve wilderness. Outfitting operators who enable visitors to experience the recreational opportunities of the area while respecting the area's wilderness values, are unaffected by wilderness designation.

Visitation to BBNP is rapidly increasing – won't more facilities be needed inside the park to support increased use?

Wilderness designation would prevent future facilities from expanding beyond the existing development footprint but would not prevent the NPS from adding facilities within those developed areas to accommodate more visitors, if it were determined to be in the public interest and if funding were available. Water availability may be a more limiting factor than the boundaries of the developed zones.

The environmental and aesthetic quality of the park interior, which draws so many people to the area, would not be negatively impacted by well-designed improvements to facilities in the existing developed areas of the park. Facilities outside the park to meet increased demand for overnight lodging, largely for use by park visitors, has increased exponentially in recent decades. Meanwhile, lodging inside the park has remained the same. Yet the scenic and aesthetic appeal of the park interior has been preserved over that time despite increased visitation. Therefore, the increased demand for service consistent with increased visitation could be met by additional economic development within the park's gateway communities.

Would people still be able to watch the sunset through the Window from the Chisos Basin?

Yes. Wilderness designation would not influence or be a reason for changing any activities within existing developments such as the Chisos Basin, its lodge, or campground. Wilderness designation would ensure that the scenic beauty of the surrounding vistas as viewed from the Basin would remain to be enjoyed by future generations.

2. WILDERNESS ELIGIBILITY AND MANAGEMENT

Do other national parks have designated wilderness?

Yes. Of the 63 U.S. national parks, 50 include designated wilderness, totaling 44 million acres. Substantial portions of well-known parks are designated wilderness, including Guadalupe Mountains

National Park in Texas, Yosemite National Park, Rocky Mountain National Park, Sequoia and Kings Canyon National Park, Mount Rainier National Park, Olympic National Park, and Death Valley National Park, among others.

Some say wilderness designation is another way to keep people out. Is that true?

No. One of the functions of wilderness is for people to experience the dynamics of nature. The 1964 Wilderness Act, in fact, says that “wilderness areas ... shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness”. It goes on to say that these “areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use”.

Designation under The Wilderness Act ensures current and future generations will continue to have certain experiences that are becoming more and more rare as our population grows, and our natural landscapes become ever-more fragmented and built upon. The Wilderness Act and designation ensures people will continue having the opportunity for experiences that 1) are substantially under natural conditions, 2) are essentially free from modern human control or manipulation, 3) are without permanent improvements or modern human occupation, 4) include opportunities for solitude or primitive, unconfined recreation, and 5) include other qualities such as ecological, scientific, historical, and similar values.

Does the establishment of Wilderness, by Congress, in Big Bend National Park restrict, or prohibit traditional practice by federally recognized Native American Tribes?

No. The designation of Wilderness in Big Bend National Park in no way prohibits any of the traditional cultural, or religious practices by tribal members permitted by existing federal law within the park. The creation of wilderness will help to ensure that these areas are protected from any development by law, so that the natural and cultural resources deemed important to Tribes for these practices are managed in a manner that protects their value and integrity in perpetuity.

Would roads, paved or unpaved, be a part of wilderness?

No. Existing roads would be corridors of non-wilderness and would continue to be available for use by park visitors.

Could wilderness designation prevent any private development or land uses on private land outside Big Bend National Park?

No. Wilderness designation would have absolutely no impact on any lands or land uses outside the national park. Wilderness can only be designated within the boundaries of federally owned property and cannot determine the usage or management of private property. And while there may be differences of opinion about future land uses, private property rights outside the park are unaffected and the law would not support any challenge based on existence of wilderness designated inside the park.

Would wilderness prevent projects like grassland restoration and correcting human-caused erosion problems in wild areas away from existing roads? What if those projects require motor vehicles and other mechanized equipment?

Improving ecological conditions, including restoration of natural conditions, is one of the purposes of wilderness. The Wilderness Act and NPS wilderness policy requires managers evaluate the “tools” required to get an appropriate project done and select the one that has the least impact on wilderness purposes and values. Indeed, such an analysis might conclude the minimum required method includes motorized vehicles and/or equipment.

Big Bend backcountry is already managed as wilderness. Why is formal designation important?

It’s true that much of the park has long been managed as wilderness, despite not being designated as such by Congress. Here is how that works. In accordance with The Wilderness Act, the Department of Interior and NPS transmitted a Big Bend Wilderness Recommendation to Congress in 1978. That recommendation identified approximately 583,000 acres of Big Bend for wilderness designation.

However, over all these years, Congress has not yet acted upon the recommendation. National Park Service internal policy mandates that until Congress acts, formally recommended lands will be kept in a condition that remains eligible for congressional action – not damaged or developed in ways that would preclude Congress’s authority to act as they choose. Thus, NPS management at BBNP has long considered wilderness character and values. Therefore, you may also have heard “if you like the way BBNP has been for past decades, you would also like it with designated wilderness.”

The reason why wilderness designation is so important is that agency policy can change, and if that happens before Congress acts, it is possible that vast areas of Big Bend could be opened for additional infrastructure development. That would change the character and experience of the park forever.

If Congress acts to designate wilderness at Big Bend National Park, would the wilderness boundaries be same as the 1978 recommendation to Congress?

While the 1978 recommendation is still the official map and would be the basis for an updated map, the designated wilderness boundaries are unlikely to be exactly the same. Mapping technology has advanced since 1978, which would allow more refined boundaries for the non-wilderness road and river corridors. The Black Gap Road, which was recommended for closure in 1978, would not likely be in any bill Congress would consider. 63,505 additional acres in the North Rosillos unit, acquired by the NPS after 1978, are also likely to be eligible for wilderness designation. Keep Big Bend Wild will suggest a map, but Congress would ultimately determine the mapped wilderness boundaries.

There’s a proposal to expand the west side of BBNP along part of Terlingua Creek. Is there a link between the wilderness proposal and the Terlingua Creek Project?

No. The two initiatives are independent. NPS has no plans for new development or roads on the Terlingua Creek property. Thus, the new acreage would likely be eligible for wilderness designation in the future and such designation would ensure the area remains undeveloped.

3. IMPACT OF WILDERNESS ON BORDER SECURITY AND LOCAL ECONOMY

Big Bend is on the border. Would wilderness designation hinder the Department of Homeland Security and Border Patrol from securing the border?

Wilderness management and border security can and do co-exist. NPS and the U.S. Border Patrol have an excellent relationship at BBNP and work together to ensure that each agency's mission is accomplished. Agreements and policies are in place to guide the agencies through any border security issues or needs that should arise, such as accommodating required border security infrastructure that cannot be placed outside of wilderness, while minimizing that infrastructure's impact upon wilderness values and the visitor experience. Additionally, wilderness does not preclude NPS or Department of Homeland Security/Border Patrol from using necessary means to ensure life safety and to respond to emergencies.

Brewster County receives an annual federal Payment in Lieu of Taxes (PILT) to compensate for BBNP lands not being subject to property tax. Would wilderness designation change the PILT?

No change to PILT would occur. In 2022, the PILT payment to Brewster County from the federal government was \$[1.358 million](#), approximately 16% of the revenue in the County's budget.

Visitation to BBNP is rapidly increasing – how could demand for additional facilities impact local communities?

Although NPS could consider expanding lodging in non-wilderness developed areas (such as the Basin), it has no plans to do so. It is more likely that any required significant expansion of visitor-support facilities would be developed by private entities outside the park, in neighboring communities. This would have a direct positive economic impact on the private sector and gateway communities.

4. WHY WILDERNESS IS A GOOD IDEA FOR BIG BEND

Didn't the NPS recommend about 2/3 of the park to be designated wilderness back in 1978? Whatever happened to that?

Yes, but Congress has not acted on that proposal. The 1978 proposal is a good place to start but Congress is not bound by the lines drawn on a map 40+ years ago. There are a number of places that were not recommended for wilderness then but have remained undeveloped and would be good candidates to add to the wilderness proposal without changing any current uses. The Keep Big Bend Wild effort is going to put together a consensus map and recommend to Congress boundaries for a wilderness bill that would allow the existing developed areas to remain so but preserve forever much of the undeveloped core of the park as federal wilderness. The final wilderness boundaries would be determined by Congress after input from all stakeholders.

Aren't all national park lands already protected from development? Why is wilderness designation necessary to keep existing wild space in BBNP the way it always has been?

It may come as a surprise that the NPS could build new developments and roads in currently undeveloped areas. Certain requirements, such as an Environmental Impact Statement and public meetings, would be required, but it is not out of the question. Wilderness designation is the highest level of protection available to federal public lands to preserve wild space for non-mechanized human uses, such as hiking, horseback riding, backpacking, camping, and other “primitive” uses. Trails, primitive campsites, privies, and directional signage are allowed in wilderness, as are administrative actions to restore damaged natural resources, remove invasive species, manage wildland fire, and preserve historic structures.

Will my grandchildren be able to experience BBNP in the same manner as we do today?

Wilderness designation is the most reliable mechanism for ensuring future generations can experience America’s wild, untamed natural landscapes in the best possible condition. Wilderness preservation is truly a gift for future generations. Designation of wilderness at Big Bend is the best way to ensure that our grandchildren can enjoy the Big Bend experience in the same manner as we have been privileged to do.

Appendix D

Wilderness Resources

www.wilderness.net (where most of the links in this document go)

<https://carhart.wilderness.net/> (great training opportunities, including many free and online)

NPS [Director's Order 41](#) and [Reference Manual 41](#) on Wilderness Stewardship

Eppley Institute Wilderness Act free on-line training: <https://provalenslearning.com/courses/carhart-interagency-wilderness-training-the-wilderness-act-of-1964>

An excellent objective [summary](#) of case law (through 2017) resulting from many federal court cases interpreting the Wilderness Act. A somewhat more subjective [summary](#) (through 2016) of the major court cases relating to cultural resources in wilderness, from the point of view of an interest group.

Some Federal Court Cases Addressing Minimum Requirement:

[WILDERNESS WATCH AND PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY v. MAINELLA \[NPS\] \(2004\)](#)

- NPS instituted van tours on a historic road through wilderness to a historic site on the far side, arguing that we needed to drive there anyway to maintain the national register structure.
- “We can not agree with the NPS that historic preservation furthers the goals of the Wilderness Act.”
- Minimum requirement applies to NHPA in wilderness.
- PL 108-447 (later in 2004) removed the roads from the wilderness area, de-authorizing NPS wilderness for the first time in the lower 48 states.

[OLYMPIC PARK ASSOCS. v. MAINELLA \[NPS\] \(2005\)](#)

- NPS proposed in an EA to fly in a replacement structure for a historic ranger cabin in wilderness that had been destroyed by winter storms. It was not actually on the national register.
- “The NHPA’s goal of preserving historic structures allows for ‘rehabilitation, restoration, stabilization, maintenance,’ among other things, but it does not require reconstruction.... To reconstruct the shelters and place replicas on the sites...is in direct contradiction of the mandate to preserve wilderness character.”
- The court highlighted §4b of the Wilderness Act: Except as otherwise provided in this chapter, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character.

[HIGH SIERRA HIKERS ASSN. et al., v. UNITED STATES FOREST SERVICE, et al. \(2006\)](#)

- USFS proposed to maintain national register dams for the purpose of maintaining a recreational fishery and “historic use.”
- Agencies cannot use NHPA to stabilize or restore historic structures in wilderness if those structures repeatedly trammel or modify the natural ecosystem (absent a valid, existing, legal right).

- The Wilderness Act requires that the preservation of wilderness values be prioritized over the maintenance of man-made historic structures.
- BUT “there is no...obligation...to physically remove pre-existing non-conforming structures...”

[WILDERNESS WATCH v. IWAMOTO and UNITED STATES FOREST SERVICE \(2012\)](#)

- A national register fire tower in a wilderness was in very poor condition.
- USFS disassembled it and flew the materials by helicopter off site for preservation treatment. A new foundation was constructed on-site.
- Preserved pieces were airlifted (67 helicopter flights) and incorporated into a reconstruction built on the new foundation.
- USFS “violated several express prohibitions of the Wilderness Act: (1) the bans on motorized equipment ... and (2) the ban on "structure[s] and installation[s]“
- USFS did not do an adequate minimum requirement analysis.
- “NHPA does not compel particular preservation-oriented outcomes”
- “[T]he Wilderness Act specifically establishes the preeminence of its requirements over other laws that may affect wilderness areas.”

[WILDERNESS WATCH v. CREACHBAUM \[NPS\] \(2005\)](#) [this is the appellate decision upholding the 2016 district court decision, which is not available; but here is a [video](#) from the case]

- The Wilderness Act allows NPS to maintain “historically used” structures so long as the preservation work is the minimum necessary.
- The courts deferred to the “thorough” minimum requirement analyses and the “validity of [the] reasoning” documented by the OLYM staff.

Writings on Wilderness Law, Policy, and Management

- [Wilderness and the American Mind](#) (2014 5th edition of an American classic on the evolution of the wilderness idea in the US, by Roderick Nash)
- [The Spiritual Values of Wilderness](#) (2005 law review article by Prof. John Copeland Nagle of Notre Dame)
- [The Trouble with Wilderness; or, Getting Back to the Wrong Nature](#) (Provocative 1995 essay by William Cronon, one of the nation’s eminent environmental historians, and board member of The Wilderness Society, questioning the “dualism” of nature and culture, and its implications for wilderness management)
- [Wilderness Forever: Howard Zahniser and the Path to the Wilderness Act \(2005 biography by Mark Harvey of the author of the Wilderness Act\)](#)
- [Wilderness in National Parks: Playground or Preserve](#) (2011 book by Prof. John Miles examining the NPS’ challenge integrating wilderness into national park management)
- [The Enduring Wilderness](#) (2004 book by long time wilderness activist Doug Scott outlining key details of the Wilderness Act, what it protects, and what it means)