

## PROCEDURES FOR COMPLETING LEGAL DESCRIPTIONS AND BOUNDARY MAPS

**A. Statutory Requirement.** In 1970 Congress established the first wilderness within a national park system area. That law required that the National Park Service prepare legal descriptions and maps of the wilderness. In virtually all wilderness designations since, Congress imposed the same duty upon the National Park Service.

Most national park system wilderness acts require that legal descriptions and maps be filed with Congress “as soon as practicable after” the establishment of wilderness. Some parks have discharged this responsibility. Others parks have not. This section of Reference Manual 41 guides parks in preparing legal descriptions and maps.

**B. Legal Description Defined.** A legal description of a boundary is a written, narrative recital of the external border of a tract of land and/or water. That recital begins at a fixed point on the boundary. Proceeding in a counterclockwise direction, the recital describes the boundary - segment by segment. Each segment must begin at the exact point where the preceding segment ended. The last segment ends at that same fixed point where the boundary description began.

Each segment represents a discrete portion of the boundary characterized by a common direction. Thus, each segment varies in length, usually until a change in direction occurs and a new segment begins. Sometimes the describer may create shorter segments before a change in direction if it will assist in better describing the boundary, for example by ending and beginning at a known or surveyed point. Each segment is described as a separate paragraph in the legal description. The legal description of a large, uncomplicated wilderness boundary may be several pages in length.

A legal description usually consists of segments that conform to the borders of aliquot parts. However, a legal description may also contain segments that describe a straight line that lies between two fixed points on the ground. A segment may also be a meandering line, conforming to a topographic contour such as a ridgeline or canyon edge, or paralleling a relatively fixed feature on the ground such as a road or body of water.

A less common method of legal description is to list the lands that are in wilderness tract-by-tract rather than to describe their external edges. For example, a legal description could read “Wilderness Unit #1 - Township 15 North, Range 14 E., sections 1 through 10.” This method can be employed only where lands are laid out in a rectangular survey system (generally outside the boundaries of the original thirteen colonies). Some parks have already composed legal descriptions that use this method. The National Park Service will not convert such previously filed legal descriptions into the external boundary method. However, all future legal descriptions will employ the external boundary method.

Legal descriptions must employ standard methods and terminology used by Bureau of Land Management Cadastral Survey personnel. However, a legal description of land is not the same as a “survey,” nor does a legal description require that a boundary line be surveyed first. A

survey is conducted to physically establish and mark the boundaries between abutting landowners, more particularly between the wilderness or park boundaries and non-wilderness and non-park lands.

**C. Reason for Legal Description.** Congress invariably requires that the National Park Service prepare both a legal description and a map for wilderness areas. A final map without a legal description does not meet statutory requirements.

Converting a legislative wilderness map into a written legal description of the lands serves two purposes. First, a legal description represents the precise delineation of a boundary in a written format; a description able to replicate a boundary line in the same place on maps of any scale. Consistent replication is not possible by simply transposing a visual impression of a boundary line directly from a legislative map onto another map. Second, a written legal description creates an intermediate step between the legislative and final maps; an additional step that assists in clarifying and refining a boundary. A written description acts as a check that prevents or detects errors when drawing the boundary on a final map.

**D. Source for Legal Description.** The primary and fundamental source for writing a legal description is the “legislative map” (or maps). The legislative map of wilderness is the map that is cited in, or accompanies, the law that designates the wilderness and was prepared by the National Park Service (submitted with the President’s Recommendation). For most National Park Service wilderness, the law designating wilderness cites a legislative map by name, number and date. However, for other National Park Service wilderness (for example the parks of the California Desert), Congress appends maps of its own to the designating statute.

The legislative maps are not the “final” wilderness maps. If they were, Congress would not mandate that the National Park Service produce a subsequent wilderness map. Only after the National Park Service has written a legal description and drawn a map from that description can the final wilderness map be produced.

Each park must conform as strictly as possible to the legislative map when translating the wilderness boundary into a legal description and final map. The process of describing or drawing a final boundary is not to be used to adjust or modify wilderness boundaries. Neither the National Park Service nor the Secretary has the power to change boundaries from the legislative maps to accommodate uses that would otherwise be prohibited or to ease restrictions or eliminate friction.

Parks may describe wilderness boundaries that make slight corrections to the legislative maps, if the legislative maps contain an obvious error, such as inclusion of a visitor center or automobile campground that Congress never intended to be within wilderness. Such latitude does not, for example, permit the park to draw a dirt road out of wilderness because the NPS or users wish it to remain open.

Parks have some latitude to interpret the exact location on the ground of the legislative map wilderness boundaries. Legislative map boundaries are usually marked by a line whose thickness on the map may correspond to a hundred or more feet on the ground. The park may

place the boundary, in the legal description and final map, at the inner or the outer edge of that line. In doing so, parks should act conservatively, deferring to maximum wilderness protection.

**E. Road Corridor Widths in Wilderness.** Few legislative wilderness maps prescribe the distance from roads that border wilderness or the corridor width of roads that pass through wilderness. Nevertheless, this issue will inevitably arise when writing the legal description of wilderness.

In a few cases, such as the California Desert Protection Act, Congress prescribes the distance of wilderness boundaries from roads. For the most part, Congress is silent about the distance of wilderness from established roads. In such cases, this Manual prescribes the standards that govern such distances and widths for all parks that have yet to write legal descriptions of their wilderness.

Unless otherwise defined by Congress when the area is designated, the standard setbacks for roadways should be 100 feet on the land from either side of the centerline. Exceptions to these standards may need to be made on a case by case basis to accommodate environmental protection and safety considerations. Any deviation from the standard should be documented on the map and in the legal description.

**F. Drawing Final Wilderness Maps.** For parks that have not yet drawn final wilderness maps, the legal description of wilderness will be depicted on a map or maps of no less than 1:100,000 scale. Parks may use a scale of less than 1:100,000, at their discretion. The maps will be drawn only from a written legal description that has been thoroughly checked for accuracy and marked and dated as “Final.”

Ideally, maps will be drawn using electronic Geospatial Information System (GIS) software tools at the highest level of accuracy and resolution as practicable. Creation of an electronic GIS boundary does not also constitute a “survey”; a survey is conducted to physically establish and mark the boundaries between abutting landowners, more particularly between the wilderness or park boundaries and non-wilderness and non-park lands. The attributes in the GIS boundary will conform, where appropriate, to the established “Legislated Wilderness” data transfer standard. However, this legal map will not include features, such as Transferrable Wilderness Inholdings, that are not a part of the legal description of the wilderness.

The maps may be drawn in the regional lands resources office or in the park if skilled GIS or cartographic technicians are available. The park will stamp this map as “Draft” and date it.

Park and regional office staff will review the draft of the wilderness maps and check them against the final legal description to detect any errors. After this step, the park will prepare final wilderness maps. The park will stamp that map as “Final” after approval by the superintendent.

The park will then arrange to have printed at least ten sets of the final maps and as many additional sets as the park superintendent deems desirable for park staff or public use.

The writing of the wilderness legal descriptions and preparation of wilderness maps are categorically excluded from review and public comment under the National Environmental Policy Act (516 Departmental Manual 6, Appendix 7.4(A)(2)). However, if prior to release of the final maps, the park consults with any interested public parties or individuals to resolve questions of wilderness boundaries, the park must do so openly and give due notice to all interested groups.

**G. Recording and Filing the Maps.** The park will send four sets of maps, electronic GIS files, and legal descriptions to the appropriate regional office. The regional office will retain two sets (one each in the regional land resources and wilderness coordinator's office). The regional office will send two sets, with a transmittal letter from the Regional Director, to the Chief, Office of Legislative Affairs, if the law requires that the NPS file the final legal description and map with Congress. The Office of Legislative Affairs will submit the final legal description, electronic GIS file, and physical maps to the Congress under signature of the Director.

The submission of maps to congressional committees, when such is prescribed by law, completes the process. Upon filing the documents, the legal description and maps have the same force and effect as if they were contained in the law designating wilderness itself.

The National Park Service does not need an affirmative congressional endorsement of the legal description and maps before they become final. The legal description and maps are final upon submittal. Congress' recourse, in cases where Congress disapproves of the final legal description and maps, is to amend the wilderness boundary by further legislation.

The park will also send a set of legal description, electronic GIS file, and maps to Associate Director, Visitor and Resource Protection for transmittal to the WASO Wilderness Stewardship Division Chief. The park will send a set to the Technical Information Center of the Denver Service Center. The park will retain at least four sets of the legal description, electronic GIS file, and wilderness maps in park offices. One of those sets must be archived in the park's curatorial collection.

**H. Correcting Errors.** NPS staff or the public may detect typographical or clerical errors in the final legal description and/or in the final wilderness maps. The laws that establish NPS wilderness often provide a mechanism for the National Park Service to correct errors after the legal description and maps are made final

Errors come in many shapes and sizes. A legal description could inaccurately describe the map, or a map line may conflict with the description. A number or direction could be a typographical mistake. Errors may be uncovered shortly after filing the maps, or decades later. It is never too late to correct errors.

The National Park Service will correct errors by writing a memorandum from the park superintendent. The memorandum will explain the error in the existing legal description and/or map(s). If the correction results in a change of wilderness acreage, the memo will so state. The memo of correction will be sent to the regional lands office, the WASO Wilderness Stewardship

Division Chief, and the Technical Information Center of the Denver Service Center. Each office will append the memo of correction to the existing final legal description and wilderness maps.

Correcting typographical or clerical errors cannot be used to adjust or modify wilderness boundaries to eliminate management problems or concerns. Adjusting or modifying existing wilderness boundaries may be made only by a recommendation to Congress that Congress enacts into law.

*---End of Guidance---*