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Foreword

Patrick A. Shea

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FOREWORD

PATRICK A. SHEA*

The Wilderness Act of 1964 defines wilderness as “an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.”¹ While this legal definition is entirely fitting, even eloquent, the word “wilderness” evokes emotions and imagery that go far beyond the language of the Wilderness Act. Wilderness is a word rich in its religious, historical, and philosophical associations. In the Old Testament, God tests the Israelites in the wilderness; in the New Testament, Jesus is tempted by the devil in the wilderness. But, the Bible depicts wilderness areas not only as sites for testing one’s character, but also as places of solitude for quiet reflection. Thus, the Gospels record that Jesus often withdrew to the “wilderness”² or went “out to the mountain”³ to be alone to pray.

Other figures from history have sought solitude in nature to commune with God and meditate on life’s meaning. American writer, naturalist, and transcendental philosopher, Henry David Thoreau—who spent two years (1845–47) in seclusion in the woods near Walden Pond in Concord, Massachusetts—explained his decision to be alone in his masterpiece *Walden*: “I went to the woods because I wished to live deliberately, to front only the essential facts of life, and see if I could not learn what it had to teach, and not, when I came to die, discover that I had not lived.”⁴ This need to get away from the burdens, noises, and distractions of everyday life is recognized by the Wilderness Act, which states that one of the characteristics of a wilderness area is that it “has outstanding opportunities for solitude.”⁵

The Wilderness Act also recognizes a principle articulated by conservationist Aldo Leopold in his 1949 classic *A Sand County Almanac*, namely, that “[w]ilderness is a resource which can shrink but not grow.”⁶ Consistent with that view, the opening paragraph of the Wilderness Act declares that it is Congress’s intention to “assure that an increasing

* Acting Deputy Assistant Secretary, Land & Minerals Management, Department of the Interior; former Director, Bureau of Land Management.

1. Wilderness Act of 1964, Pub. L. No. 88-557, § 2(c), 78 Stat. 890, 891 (codified as amended at 16 U.S.C. § 1131(c) (1994)).

2. *Matthew* 4:1.

3. *John* 6:15.

4. HENRY DAVID THOREAU, *WALDEN AND OTHER WRITINGS* 172 (Joseph W. Krutch ed., Bantam Books 1962) (1854).

5. Wilderness Act § 2(c), 16 U.S.C. § 1131(c).

6. ALDO LEOPOLD, *A SAND COUNTY ALMANAC* 255 (3d ed. 1966).

population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition."⁷

Thus, preserving what is left of America's wilderness is of necessity a "rear-guard action,"⁸ one that is aimed at preventing the shrinkage of existing wilderness. That is why it is so important for Congress, as the designator of federally protected wilderness areas, to make sure it preserves all remaining areas that meet the definition of wilderness. By preserving the remainder of America's wilderness, we can avoid becoming high-technology drones toiling away in what Western writer Wallace Stegner called "the Brave New World of a completely man-controlled environment."⁹ As Stegner so cogently argued in his landmark *Wilderness Letter* of 1960: "We need wilderness preserved—as much of it as is still left, and as many kinds—because it was the challenge against which our character as a people was formed."¹⁰

The process of wilderness suitability and designation is governed not only by the Wilderness Act of 1964, but also by the Federal Land Policy and Management Act of 1976 (FLPMA).¹¹ FLPMA established the process whereby the BLM inventories, studies, and reports on the suitability or nonsuitability of areas for preservation as wilderness.¹² Under this process, the President—after receiving the advice of the Secretary of the Interior—recommends to Congress what BLM managed areas should be designated as federally protected wilderness.¹³ No designation can occur, however, until and unless Congress passes the necessary legislation.

Today, the BLM manages 135 congressionally designated wilderness areas that encompass more than 5.2 million acres. In recent years, Congress passed two major BLM related wilderness designation measures. One is the Arizona Desert Wilderness Act of 1990, which ensured protection for 2.4 million acres of wilderness, including 1.1 million acres of BLM managed land.¹⁴ The other is the California Desert Protection Act of 1994, which designated as wilderness some 7.7 million acres administered by the BLM and the National Park Service.¹⁵ In addition, Congress passed the Colorado Wilderness Act of 1993, which set aside

7. Wilderness Act § 2(a), 16 U.S.C. § 1131(a).

8. LEOPOLD, *supra* note 6, at 255.

9. Wallace Stegner, *Wilderness Letter*, in *THE WILDERNESS READER* 327, 329 (Frank Bergen, ed., 1980).

10. *Id.*

11. Pub. L. No. 94-579, 90 Stat. 2744 (codified as amended at 43 U.S.C. §§ 1701-1785 (1994)).

12. See FLPMA § 102, 43 U.S.C. § 1701.

13. See Wilderness Act § 3(c), 16 U.S.C. § 1132(c).

14. See Pub. L. No. 101-628, § 101, 104 Stat. 4469, 4469-72 (codified at 16 U.S.C. § 1132 note).

15. See Pub. L. No. 103-433, 108 Stat. 4471 (codified in scattered sections of 16 U.S.C. & 43 U.S.C.).

600,000 acres of BLM managed land as wilderness,¹⁶ and in 1996 Congress designated the 42,000 acre Bisti/De-Na-Zin Wilderness in New Mexico.¹⁷

Another significant land management development occurred in 1996, when President Clinton designated the BLM to be the manager of the 1.88 million acre Grand Staircase-Escalante National Monument in Utah.¹⁸ (A national monument, while not a wilderness area, provides significant protection for scientific and historic resources in a specific area.) Grand Staircase-Escalante is a high, rugged, and remote region, where bold plateaus and multi-hued cliffs run for long distances. It is the last place in the continental United States to have been mapped, and it is the first national monument to be placed under the BLM's management.

The President's choice of the BLM surprised many people, including employees of our sister agency, the National Park Service. But, the BLM viewed the President's selection as a fitting vindication of our agency's recent years of low profile success in conserving natural, scientific, and historical resources. The creation of the Grand Staircase-Escalante National Monument raised the profile of the BLM as a conservator of resources, and it is the BLM's priority to raise that profile even higher.

The Wilderness Act of 1964 stands out as a visionary piece of legislation that recognizes humanity's need for solitude, reflection, and regeneration. By protecting these sanctuaries for our minds and souls, we can bring—as Stegner put it in his *Wilderness Letter*—“incomparable sanity . . . into our insane lives.”¹⁹

16. See Pub. L. No. 103-77, 107 Stat. 756 (codified at 16 U.S.C. § 1132 note).

17. See Bisti/De-Na-Zin Wilderness Expansion & Fossil Forest Protection Act, Pub. L. No. 104-333, § 1022, 110 Stat. 4093, 4211 (1996) (enacted as section 1022 of the Omnibus Parks and Public Lands Management Act of 1996, Pub. L. No. 104-333, 110 Stat. 4093).

18. See Proclamation No. 6920, 61 Fed. Reg. 50,223 (1996).

19. Stegner, *supra* note 9, at 329.

