

PROCEDURES FOR CONVERTING POTENTIAL WILDERNESS TO DESIGNATED WILDERNESS

Potential Wilderness. The 1964 Wilderness Act does not provide for a category of “potential wilderness.” Congress itself established this category in 1976 when designating wilderness in several parks, a practice Congress has since continued.

Potential wilderness lands are federal lands that Congress designates to become full wilderness upon the elimination of nonconforming uses prohibited by the Wilderness Act. Prohibited uses could include a road, or a structure/installation such as a water pipeline. Congress has also designated federal lands as potential wilderness in a park where the otherwise qualified federal lands are interspersed among many non-federally owned tracts, so when the non-federal lands are acquired the area can be included as wilderness.

Potential wilderness is not intended to be a permanent land status. Potential wilderness is a conditional, interim status for lands that otherwise merit full wilderness designation except for temporary, non-conforming conditions. Congress has suspended the wilderness designation until the Secretary of the Interior has determined that the non-conforming used has been terminated.

Managing Potential Wilderness. Potential wilderness is managed as if it were wilderness, to the extent the non-conforming uses or conditions allow. Each park should inventory its designated potential wilderness lands within two years of publication of Director’s Order 41 and every five years thereafter to check the status of the non-conforming uses or conditions. For designated potential wilderness, the wilderness stewardship plan will address how and when the park intends to bring about the cessation of those uses or conditions.

Conversion Authority. When Congress includes “potential” wilderness in a National Park Service wilderness designation, it intends for the Secretary of the Interior to complete the conversion process from “potential” to “designated” by publishing a notice in the Federal Register. This has been delegated to the Director. The National Park Service does not need additional authority or approval from Congress to do so. The National Park Service must follow the direction of Congress and publish a notice in the Federal Register.

When to Complete Conversion. The appropriate time to designate potential wilderness as wilderness is when uses prohibited by the Wilderness Act have ceased. Further, once such uses have ceased, the laws require that the National Park Service publish a notice that the area is now designated wilderness. When the park’s inventory, done within 2 years of issuance of Director’s Order 41 or every five years thereafter, reveals that substantial tracts of potential wilderness qualify as wilderness, the park should use the this guidance to complete the conversion process.

How to Convert Designated Potential Wilderness. Converting designated potential wilderness to designated wilderness is a relatively simple process. The park will prepare a draft notice for the Regional Director to finalize which will be approved by the Director and published in the Federal Register.

NPS Reference Manual #41

Federal Register Notice Template:

- [Federal Register Conversion Notice Template](#) (*download Word document*)

The park will file a copy of the notice with its wilderness maps. Also, copies should be sent to the Regional Office, the WASO Wilderness Stewardship Division and the Technical Information Center of the Denver Service Center to be included with the maps on file.

Publication of a notice to designate potential wilderness as wilderness is categorically excluded from review and public comment under the National Environmental Policy Act and NPS Director's Order 12.

----*End of Guidance*----