

NPS Wilderness Land Status Definitions¹ - March 2013

The purpose of the NPS Wilderness Land Status Definitions guidance is to provide internal clarification about wilderness land status categories. Articulated definitions of these categories will allow managers to better understand which category to classify their unit's wilderness resource under for internal tracking purposes. The broad categories may be used for reporting wilderness resource acreage to external entities, such as the number of eligible wilderness acres within the National Park system. The main purpose of the categories, however, is for internal data management, not external communication.

Un-assessed

- Land has not been assessed by a Superintendent to determine if it is eligible or ineligible for wilderness study.
- Land has been assessed in the past and found ineligible, but subsequent changes in interpretation of possible eligibility requires that the land be re-assessed.
- Land was assessed and found ineligible because of non-conforming or incompatible uses, but the use has been terminated or removed and land needs to be re-assessed.

Assessed

- Superintendent has assessed which lands are eligible or ineligible for further evaluation in a wilderness study, but a memorandum from the Regional Director has not been forwarded to the Director.
- Lands have been assessed for eligibility for further wilderness study by the Superintendent, and the Regional Director has forwarded the managerial determination of eligible/ineligible to the Director, but the Director has NOT approved the determination and published it in the Federal Register.

Ineligible

- Director has approved the managerial determination of "ineligible" and has published notice of this determination in the Federal Register.

Eligible²

- Director has approved the managerial determination of "eligible" and has published notice of eligibility in the Federal Register.
- Lands have not gone through the assessment process, but subsequent legislation directs that wilderness studies be completed on said land.
- Lands have been determined eligible and are in the process of being reviewed by a wilderness study.
- Lands that have been determined eligible, but upon completion of a formal wilderness study are not included in the proposal, are identified as "eligible - not proposed" for wilderness designation. According to NPS Management Policies Chapter 6, this is the only wilderness category that does not require the application of "minimum requirement" for the administration of the area. However, "eligible – not proposed" lands are still

managed according to the 1916 Organic Act, other NPS wilderness management policies, and to preserve their eligibility (wilderness character) for possible future designation.

Proposed wilderness

- Formal wilderness study has been completed and lands have been identified as “proposed,” a Record of Decision (ROD) has been signed, and the Federal Register Notice completed, but the Director has not acted on or forwarded the proposed wilderness to the Secretary.
- Lands have been evaluated by the Director and forwarded to the Secretary as proposed wilderness, but Secretary has not evaluated and forwarded the proposed wilderness to the President.

Proposed potential³ wilderness

- Formal wilderness study has been completed and lands have been identified as “potential”, a Record of Decision (ROD) has been signed, and the Federal Register Notice completed, but the Director has not acted on or forwarded the proposed potential wilderness to the Secretary.
- Lands have been evaluated by the Director and forwarded to the Secretary as potential wilderness, but Secretary has not evaluated and forwarded the proposed potential wilderness to the President.

Recommended wilderness

- Recommended wilderness lands have been forwarded by the Secretary to the President as *suitable* for wilderness designation, but recommendations have not been transmitted by the President to Congress. A public hearing, in conformation with CFR standards, must be completed⁴ by this stage.
- Lands recommended by the President to Congress for Wilderness designation that have accompanying maps and legal descriptions.

Recommended potential⁵ wilderness

- Recommended potential wilderness lands have been forwarded by the Secretary to the President as *suitable* for wilderness designation, but recommendations have not been transmitted by the President to Congress.
- Lands recommended by the President to Congress for Potential Wilderness designation that have accompanying maps and legal descriptions.

Designated Wilderness

- Lands designated by Congress and signed into law by the President as Wilderness.

Designated Potential⁶ Wilderness

- Lands designated by Congress as “Potential Wilderness”.

Transferable Wilderness Inholdings⁷

- Private, State-owned, Tribal, or other lands not under Federal control located within a designated Wilderness boundary that can convert to Wilderness without further

Congressional action IF they are acquired by the National Park Service. Acquisition of said lands is subject to willing sellers, not condemnation.

¹ Definitions are based on the 1964 Wilderness Act, subsequent Wilderness legislation, and NPS *Management Policies 2006*.

² For purposes of clarity, the NPS *Management Policies 2006* renamed the initial NPS wilderness screening assessment, changing it from a “suitability” assessment to an “eligibility” assessment. The 1964 Wilderness Act uses the term “suitability” to refer to the Secretary’s determinations in forwarding recommendations to the President. Therefore, the use of “suitability” is confusing to use for the initial NPS wilderness screening assessment. The change from “suitability” to “eligibility” for the initial NPS wilderness screening assessment in no way lessens the protected status of “eligible” lands, and still requires management through the use of Minimum Requirement/Minimum Tool procedures once lands are determined eligible. (NPS *Management Policies 2006 6.2.1*)

³ NPS lands proposed for wilderness designation that do not qualify for immediate designation due to temporary nonconforming or incompatible conditions. If designated by Congress as “Potential Wilderness”, these lands can become designated “Wilderness” without further Congressional action, if the nonconforming use or incompatible condition is terminated or removed. Potential wilderness lands must be surrounded by or adjacent to eligible, proposed, recommended, or designated wilderness lands.

⁴ The required public hearing, in conformation with CFR standards, can be completed during Wilderness Study, or at any subsequent stage, as long as the public hearing process is completed before the Secretary recommends the wilderness lands for designation. If significant change occurs in the proposed boundaries of the wilderness area after the public hearing has been completed and public comments have been incorporated in the boundary delineation, but before the Secretary recommends the lands to the President, another public hearing must be conducted.

⁵ NPS lands recommended for wilderness designation that do not qualify for immediate designation due to temporary nonconforming or incompatible conditions. If designated by Congress as “Potential Wilderness”, these lands can become designated “Wilderness” without further Congressional action, if the nonconforming use or incompatible condition is terminated or removed. Potential wilderness lands must be surrounded by or adjacent to eligible, proposed, recommended, or designated wilderness lands.

⁶ NPS lands that do not themselves qualify for immediate designation due to temporary nonconforming or incompatible conditions, but will become designated wilderness upon the Secretary's determination, published in the *Federal Register*, that they have finally met the qualifications for designation by the cessation or termination of the nonconforming or incompatible conditions.

⁷ This is a subset of Designated Wilderness lands.

----End of Guidance----