

**The original documents are located in Box 68, folder “10/20/76 HR13160 Omnibus Wilderness Designations” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library**

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APPROVED  
OCT 20 1976

810/20/76

THE WHITE HOUSE

ACTION

WASHINGTON

Last Day: October 20

October 19, 1976

MEMORANDUM FOR THE PRESIDENT  
FROM: JIM CANNON *Fatt Quern*  
SUBJECT: H.R. 13160 - Omnibus Wilderness Designations

Attached for your consideration is H.R. 13160, sponsored by Representative Taylor and 19 others.

The enrolled bill designates as wilderness, portions of thirteen National Park System units comprising approximately 919,268 acres in eight States and establishes as potential wilderness additions approximately 53,506 acres in six of these States.

In addition, the enrolled bill would:

- revise the boundaries of the Isle Royal National Park, Michigan;
- expand the boundaries of Pinnacles National Monument, California;
- direct the Secretary of the Interior to report to the President within two years of enactment, his recommendations as to the suitability for designation as wilderness of approximately 62,930 acres located in the Coronado National Forest referred to as the "Rincon Wilderness Study Area"; and
- retain in primitive area status, pending a determination by the Secretary of Agriculture of its suitability for wilderness designation, a 6,497-acre area in the Shoshone National Forest commonly known as the Whiskey Mountain Area. (As discussed in the memorandums on S. 1026 which have already been forwarded to you, under S. 1026, this area is identified for immediate wilderness designation)

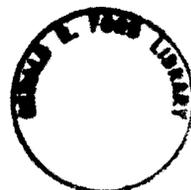
The Departments of Interior and Agriculture recommend approval of the enrolled bill. Agriculture recommends that this bill be signed at least one day following S. 1026 to ensure that the provisions to retain the "Whiskey Mountain Area" in primitive status take legal precedence over its designation as wilderness.



OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 13160 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

OCT 15 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 13160 - Omnibus Wilderness  
Designations  
Sponsors - Rep. Taylor (D) North Carolina and  
19 others

Last Day for Action

October 20, 1976 - Wednesday

Purpose

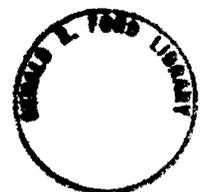
Designates as wilderness, portions of thirteen National Park System units comprising approximately 919,268 acres in eight States and establishes as potential wilderness additions approximately 53,506 acres in six of these States.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Council on Environmental Quality	Approval
Department of Defense	No objection
Federal Power Commission	No objection
Department of Transportation	No objection
Department of Commerce	No objection
Department of Agriculture	Defers to Interior

Discussion

Under the Wilderness Act, the Departments of Agriculture and Interior are required to make recommendations to the President for additions to the National Wilderness Preservation System, and the President is required to submit these, along with his

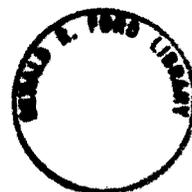


own recommendations, to the Congress. To qualify for wilderness designation, an area must generally be undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions.

H.R. 13160 would designate as components of the National Wilderness Preservation System portions of thirteen National Park System areas comprising approximately 919,268 acres in eight States. Under the provisions of the Wilderness Act, these areas would become eligible for the maximum level of Federal protection, including, where determined necessary to preserve the unspoiled character of the area, limitation of public access. The bill would also establish as "potential wilderness additions", eight additional areas comprising some 53,506 acres. "Potential wilderness additions" indicate a category of lands which are essentially of a wilderness character, but which retain sufficient non-conforming structures, activities, uses or private rights so as to preclude immediate wilderness designation. Such lands would be designated as wilderness by the Secretary of the Interior at such time as the described non-conforming uses are terminated. Attached to this memorandum is a list of National Park System areas which would be affected by H.R. 13160.

In addition, the bill would:

- revise the boundaries of the Isle Royale National Park, Michigan to include (1) the nearby Gull Islands (approximately 6 acres) and (2) all submerged lands within the territorial jurisdiction of the United States within 4 1/2 miles of the shoreline of Isle Royale and the surrounding islands;
- expand the boundaries of Pinnacles National Monument, California by approximately 1,718 acres (appropriations not to exceed \$955,000 would be authorized for this purpose);



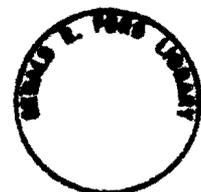
- direct the Secretary of Agriculture to report to the President within 2 years of enactment, his recommendations as to the suitability for designation as wilderness of approximately 62,930 acres located in the Coronado National Forest and referred to as the "Rincon Wilderness Study Area"; and,
- retain in primitive area status, pending a determination by the Secretary of Agriculture of its suitability for wilderness designation, a 6,497-acre area in the Shoshone National Forest, Wyoming. (This area, commonly known as the Whiskey Mountain Area, is also addressed by a separately enrolled wilderness omnibus bill, S. 1026. Under the latter bill, the area is identified for immediate wilderness designation.)

In its attached enrolled bill letter, the Department of the Interior recommends approval of H.R. 13160, noting that:

"Except for the fact that the Congress designated more acreage as wilderness in several of these areas than we have recommended, H.R. 13160 is basically in accord with the recommendations made by this Department in its legislative report to the House and Senate Interior and Insular Affairs Committees on these separate areas of the Park System."

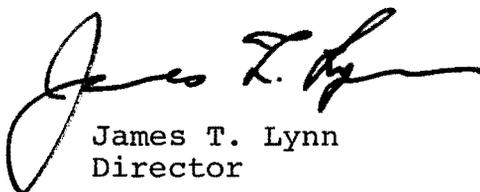
The Department further indicates that although it had not previously taken a formal position with regard to the proposed Pinnacles National Monument boundary change, it has since reviewed the area under consideration and reports no objection to its inclusion.

In its letter, the Department of Agriculture generally defers to Interior with regard to a recommendation for Presidential action. However, it does point out the apparent inconsistency between H.R. 13160 and a separate wilderness omnibus bill, S. 1026, also enrolled, with regard to their treatment of the Whiskey Mountain Area in Wyoming. The Department cites its previous public opposition to the immediate designation of the Whiskey Mountain Area as wilderness. In view of its



continued interest in a cooperative State/Federal bighorn sheep trapping and re-stocking program presently being carried out in the area (which would be prohibited under wilderness status), Agriculture recommends that H.R. 13160 be approved at least one day following S. 1026 to ensure that the provisions to retain the area in "primitive" status take legal precedence over its designation as wilderness.

It should also be pointed out that, in its haste to adjourn, the Congress enacted essentially identical provisions designating portions of Point Reyes National Seashore as wilderness in a separate enrolled bill, H.R. 8002, which was forwarded to you several days ago. As noted in our memorandum on the latter bill, this double enactment appears to represent nothing more than legislative inadvertence on the part of the Congress. Accordingly, we see no substantive programmatic or legal impediment to your signing both bills, and recommend that you approve H.R. 13160.



James T. Lynn  
Director

Enclosures



## H.R. 13160

## Executive Branch Recommendations

<u>National Park System Unit</u>	<u>Wilderness Acreage</u>	<u>Potential Wilderness Acreage</u>	<u>Wilderness Acreage</u>	<u>Potential Wilderness Acreage</u>
Bandelier National Monument, New Mexico	23,267	-	22,030	-
Black Canyon of the Gunnison National Monument, Colorado	11,180	-	11,180	-
Chiricahua National Monument, Arizona	9,440	2	9,440	2
Great Sand Dunes National Monument, Colorado	33,450	670	32,930	670
Haleakala National Park, Hawaii	19,270	5,500	19,270	5,500
Isle Royale National Park, Michigan	131,880	231	58,924	5,326
Joshua Tree National Monument, California	429,690	37,550	405,800	33,700
Mesa Verde National Park, Colorado	8,100	-	8,100	-
Pinnacles National Monument, California	12,952	990	10,980	320
Saguaro National Monument, Arizona	71,400	-	42,400	27,100
Point Reyes National Seashore, California	25,370	8,003	24,730	770

<u>National Park System Unit</u>	H.R. 13160		Executive Branch Recommendations	
	<u>Wilderness Acreage</u>	<u>Potential Wilderness Acreage</u>	<u>Wilderness Acreage</u>	<u>Potential Wilderness Acreage</u>
Badlands National Monument, South Dakota	64,250	-	58,920	5,326
Shenandoah National Park, Virginia	<u>79,019</u>	<u>560</u>	<u>79,699</u>	<u>560</u>
TOTALS	919,268	53,506	798,403	79,274



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

OCT 8 - 1976

Dear Mr. Lynn:

This responds to your request for the views of this Department on H.R. 13160, "To designate certain lands within units of the National Park System as wilderness; to revise the boundaries of those units; and for other purposes."

We recommend that the President approve this enrolled bill.

H.R. 13160 would designate certain lands within units of the National Park System as wilderness. These areas are listed on the attached page along with the number of acres which are designated as wilderness and potential wilderness additions. H.R. 13160 also makes a boundary change in the Isle Royale National Park, Michigan, and the Pinnacles National Monument, California. The bill further provides that notwithstanding any other provision of law, any designation of certain lands in the Shoshone National Forest, Wyoming, shall be classified as a primitive area until the Secretary of Agriculture determines otherwise.

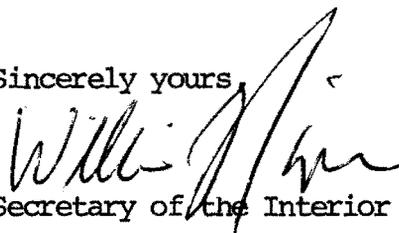
Except for the fact that the Congress designated more acreage as wilderness in several of these areas than we had recommended, H.R. 13160 is basically in accord with the recommendations made by this Department in its legislative report to the House and Senate Interior and Insular Affairs Committees on these separate areas of the Park System.

The Department's recommended acreage figures and the acreage figures included in the bill are set forth in the attached table.



The bill includes one major provision upon which this Department has not previously taken a position. The bill would make a boundary change to the Pinnacles National Monument by adding approximately 1,717.90 acres. This Department has reviewed this boundary and the additional wilderness acreage added by this bill to these areas and we have no objection to these provisions of the bill. Accordingly, we recommend that the President approve the enrolled bill.

Sincerely yours

A handwritten signature in dark ink, appearing to read "William D. Stein". The signature is written in a cursive style with a large, sweeping initial "W".

Acting

Secretary of the Interior

Honorable James T. Lynn  
Director, Office of  
Management and Budget  
Washington, D. C.

Attachement

OMNIBUS WILDERNESS BILL (H.R. 13160)

DEPARTMENTAL RECOMMENDATION

<u>Area</u>	<u>Wilderness Acreage</u>	<u>Potential Wilderness Acreage</u>	<u>Wilderness Acreage</u>	<u>Potential Wilderness Acreage</u>
Bandelier N.M.	23,267		22,030	
Black Canyon of the Gunnison N.M.	11,180		11,180	
Chiricahua N.M.	9,440	2	9,440	2
Great Sand Dunes N.M.	33,450	670	32,930	670
Haleakala N.P.	19,270	5,500	19,270	5,500
Isle Royale N.P.	131,880	231	58,924	5,326
Joshua Tree N.M.	429,690	37,550	405,800	33,700
Mesa Verde N.P.	8,100		8,100	
Pinnacles N.M.	12,952	990	10,980	320
Saguaro N.M.	71,400		42,400	27,100
Point Reyes N.S.	25,370	8,003	24,730	770
Shenandoah N.P.	79,019	560	79,699	560
Badlands N.M.	64,250		58,920	5,326
TOTALS	919,268	53,506	789,403	79,274

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 15

Time: 200pm

FOR ACTION:

George Humphreys *GH* cc (for information):  
Max Friedersdorf  
Bobbie Kilberg *BK*

Jack Marsh  
Ed Schmults  
Steve McConahey *SM*

FROM THE STAFF SECRETARY

DUE: Date: October 18

Time: 200pm

SUBJECT:

H.R.13160-Omnibus Wilderness Designations

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

\_\_\_\_\_  
K. R. COLE, JR.  
For the President

EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
722 JACKSON PLACE, N. W.  
WASHINGTON, D. C. 20006

October 6, 1976

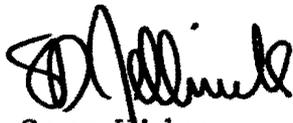
MEMORANDUM FOR JAMES M. FREY  
OFFICE OF MANAGEMENT AND BUDGET

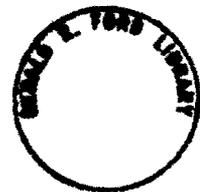
ATTN: Ms. Ramsey

SUBJECT: Enrolled Bill, H.R. 13160, "To designate certain lands within units of the National Park System as wilderness; to revise the boundaries of certain of those units; and for other purposes."

H.R. 13160 designates 13 areas within the National Park System as wilderness areas, enlarges two areas and directs review of one area. The 13 designated wilderness areas parallel Administration proposals. Additionally, it provides for part of the Glacier Primitive Area to remain in "primitive area" status. In this regard it overrides provisions of S. 1026 which would have established the entire Glacier area as a wilderness.

Despite this shortcoming we believe the bill should be signed into law. The President may wish to indicate, however, his intention to send remedial legislation with respect to the Glacier area to the next Congress.

  
Gary Widman  
General Counsel





GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
WASHINGTON, D. C. 20301

8 October 1976

Honorable James T. Lynn  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

Dear Mr. Lynn:

Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H. R. 13160, 94th Congress, an enrolled bill, "To designate certain lands within units of the National Park System as wilderness; to revise the boundaries of certain of those units; and for other purposes."

The Department of Defense has reviewed the enrolled enactment and interposes no objection to the signature by the President.

Sincerely,

A handwritten signature in cursive script that reads "Richard A. Wiley".

Richard A. Wiley

THE WHITE HOUSE

WASHINGTON

October 11, 1976

MEMORANDUM FOR: JIM CONNOR  
THRU: MAX FRIEDERSDORF *mf. G.*  
FROM: BOB WOLTHUIS *RKW*  
SUBJECT: S.1026 - HR 13160 *10/20*

Attached is a letter from Senator Clifford Hansen (R-Wyo.) wherein he strongly requests that the President sign S. 1026 before he signs HR 13160. As Senator Hansen points out if they were to be signed in reverse order, an amendment he offered to HR 13160 might be negated. I note from our record that S. 1026 has been received and has a signing deadline of 10/19/76. I believe that HR 13160 has a deadline after that. We strongly support Senator Hansen's request.

October 7, 1976

Dear Senator:

Thank you for your letter of October 6, 1976, requesting that the President sign S.1026 prior to taking action on H.R.13160.

I have referred your letter to the appropriate White House staff office and you may be certain that your request will be given very careful attention.

With best wishes,

Sincerely,

Joseph S. Jenckes V  
Special Assistant  
for Legislative Affairs

The Honorable Clifford P. Hansen  
United States Senate  
Washington, D. C. 20510

bcc:w/incoming to Bob Wolthuis for further action please  
JSJ:pd

HENRY M. JACKSON, WASH., CHAIRMAN

FRANK CHURCH, IDAHO  
LEE METCALF, MONT.  
J. BENNETT JOHNSTON, LA.  
JAMES ABOURZEK, S. DAK.  
FLOYD K. HASKELL, COLO.  
JOHN GLENN, OHIO  
RICHARD STONE, FLA.  
DALE BUMPERS, ARK.

PAUL J. FANNIN, ARIZ.  
CLIFFORD P. HANSEN, WYO.  
MARK O. HAYFIELD, OREG.  
JAMES A. MCCLURE, IDAHO  
DEWEY P. BARTLETT, OKLA.

# United States Senate

COMMITTEE ON  
INTERIOR AND INSULAR AFFAIRS  
WASHINGTON, D.C. 20510

GRENVILLE GARSIDE, SPECIAL COUNSEL AND STAFF DIRECTOR  
WILLIAM J. VAN NESS, CHIEF COUNSEL

October 6, 1976

Mr. Joe Jenckes  
Congressional Liaison Office  
The White House  
Washington, D.C.

Dear Joe:

I respectfully ask that the President consider signing the following bills in sequence as shown for the following reasons.

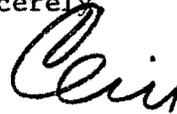
S. 1026, an omnibus wilderness bill establishes the Fitzpatrick Wilderness in Wyoming among others. It passed the Senate unamended (i.e. a proposed amendment of mine failed).

I was successful in amending H.R. 13160, another omnibus wilderness bill which deletes a certain portion of the Fitzpatrick Wilderness established in S. 1026. If perchance H.R. 13160 were to be signed before S. 1026, my amendment may well be negated.

I therefore request that the President sign S. 1026 first and sign H.R. 13160 after. Your usual efficient care and concern is always appreciated.

Kind personal regards,

Sincerely,



Clifford P. Hansen  
U. S. S.

CPH:tbw

*Bob Lender*  
*ii*

THE WHITE HOUSE  
WASHINGTON

October 4, 1976

MEMORANDUM FOR:

BILL NICHOLSON

FROM:

MAX FRIEDERSDORF *M.F.*

H.R. 10101, a bill to exempt certain organizations from the airways use and fuel tax, passed Congress and has been cleared for the President's signature.

It would exempt "flying museums" from the tax. The only two groups that will qualify under the bill are the Experimental Aircraft Flying Museum of Wisconsin, and the Confederate Air Force, of Harlingen, Texas, a museum of WWII airplanes.

Total cost of the bill is estimated at \$50,000, and the bill was introduced and sponsored by the entire Texas Congressional delegation.

Terms of the bill require the beneficiaries to be chartered as bonafide museums, chartered as non-profit organizations and hold the same status from the IRS.

Representative Dale Milford (D-TEX), a member of the Texas group, reports the Confederate Air Force is holding its annual banquet in Texas on Saturday night.

If the President intends to sign the bill, Representative Milford recommends the President do so during his visit to Dallas on Saturday, perhaps at the airport.

As of the close of business today, the bill has not reached the White House.

cc: Jack Marsh  
Jim Cannon  
Jim Lynn  
Jim Cavanaugh  
Jerry Jones  
Bob Wolthuis  
Judy Johnston ✓

*Signed - 10/20*

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503



*Johnston  
10-15-76  
1:20 p.m.*

OCT 15 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 13160 - Omnibus Wilderness Designations  
Sponsors - Rep. Taylor (D) North Carolina and 19 others

Last Day for Action

October 20, 1976 - Wednesday

Purpose

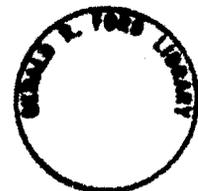
Designates as wilderness, portions of thirteen National Park System units comprising approximately 919,268 acres in eight States and establishes as potential wilderness additions approximately 53,506 acres in six of these States.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Council on Environmental Quality	Approval
Department of Defense	No objection
Federal Power Commission	No objection
Department of Transportation	No objection
Department of Commerce	No objection
Department of Agriculture	Defers to Interior

Discussion

Under the Wilderness Act, the Departments of Agriculture and Interior are required to make recommendations to the President for additions to the National Wilderness Preservation System, and the President is required to submit these, along with his



FEDERAL POWER COMMISSION  
WASHINGTON, D.C. 20426

H.R. 13160 - 94th Congress  
Enrolled Bill

OCT 14 1976

Honorable James T. Lynn  
Director, Office of Management and Budget  
Executive Office of the President  
Washington, D. C. 20503

Attention: Miss Martha Ramsey  
Legislative Reference Division  
Room 7201  
New Executive Office Building

Dear Mr. Lynn:

This letter is in response to Mr. Frey's H.R. 13160, Enrolled Bill request of October 5, 1976, requesting the Commission's comments on the bill which designates thirteen specific wilderness areas and provides for the study of one additional area.

The Federal Power Commission staff has reviewed the areas proposed for designation to determine the effects of the proposed actions on matters affecting the Commission's responsibilities. Such responsibilities relate to the development of hydroelectric power and assurance of the reliability and adequacy of electric service under the Federal Power Act, and the construction and operation of natural gas pipelines under the Natural Gas Act.

Section 1 of H.R. 13160 would designate certain portions of the following 13 areas as wilderness:

Bandelier National Monument, New Mexico  
Black Canyon of the Gunnison National  
Monument, Colorado  
Chiricahua National Monument, Arizona  
Great Sand Dunes National Monument, Colorado  
Haleakala National Park, Hawaii  
Isle Royale National Park, Michigan  
Joshua Tree National Monument, California



Mesa Verde National Park, Colorado  
Pinnacles National Monument, California  
Saguaro National Monument, Arizona  
Point Reyes National Seashore, California  
Badlands National Monument, South Dakota  
Shenandoah National Park, Virginia

With the exception of Point Reyes, all the areas above are located within existing national parks or national monuments. Consequently, in those areas, Commission jurisdictional activities under the Federal Power Act would not appear to be affected by the proposed wilderness designations. With respect to Point Reyes, although Commission jurisdiction may not be precluded in a National Seashore, designation as wilderness would not appear to affect any existing or planned bulk power facilities.

Section 4 of H.R. 13160 would expand the boundaries of the existing Isle Royale National Park, Michigan and Pinnacles National Monument, California. Again, the proposed expansions would not appear to affect existing or planned bulk power facilities.

With the exceptions of an 8-inch diameter natural gas pipeline owned by the U.S. Army in or near the Bandelier National Monument in New Mexico and an 18-inch diameter jurisdictional natural gas pipeline that is owned by Columbia Gas Transmission Company and crosses Shenandoah National Park wilderness area, there appear to be no significant natural gas production and transportation concerns involved. We assume that plans for management of these two wilderness areas will permit the continued operation of the pipelines involved.

At this time, the Federal Power Commission has no objection to Section 5 of the bill which provides for study of portions of the Coronado Natural Forest, Arizona to determine suitability or nonsuitability for

Honorable James T. Lynn

- 3 -

preservation as wilderness, presuming that the Commission will be given the opportunity to review the completed wilderness study.

The Commission offers no objection to approval of the enrolled bill.

Sincerely yours,

A handwritten signature in cursive script that reads "Richard L. Dunham". The signature is written in dark ink and is positioned above the typed name and title.

Richard L. Dunham  
Chairman



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, D.C. 20590

OCT 7 1976

Honorable James T. Lynn  
Director  
Office of Management and Budget  
Washington, D. C. 20503

Dear Mr. Lynn:

This is in response to your request for this Department's comments on enrolled bill H.R. 13160,

"To designate certain lands within units of the National Park System as wilderness; to revise the boundaries of certain of those units; and for other purposes."

This enrolled bill would designate as wilderness land in 13 National Parks, in accordance with appropriate sections of the Wilderness Act (78 Stat. 892). The Secretary of the Interior has responsibility for implementation of the enrolled bill.

The U.S. Coast Guard within the Department of Transportation has authority and responsibility under Titles 14 and 33, U.S. Code, to establish, operate, and maintain aids to navigation and vessel traffic control systems to ensure the safe conduct of maritime commerce and to protect life and property on or near the navigable waters of the United States. The Federal Aviation Administration also has similar responsibility with respect to air commerce. The Department believes that it has sufficient authority under existing statutes to maintain the necessary aids to air and maritime commerce. Nonetheless, we would prefer that in future legislative proposals establishing wilderness areas, efforts be made to include the language cited below:

"Nothing in this Act shall be construed to diminish the authority of the Coast Guard, pursuant to 14 U.S.C. 2 and 81 and Section 2 of Title 1 of the Ports and Waterways

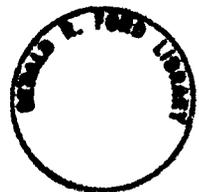
Safety Act of 1972 (33 U.S.C. 1221), or of the Federal Aviation Administration, to use the area designated wilderness by this Act for navigational aid and maritime and aviation safety purposes. In the case of such use involving unmanned devices, the consent of the Secretary of the Interior to the use shall not be required."

In view of the significant impact of the bill on the Department of the Interior, we defer to their recommendations concerning approval or disapproval. With respect to the bill's potential effect on this Department's programs, we have no objection to the signing of this bill by the President.

Sincerely,



William T. Coleman, Jr.





**GENERAL COUNSEL OF THE  
UNITED STATES DEPARTMENT OF COMMERCE**  
Washington, D.C. 20230

OCT 7 1976

Honorable James T. Lynn  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the views of this Department concerning H. R. 13160, an enrolled enactment

"To designate certain lands within units of the National Park System as wilderness; to revise the boundaries of certain of those units; and for other purposes."

H. R. 13160 would principally designate some 13 properties, consisting of approximately 973,000 acres in 8 states, from within the National Park System, as wilderness and potential wilderness additions, in accordance with section 3(c) of the Wilderness Act of 1964 (16 U. S. C. 1132). Those lands named as potential wilderness additions (containing some non-conforming structure or activity which precludes its immediate wilderness designation) would be automatically designated as wilderness areas upon publication in the Federal Register of a notice by the Secretary of the Interior that the non-conforming uses have ceased.

This bill would also revise the boundaries of Isle Royale National Park, Michigan, and Pinnacles National Monument, California. In the case of the latter, H. R. 13160 would authorize the appropriation of \$955,000 to the Secretary of the Interior for the acquisition of some 1700 acres to be added to the Pinnacles National Monument.

The Department of Commerce would interpose no objection to approval by the President of H. R. 13160.

Enactment of this legislation would not involve any additional budgetary requirements by this Department.

Sincerely,

  
General Counsel





DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY  
WASHINGTON, D. C. 20250

October 13, 1976

Honorable James T. Lynn  
Director, Office of Management  
and Budget

Dear Mr. Lynn:

As your office requested, here is our report on H.R. 13160, an enrolled enactment "To designate certain lands within units of the National Park System as wilderness; to revise the boundaries of certain of those units; and for other purposes."

The Department of Agriculture defers to the Department of the Interior for a recommendation on whether the President should approve the enactment. However, we do have an interest in two sections of the enactment.

Section 5(a) of H.R. 13160 would direct the Secretary of Agriculture to review, as to its suitability or unsuitability for preservation as wilderness, a 62,930-acre "Rincon Wilderness Study Area" located in the Coronado National Forest adjacent to the Saguaro National Monument, Arizona. The President would be required to advise the Congress of his recommendations regarding the study area within two years of enactment.

In 1972-73, during the Forest Service roadless area review (RARE), two roadless areas were inventoried adjacent to the Saguaro National Monument and within the "Rincon Wilderness Study Area." They are identified as "Last Chance" (9,000 acres) and "Wrong Peak" (5,000 acres). Neither was selected as a wilderness study area because of the evidence of man's activities and the need to improve mule deer habitat. The remainder of the Rincon area was not inventoried because any roadless and undeveloped portions that exist are smaller than 5,000 acres. In our judgment, the cumulative evidence of man's activities (e.g., jeep trails, fences, corrals, stock tanks, and spring developments) noticeably and seriously detracts from any undeveloped character that portions of the area may possess. Much of the area is now open to the use of off-road vehicles.

We would prefer that section 5(a) of H.R. 13160 not be enacted. However, our concerns about section 5(a) are not of such a magnitude as to be a deciding factor in whether the President should approve H.R. 13160.

Honorable James T. Lynn

2.

Section 8 of H.R. 13160 would remove the 6,497-acre Whiskey Mountain area from the Fitzpatrick Wilderness that would be designated by section 2(a) of S. 1026, another enrolled enactment. In our report to you on S. 1026, we recommended that the President not approve the enactment. We continue to oppose designation of the 197,600-acre Fitzpatrick Wilderness, because it would include 15,090 acres not recommended by the President. The Whiskey Mountain area is within the 15,090-acre addition.

The practical effect of section 8 of H.R. 13160 appears to be dependent on whether and when S. 1026 is approved. The following scenarios are possible.

1. If H.R. 13160 is approved first, section 8 would have the confusing effect of modifying a nonexistent wilderness boundary. Then, if S. 1026 is approved, it is unclear what effect, if any, section 8 of H.R. 13160 would have on the Fitzpatrick Wilderness designated by section 2(a) of S. 1026.

2. If H.R. 13160 is approved but S. 1026 is not approved, it is not clear what effect, if any, section 8 of H.R. 13160 would have since it would apparently amend a nonexistent wilderness boundary.

3. If H.R. 13160 is approved after S. 1026 is approved, section 8 of H.R. 13160 would remove the Whiskey Mountain area from the Fitzpatrick Wilderness designated by section 2 of S. 1026. In this instance, the Whiskey Mountain area would be classified as a primitive area until the Secretary of Agriculture determined otherwise.

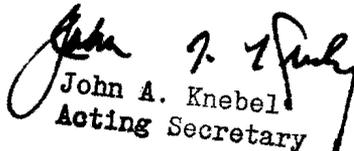
If the President decides to approve both S. 1026 and H.R. 13160, it is very important to us that he approve S. 1026 at least one day before approving H.R. 13160.

We wish to bring to your attention two duplications between H.R. 13160 and H.R. 8002, another enrolled enactment.

Sections 1-3 of H.R. 8002 provide for the designation and administration of certain lands within the Point Reyes National Seashore as wilderness. Essentially identical provisions are contained in sections 1, 2, and 6 of H.R. 13160.

Section 4 of H.R. 8002 amends the Act of September 13, 1962, which authorized the Secretary of the Interior to establish the Point Reyes National Seashore. The amendments clarify the manner in which the Seashore is to be administered and also direct the Secretary to designate an environmental education center within the Seashore as "The Clem Miller Environmental Education Center." Identical amendments are contained in section 7 of H.R. 13160.

Sincerely,

  
John A. Knebel  
Acting Secretary

THE WHITE HOUSE

ION MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 15

Time: 200pm

FOR ACTION: George Humphreys  
Max Friedersdorf  
Bobbie Kilberg

cc (for information): Jack Marsh  
Ed Schmults  
Steve McConahey

FROM THE STAFF SECRETARY

DUE: Date: October 18

Time: 200pm

SUBJECT:

H.R.13160-Omnibus Wilderness Designations

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

x

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

No objection -- Ken Lazarus 10/15/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately

K. R. COLE, JR.  
For the President

THE WHITE HOUSE

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WASHINGTON

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Time: 200pm

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For Your Recommendations

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Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*Recommend  
Approval. [Signature]*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately

K. R. COLE, JR.  
For the President

# Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,  
one thousand nine hundred and seventy-six*

## An Act

To designate certain lands within units of the National Park System as wilderness; to revise the boundaries of certain of those units; and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in accordance with section 3(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c)), the following lands are hereby designated as wilderness, and shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act:

(a) Bandelier National Monument, New Mexico, wilderness comprising twenty-three thousand two hundred and sixty-seven acres, depicted on a map entitled "Wilderness Plan, Bandelier National Monument, New Mexico", numbered 315-20,014-B and dated May 1976, to be known as the Bandelier Wilderness.

(b) Black Canyon of the Gunnison National Monument, Colorado, wilderness comprising eleven thousand one hundred and eighty acres, depicted on a map entitled "Wilderness Plan, Black Canyon of the Gunnison National Monument, Colorado", numbered 144-20,017 and dated May 1973, to be known as the Black Canyon of the Gunnison Wilderness.

(c) Chiricahua National Monument, Arizona, wilderness comprising nine thousand four hundred and forty acres, and potential wilderness additions comprising two acres, depicted on a map entitled "Wilderness Plan, Chiricahua National Monument, Arizona", numbered 145-20,007-A and dated September 1973, to be known as the Chiricahua National Monument Wilderness.

(d) Great Sand Dunes National Monument, Colorado, wilderness comprising thirty-three thousand four hundred and fifty acres, and potential wilderness additions comprising six hundred and seventy acres, depicted on a map entitled "Wilderness Plan, Great Sand Dunes National Monument, Colorado", numbered 140-20,006-C and dated February 1976, to be known as the Great Sand Dunes Wilderness.

(e) Haleakala National Park, Hawaii, wilderness comprising nineteen thousand two hundred and seventy acres and potential wilderness additions comprising five thousand five hundred acres, depicted on a map entitled "Wilderness Plan, Haleakala National Park, Hawaii", numbered 162-20,006-A and dated July 1972, to be known as the Haleakala Wilderness.

(f) Isle Royale National Park, Michigan, wilderness comprising one hundred and thirty-one thousand eight hundred and eighty acres, and potential wilderness additions comprising two hundred and thirty-one acres, depicted on a map entitled "Wilderness Plan, Isle Royale National Park, Michigan", numbered 139-20,004 and dated December 1974, to be known as the Isle Royale Wilderness.

(g) Joshua Tree National Monument, California, wilderness comprising four hundred and twenty-nine thousand six hundred and ninety acres, and potential wilderness additions comprising thirty-seven thousand five hundred and fifty acres, depicted on a map entitled

"Wilderness Plan, Joshua Tree National Monument, California", numbered 156-20,003-D and dated May 1976, to be known as the Joshua Tree Wilderness.

(h) Mesa Verde National Park, Colorado, wilderness comprising eight thousand one hundred acres, depicted on a map entitled "Wilderness Plan, Mesa Verde National Park, Colorado", numbered 307-20,007-A and dated September 1972, to be known as the Mesa Verde Wilderness.

(i) Pinnacles National Monument, California, wilderness comprising twelve thousand nine hundred and fifty-two acres, and potential wilderness additions comprising nine hundred and ninety acres, depicted on a map entitled "Wilderness Plan, Pinnacles National Monument, California", numbered 114-20,010-D and dated September 1975, to be known as the Pinnacles Wilderness.

(j) Saguaro National Monument, Arizona, wilderness comprising seventy-one thousand four hundred acres, depicted on a map entitled "Wilderness Plan, Saguaro National Mounment, Arizona", numbered 151-20,003-D and dated May 1976, to be known as the Saguaro Wilderness.

(k) Point Reyes National Seashore, California, wilderness comprising twenty-five thousand three hundred and seventy acres, and potential wilderness additions comprising eight thousand and three acres, depicted on a map entitled "Wilderness Plan, Point Reyes National Seashore", numbered 612-90,000-B and dated September 1976, to be known as the Point Reyes Wilderness.

(l) Badlands National Monument, South Dakota, wilderness comprising sixty-four thousand two hundred and fifty acres, depicted on a map entitled "Wilderness Plan, Badlands National Monument, South Dakota", numbered 137-29,010 B and dated May 1976, to be known as the Badlands Wilderness.

(m) Shenandoah National Park, Virginia, wilderness comprising seventy-nine thousand and nineteen acres, and potential wilderness additions comprising five hundred and sixty acres, depicted on a map entitled "Wilderness Plan, Shenandoah National Park, Virginia", numbered 134-90,001 and dated June 1975, to be known as the Shenandoah Wilderness.

SEC. 2. A map and description of the boundaries of the areas designated in this Act shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, and in the office of the Superintendent of each area designated in the Act. As soon as practicable after this Act takes effect, maps of the wilderness areas and descriptions of their boundaries shall be filed with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such maps and descriptions shall have the same force and effect as if included in this Act: *Provided*, That correction of clerical and typographical errors in such maps and descriptions may be made.

SEC. 3. All lands which represent potential wilderness additions, upon publication in the Federal Register of a notice by the Secretary of the Interior that all uses thereon prohibited by the Wilderness Act have ceased, shall thereby be designated wilderness.

SEC. 4. The boundaries of the following areas are hereby revised, and those lands depicted on the respective maps as wilderness or as potential wilderness addition are hereby so designated at such time and in such manner as provided for by this Act:

(a) Isle Royale National Park, Michigan:

The Act of March 6, 1942 (56 Stat. 138; 16 U.S.C. 408e-408h), as amended, is further amended as follows:

(1) Insert the letter "(a)" before the second paragraph of the first section, redesignate subparagraphs (a), (b), and (c) of that paragraph as "(1)", "(2)", "(3)", respectively, and add to that section the following new paragraph:

"(b) Gull Islands, containing approximately six acres, located in section 19, township 68 north, range 31 west, in Keweenaw County, Michigan."

(2) Amend section 3 to read as follows:

"SEC. 3. The boundaries of the Isle Royale National Park are hereby extended to include any submerged lands within the territorial jurisdiction of the United States within four and one-half miles of the shoreline of Isle Royale and the surrounding islands, including Passage Island and the Gull Islands, and the Secretary of the Interior is hereby authorized, in his discretion, to acquire title by donation to any such lands not now owned by the United States, the title to be satisfactory to him."

(b) Pinnacles National Monument, California:

(1) The boundary is hereby revised by adding the following described lands, totaling approximately one thousand seven hundred and seventeen and nine-tenths acres:

(a) Mount Diablo meridian, township 17 south, range 7 east: Section 1, east half east half, southwest quarter northeast quarter, and northwest quarter southeast quarter; section 12, east half northeast quarter, and northeast quarter southeast quarter; section 13, east half northeast quarter and northeast quarter southeast quarter.

(b) Township 16 south, range 7 east: Section 32, east half.

(c) Township 17 south, range 7 east: Section 4, west half; section 5, east half.

(d) Township 17 south, range 7 east: Section 6, southwest quarter southwest quarter; section 7, northwest quarter north half southwest quarter.

(2) The Secretary of the Interior may make minor revisions in the monument boundary from time to time by publication in the Federal Register of a map or other boundary description, but the total area within the monument may not exceed sixteen thousand five hundred acres: *Provided, however,* That lands designated as wilderness pursuant to this Act may not be excluded from the monument. The monument shall hereafter be administered in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 et seq.), as amended and supplemented.

(3) In order to effectuate the purposes of this subsection, the Secretary of the Interior is authorized to acquire by donation, purchase, transfer from any other Federal agency or exchange, lands and interests therein within the area hereafter encompassed by the monument boundary, except that property owned by the State of California or any political subdivision thereof may be acquired only by donation.

(4) There are authorized to be appropriated, in addition to such sums as may heretofore have been appropriated, not to exceed \$955,000 for the acquisition of lands or interests in lands authorized by this subsection. No funds authorized to be appropriated pursuant to this Act shall be available prior to October 1, 1977.

SEC. 5. (a) The Secretary of Agriculture shall, within two years after the date of enactment of this Act, review, as to its suitability or nonsuitability for preservation as wilderness, the area comprising approximately sixty-two thousand nine hundred and thirty acres located in the Coronado National Forest adjacent to Saguaro National Monument, Arizona, and identified on the map referred to in section 1(j) of this Act as the "Rincon Wilderness Study Area," and shall report his findings to the President. The Secretary of Agriculture shall conduct his review in accordance with the provisions of subsections 3(b) and 3(d) of the Wilderness Act, except that any reference in such subsections to areas in the national forests classified as "primitive" on the effective date of that Act shall be deemed to be a reference to the wilderness study area designated by this Act and except that the President shall advise the Congress of his recommendations with respect to this area within two years after the date of enactment of this Act.

(b) The Secretary of Agriculture shall give at least sixty days' advance public notice of any hearing or other public meeting relating to the review provided for by this section.

SEC. 6. The areas designated by this Act as wilderness shall be administered by the Secretary of the Interior in accordance with the applicable provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and, where appropriate, any reference to the Secretary of Agriculture shall be deemed to be a reference to the Secretary of the Interior.

SEC. 7. (a) Section 6(a) of the Act of September 13, 1962 (76 Stat. 538), as amended (16 U.S.C. 459c-6a) is amended by inserting "without impairment of its natural values, in a manner which provides for such recreational, educational, historic preservation, interpretation, and scientific research opportunities as are consistent with, based upon, and supportive of the maximum protection, restoration and preservation of the natural environment with the area" immediately after "shall be administered by the Secretary".

(b) Add the following new section 7 and redesignate the existing section 7 as section 8:

"SEC. 7. The Secretary shall designate the principal environmental education center within the Seashore as 'The Clem Miller Environmental Education Center,' in commemoration of the vision and leadership which the late Representative Clem Miller gave to the creation and protection of Point Reyes National Seashore."

SEC. 8. Notwithstanding any other provision of law, any designation of the lands in the Shoshone National Forest, Wyoming, known as the Whiskey Mountain Area, comprising approximately six thousand four hundred and ninety-seven acres and depicted as the "Whiskey Mountain Area—Glacier Primitive Area" on a map entitled "Proposed Glacier Wilderness and Glacier Primitive Area", dated September 23, 1976, on file in the Office of the Chief, Forest Service, Department of Agriculture, shall be classified as a primitive area until the Secretary of Agriculture or his designee determines otherwise pursuant to classification procedures for national forest primitive areas. Provisions of any other Act designating the Fitzpatrick Wil-

H. R. 13160—5

derness in said Forest shall continue to be effective only for the approximately one hundred and ninety-one thousand one hundred and three acres depicted as the "Proposed Glacier Wilderness" on said map.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*