

# **PROTECTIVE DESIGNATIONS ON FEDERAL LANDS:**

**CASE STUDIES OF  
NATIONAL CONSERVATION AREAS,  
NATIONAL MONUMENTS,  
NATIONAL PARKS,  
NATIONAL RECREATION AREAS,  
AND  
WILDERNESS AREAS**

**Natural Resources Law Center  
University of Colorado School of Law  
401 UCB  
Boulder, Colorado 80309-0401**

**2004**

## Table of Contents

<b>PROTECTIVE DESIGNATIONS ON FEDERAL LANDS:</b> .....	<b>1</b>
Overview.....	1
Summary Conclusions .....	2
1. Saguaro National Park .....	3
2. King Range National Conservation Area .....	3
3. Hells Canyon National Recreation Area.....	4
4. Birds of Prey National Conservation Area .....	4
5. Gila Box Riparian National Conservation Area .....	5
6. El Malpais NCA, National Monument, and Wilderness.....	7
Special Designations.....	8
1. Rationale for Designation and Boundaries .....	8
2. Legislative Prescriptions.....	9
Implementation in Agency Management Plans .....	10
1. Grazing.....	10
2. Water Rights .....	11
3. OHV-Travel Management .....	11
4. Minerals .....	12
5. In-Holdings and Boundary Changes.....	13
Study Questions .....	13
1. How do these designations compare to management under the laws generally applicable to the public lands? .....	13
2. How do these designations compare to management under the Wilderness Act of 1964? .....	15
3. What are the benefits of alternative designations? .....	15
Conclusions.....	16
<b>APPENDIX 1. SPECIAL STATUS DESIGNATIONS COMPARISON TABLE .....</b>	<b>A-1</b>

# **Protective Designations on Federal Lands:**

## **Case Studies of National Conservation Areas, National Monuments, National Parks, National Recreation Areas, and Wilderness Areas**

### **Overview**

In its work on Wilderness Areas, the Natural Resources Law Center (the Center) prepared six case studies as part of two separate projects. The Center first studied four parcels of public lands established to conserve natural values. Two of the areas include wilderness areas within their borders.:

- Snake River Birds of Prey National Conservation Area in Idaho,
- King Range National Conservation Area in northern California.
- Saguaro National Park, including the Saguaro Wilderness Area, in Arizona, and
- Hells Canyon National Recreation Area, including the Westside Reservoir Face, McGraw Creek, and part of the Lick Creek Wilderness Areas, in Idaho.

In a second project, the Center examined two geographic areas with a variety of congressional designations, including wilderness, within each area. The first area, collectively referred to as the Gila Box, includes the Gila Box Riparian National Conservation Area and the nearby Needle's Eye and Fishhooks Wilderness Areas in Arizona. The second area, collectively referred to as El Malpais, includes the El Malpais National Monument and the El Malpais National Conservation Area, which includes the Cebolla and West Malpais Wilderness Areas, in New Mexico.

In both projects, the Center first completed detailed analyses of the legislative histories, statutory mandates, and management histories. Each of those studies also included an assessment about how effective the statutory approach used in each instance has been in conserving the natural resources found within each of the six areas. The Center also compared management of wilderness areas to management of other special designation areas. The overall goal of the case studies was to discern how management of natural resources within these areas compares with how these areas would have been managed had they been designated as wilderness, or had they continued to be managed pursuant to the general organic acts for the Bureau of Land Management (BLM), Forest Service, or National Park Service (NPS).

This summary report provides an overview of all six case studies. It also draws conclusions from the six case studies, even though the goals and methods of the two projects were not

completely comparable, Appendix 1 provides a brief summary of important resource issues in all six areas. This appendix presents these issues (grazing, minerals, OHV-travel, water rights, in-holdings and additions, and other management issues) as they existed in the area prior to designation as a special area, as required by the establishment legislation, and as implemented by the agencies.

## Summary Conclusions<sup>1</sup>

The areas with non-wilderness designations in the case studies were unquestionably better off than if they had been managed under the default principle of multiple use. Designation of these areas was effective at removing immediate threats to conservation including development of new dams (e.g. Hells Canyon NRA), mining and mineral leasing development (e.g. Gila Box NCA), and privatization (e.g. Snake River NCA).

Special designation has also led to increased conservation through the agency planning process. Agency management has improved conservation across all nonconforming uses in Saguaro NP, King Range NCA, and the Gila Box NCA. Where grazing has been reduced, it has been through the planning process, rather than following Congressional direction in designating legislation. Neither wilderness designation nor other protective designations precluded grazing in any of the areas studied, except for El Malpais National Monument. Yet grazing was reduced in some areas: for example, the Gila Box management plan restricts grazing from the riparian areas in the NCA.

The agency planning process can also lead to greatly reduced ORV use. The Gila Box management plan closed the two wilderness areas to ORV use, restricted ORVs to existing trails in the National Conservation Area, and reduced the number of open roads from 38 miles to two miles. Despite the lack of Congressional direction for El Malpais, BLM management of the NCA and its Wilderness Areas has substantially reduced motorized vehicle use: the El Malpais NCA Management Plan closed the Wilderness Areas to ORVs, limited ORVs in the rest of the NCA to designated travel routes, and closed 83.4 miles of vehicle routes.

Although agency planning may provide opportunities for improved conservation, Management Plans may fail to adequately address threats to an area's resources. Although special designation blocked specific threats to Snake River Birds of Prey NCA and Hells Canyon NCA, off-road vehicle use and grazing continue to degrade Wilderness values in those areas. The case study of Snake River Birds of Prey NCA reveals that failure to protect an area from a certain use (grazing) may be politically necessary to get legislation passed, it may be politically difficult to later eliminate the impacts of that use through management planning.

The case studies also show that it is sometimes possible to expand the boundaries of a protected area subsequent to its initial designation (e.g. Saguaro NP and King Range NCA). However,

---

<sup>1</sup> This section addresses all six case studies.

boundary expansion does not always occur after initial designation of a protected area (e.g. Snake River Birds of Prey NCA and Hells Canyon NCA).

The case study methodology does not allow the conclusion that the trends observed in the six areas apply more generally to other areas. Each of the six case studies found a combination of factors that are unique to the area.

## **1. Saguaro National Park**

The clearest conservation success was recorded at what is now Saguaro National Park. A series of presidential proclamations, interspersed with legislation, created what was initially a national monument and what is now a national park. Each of those actions took place with broad public and bipartisan support. Two-thirds of the area that is now protected was designated as a national monument in 1933. Much of the remainder was added by presidential proclamation in 1961, with an additional expansion by legislation in 1976. That same year, much of what was still a national monument was added to the wilderness system. With broad public support, the Congress expanded the monument by several thousand acres in 1991, and again in 1994. The most recent legislation also re-designated the area as a national park. Designation as a national monument and later as a park, and the addition of much of the park as wilderness, has insulated the protected area from virtually all extractive uses. Grazing was eliminated from the park in 1979. Moreover, the integrated management of the park with surrounding federal, state, and county public lands allows for broader protection of resource values. Conversely, the park also attracts millions of visitors every year. Tucson is growing toward both units of the park, and air pollution from sources outside the park is damaging air quality related values within the park. Thus, protection of the park's natural resources has been highly successful but new strategies will be needed to address those external threats.

## **2. King Range National Conservation Area**

King Range had a longer birthing period. President Hoover withdrew portions of the area from settlement in 1929, and the remainder was withdrawn in 1934. Legislative efforts to protect the area began in 1961, and were renewed every Congress until 1970 when Congressman Aspinall, the Department of the Interior, and the local congressman (a Republican) all agreed on a bill that they could support. Unlike the other designations examined in this study, the King Range legislation did not withdraw the area from operation of the mining and mineral leasing laws, and contemplated that a number of existing uses (including grazing, mining, logging, and recreation) would continue.

Also unlike the other areas considered in this project, the King Range NCA included significant private land holdings within it: of the area's 63,000 acres, more than 25,000 acres were privately held. That complicated land ownership pattern, and the significant impacts caused to this highly scenic area by logging, grazing, and other activities led to Congress's decision to protect the area. Those inholdings gave rise to a unique statutory scheme under which Congress gave BLM unprecedented authority to impose a comprehensive management plan on private landowners as well as public lands and authorized BLM to acquire and even condemn properties where the owner was pursuing uses incompatible with the purposes of the Act. Just as important,

designation and the attendant public attention that focused on the area resulted in significantly increased funding for management of the area, including funding for restoration activities. As a result of that restoration work as well as the acquisition of key land holdings, more of the area qualifies for wilderness designation today than was the case at the time of designation. Off-road vehicle use appears to have been the single most difficult problem for the BLM to address; it took the agency a full thirty years to get a handle on ORV use in various parts of the area. Finally, it is also important to note that the Northwest Forest Plan largely eliminated timber removal as an issue, separate and apart from the NCA's authorizing legislation.

### **3. Hells Canyon National Recreation Area**

The Hells Canyon National Recreation Area Act provided a level of protection for natural resources across an area of 652,488 acres. That legislation and a subsequent legislative enactment protected 215,233 acres as wilderness and 33,767 acres as wild and scenic river corridors. It is also important to remember that one of the act's greatest achievements was to put a significant stretch of the Snake River off limits to a large hydroelectric dam, thus ending a fierce battle that had extended over more than a decade, yet the bill still attracted bipartisan support from the region. As was the case with King Range, the Congress tried and failed several times to protect the core Hells Canyon area before a bipartisan group of governors, legislators, business interests and conservationist assembled the winning formula.

The authorizing legislation anticipated that some timber removal, grazing, and other pre-existing uses could continue to the extent compatible with the act's conservation purposes, and for a number of years those activities sparked battles between conservationists and local business interests. However, timber removal has declined significantly since the legislation was adopted, and the Forest Service recently terminated grazing within the recreation area's wilderness areas. With one or two principal exceptions, conservation groups broadly applaud the Forest Service's recently adopted management plan. Off-road vehicle use in several corridors, including one that may intrude into wilderness, continues to be contentious. The use of motorized craft on the Snake River also incites debate, although it is limited to the river corridor. But in contrast to the views of conservationists, locals feel betrayed by the Forest Service's failure to protect the pre-existing uses upon which the local economy had been built.

### **4. Birds of Prey National Conservation Area**

Snake River Birds of Prey NCA is a large tract of land in central Idaho that encompasses critical raptor nesting and prey habitat: more than 600,000 acres, of which 485,000 are managed by BLM. Starting in 1971 and culminating in 1980, a series of secretarial decisions and BLM administrative decisions withdrew almost all of that area from disposition under the Desert Land and Carey Acts, and withdrew the narrow band of prime nesting habitat along the river from disposition under mining law. Some agency decisions drew strong opposition from local agriculture and property rights groups, but by 1991 legislative proposals were broadly supported; even the Farm Bureau supported the legislation, albeit with some caveats. After the 102<sup>nd</sup> Congress came close to adopting legislation to provide permanent protection for the area, the House and Senate agreed in legislation in 1993. The final legislation attracted support from across the aisle, including such disparate senators as Malcolm Wallop of Idaho and Dale

Bumpers of Arkansas. In retrospect, it is important to remember that the legislation ended what was at the time a serious threat to the raptor hunting and nesting habitat: disposition under the Carey and Desert Land Acts as well as several other statutes. It also withdrew the entire area from operation of both the mining and mineral leasing laws.

Those successes aside, the Birds of Prey presents the greatest continuing management challenges, perhaps owing to a measure of schizophrenia in the enacting legislation. In that act, the Congress decreed that the Secretary should allow only those uses of the land that further the purposes of the NCA, but then also provided that recreation, military training, and grazing need not “further the purposes” of the NCA. Instead, these uses may be restricted only if a use is determined to be “not compatible” with the purposes of the NCA. While the Hells Canyon and King Range legislation also adverted to “compatible” uses, the specific formulation of the Birds of Prey legislation may have made the managing agency’s task of balancing preexisting uses with conservation far more difficult.

The current situation on the ground testifies to the BLM’s challenges. While permitted animal-unit months have stayed roughly level since 1980, grazing utilization has declined by approximately fifty percent. Nevertheless, grazing, particularly spring grazing continues to cause environmental damage. Native vegetation in the area has deteriorated with the spread of invasive species which are, in turn, linked to overgrazing and to wildfires caused by military and recreational uses. The area still does not have a travel management plan that deals effectively with off-road vehicles within the NCA. The use of the Orchard Training Area within the NCA by the National Guard (which was statutorily authorized) continues to be controversial, though there is some debate over whether the military’s management has been detrimental or positive.

## **5. Gila Box Riparian National Conservation Area**

The Gila Box Riparian National Conservation Area was created in the Arizona Desert Wilderness Act of 1990. The Act also designated 39 wilderness areas, including the nearby Fishhooks and Needle’s Eye areas. The Gila Box NCA covers approximately 21,767 acres, featuring spectacular canyons up to 1,000 feet deep and parts of four perennial waterways: the Gila River, Bonita Creek, Eagle Creek, and the San Francisco River. The Fishhooks Wilderness Area covers 10,500 acres about 30 miles northwest of Safford, Arizona. The area consists of numerous canyons that offer great scenery and hiking. Similar features are found downstream in the Needle’s Eye Wilderness Area, an area of about 8,760 acres located about 20 miles southeast of Globe, Arizona.

As discussed earlier, environmental groups had argued in favor of wilderness designation, but opponents had arguments for opposing this designation: e.g., the existence of ORV activity in the riparian corridor, the mining potential of the area, and the presence of the Camelsback Dam site. Grazing in the riparian corridor was also widely acknowledged as problematic. Twenty years later, each of these concerns has been addressed. ORVs (and powerboats) are now banned from the riparian corridor, and on-road vehicle traffic has been reigned in by a dramatic reduction in road miles. Much of the mining potential of the site was addressed by the careful delineation of the NCA border, and by ongoing efforts to consolidate landholdings. For example, in July of 2004, the BLM announced a land swap with Phelps Dodge involving an exchange of mineral

rich BLM lands near Morenci for riparian parcels in the Gila Box Riparian NCA held by Phelps Dodge. The Camelsback Dam site was abandoned prior to NCA establishment. And grazing in the riparian corridor has been eliminated, with obvious benefits. A recent Riparian Health Assessment shows all 15 miles of Bonita Creek within the NCA to be in a “properly functioning condition”; approximately two-thirds of the 23 mile Gila River stretch also meets this standard.

Challenges and threats to the Gila Box Riparian NCA remain: e.g., mining activities in adjacent lands are a persistent (and expanding) threat; upstream water development in New Mexico could reduce river flows (especially peak flows); and grazing is still permitted in upland areas. Perhaps most importantly, Gila Box remains very popular with recreationists, which undoubtedly impacts resources despite efforts to spread out recreation across the site and to curtail most high-impact activities (namely mechanized activities). Protecting the Gila Box from its own popularity will likely be the greatest long-term management challenge.

Wilderness designation might have modified the type of recreation pressures slightly, but overall, it would probably have not resulted in a site of significantly different character or one featuring a radically different mix of resource protections and threats. Now, as in 1990, the “NCA compromise” appears to be a good deal for the environmental community. Many reasons support this conclusion: e.g., the proposed designation of Gila Box as wilderness had low political viability; the NCA boundaries achieved were actually larger than the WSA; the NCA designation has led to a management regime prohibiting ORV use and riparian grazing; and the NCA designation not only offered a pathway for improved protection of Gila Box resources but also greatly improved the viability of the entire Arizona Desert Wilderness Act. In contrast, an unsuccessful all-or-nothing bid for wilderness status in Gila Box would likely have fated the site to continued abuse, particularly from ORV use and riparian grazing.

In contrast to the deliberate planning and intensive management focus of the Gila Box NCA, the Fishhooks and Needle’s Eye wilderness areas receive very little attention from managers or resource users. The remoteness and inaccessibility of the wilderness areas not only helps to justify their designation, but also is the key to their ongoing survival without need for or evidence of significant management interventions.

Perhaps the greatest long-term issue facing these wilderness areas (and the Gila Box as well) is the overall use and management of the Gila River (and tributaries), which implicates a variety of issues including the operation of the Central Arizona Project; interstate allocation and management between Arizona and New Mexico, and more generally, as part of the Colorado River system; the scope and operation of tribal water rights settlements; and the limited protections associated with post-1990 federal reserved water rights on arid-region streams that have been overstressed for many decades before the first wilderness proposal was raised. In this respect, all riparian areas along the middle Gila River face similar and formidable long-term challenges that are likely to go well beyond what a handful of protected areas, and the associated BLM managers, can be expected to address. Overall, the conservation promise of the Gila Box NCA appears to have materialized, with the seminal moment being the much-delayed passage of the final management plan in 1998 banning ORV use and riparian grazing.

## **6. El Malpais NCA, National Monument, and Wilderness**

In 1987 Congress passed Public Law 100-225 (the Act), which created three land designations in order to protect and administer the El Malpais region. The first is the 114,277-acre El Malpais National Monument, administered by the National Park Service (NPS). Adjacent to and nearly surrounding the National Monument is the El Malpais National Conservation Area (NCA). The approximately 263,000-acre NCA is administered by the Bureau of Land Management (BLM). Included within the NCA are the West Malpais and the Cebolla Wilderness Areas that together comprise about 98,000 acres. The Act also called for a wilderness suitability study for part of the NCA (the Chain of Craters Wilderness Study Area (WSA)), as well as the roadless portions of the National Monument.

Unlike some of the other special designation legislation, e.g., Gila Box, the El Malpais legislation split the area between the NPS and BLM, making analysis of the impact of land status designation more complicated. Any comparison of management requirements between the NPS-managed monument and the BLM managed lands (NCA, wilderness areas and multiple-use lands) must first recognize that the Act's mandates of "preservation" for the NPS and "protection" for BLM lands are qualitatively different. Second, the Act required the agencies to develop and implement their plans under different organic acts – NPS to conserve the resources unimpaired for the enjoyment of future generations and BLM to manage on a multiple use/sustained yield basis and/or to protect wilderness values. The Act also included specific provisions, most notably provisions on grazing that specified different management. With these separate starting points, it is not surprising that the NPS managed monument would differ in some significant ways from the BLM managed areas. Whether differences in management can be attributed more to the land status designation, the managing agency, specific requirements of the Act or actual differences in the resources, however, is difficult to assess. In most cases, it appears to be a combination of these factors.

The main difference among special designation areas regarding recreational vehicle access is between wilderness areas and the roadless area of the national monument on one hand and all other areas on the other. This difference is mainly in terms of fewer roads in the former as both BLM and NPS try to enforce limitation of motor vehicles to designated travel routes in all special designation areas. NPS enforcement of travel restrictions is better than BLM's primarily because of boundary fencing, the prohibition of hunting, and more funding for law enforcement. Evidently, BLM has actually closed more roads in the NCA (both within and outside the wilderness areas) than NPS has closed in the monument. This is, however, partially an artifact of the limited road development in the core area of the monument before designation. On the other hand, NPS has tried to assure that vehicle use is limited in its roadless area by recommending 83 percent of the area for wilderness designation – a proposal that includes slightly less of the monument area than BLM originally proposed as wilderness in 1981. This is in contrast to BLM's "non-suitable" recommendation for the Chain of Craters WSA which will allow continued vehicle access on the area's designated travel routes. The general access restriction (vehicles confined to designated routes) in all the special designation areas differs from more lenient rules in the pre-designation El Malpais area where BLM permitted vehicle access on all existing roads and trails. The general access restrictions are also more stringent than the rules for

small areas of multiple-use lands in the nearby Albuquerque area where BLM permits off-road vehicle use.

Differences in grazing among areas is almost exclusively due to legislative prescriptions that eventually eliminated grazing in the National Monument, but allowed grazing to continue in the entire NCA. There appears to be very little on-the-ground difference among BLM areas (NCA, wilderness and multiple-use lands) regarding grazing, except in terms of minor limitations on vehicle access for grazing in wilderness areas. Grazing on special designation areas is managed by the same staff as multiple-use lands and appears to be largely independent of the designations. BLM had made attempts to limit grazing on the area's largest allotment (including wilderness and non-wilderness NCA and multiple-use lands) to improve land health, but was largely unsuccessful due to pressure from the corporate allottee to maintain previous grazing levels despite any special designation.

Water is extremely limited in El Malpais and has been a minor issue regarding the special status designations. Regarding mineral development, there is little difference among the special status designations both because all three were withdrawn from mineral development, but also because of the low potential for development throughout the area.

Besides congressional mandates on specific resource issues, NPS and BLM both noted the importance of special designations for increasing both funding and management priority to support acquisitions, capital improvements (e.g., campgrounds and visitor centers), and personnel, especially enforcement. Agency managers reported that special management areas may get some additional attention and funding; formal special designation areas receive more; Congressional designations receive priority over Presidential designations. Both agencies also commented on the funding edge that NPS has over BLM regardless of land status designation. A notable exception to an increase in funding for the NCA, including its wilderness areas, is for grazing which continues to be managed along with multiple-use lands out of the field office despite its special land status.

## **Special Designations<sup>2</sup>**

### **1. Rationale for Designation and Boundaries**

The decision to designate an area a National Monument, a NCA or a wilderness area is influenced by the public's and Congress' perceptions of the designations and the managing agency. Wilderness areas are seen, correctly, as the most protective and restrictive designation available to Congress. This is the case even though Congress has historically created wilderness areas with "non-conforming" uses in them such as power developments, high voltage transmission lines and mines. Special designations traditionally managed by the National Park Service (NPS) are seen as the next most restrictive designation even though many National Parks and Monuments have substantial commercial enterprises within them. Because NCAs are typically managed by the BLM, an agency with a multiple use mandate, they are viewed as more

---

<sup>2</sup> This section addresses only the Gila Box and El Malpais case studies.

flexible than monument designations even though the management prescriptions for NCAs are usually laid out by Congress in the designating legislation.

The choice of designation often involves both an inclusion and an avoidance aspect. NCAs and National Monuments are often focused on including a particular landscape level geographic feature such as a riparian or river corridor or lava flows and caves. On the other hand, deciding between a NCA, a monument, or a wilderness often involves avoiding the conflicts associated with pre-existing uses such as mineral development or potential development, historic grazing, or established off highway vehicle (OHV) use. In addition, the presence of pre-existing uses can also be correlated to the historic physical ease of access to the area. Boundaries may also be influenced by existing administrative boundaries. For example, contiguous lands were excluded from the El Malpais NCA largely because they were in a different county and BLM resource area. Private land ownership also influences external boundaries, although most of the special designations include private in-holdings.

In regard to wilderness designation, agency recommendations do not appear to be particularly influential in whether or not Congress designates a wilderness. Although most wilderness areas have been designed to avoid conflicts, even conflict avoidance is not a sure fire determinant in figuring out which areas will be designated wilderness. For example, the Needle's Eye Wilderness had numerous unpatented mining claims and a high voltage power line going through the middle of it at the time of designation.

No clear cut patterns regarding boundaries emerged from looking at the two NCAs, one National Monument and four wilderness areas.

## **2. Legislative Prescriptions**

There are no set formulas for legislative prescriptions for National Monuments, National Conservation Areas or wilderness areas. While National Monuments are mentioned in other pieces of legislation (NPS Organic Act and Antiquities Act), NCAs are not mentioned or defined in legislation other than the designating act. Congress generally lays out more prescriptions for monuments and NCAs in the designating legislation than it does wilderness areas which are generally directed to be managed in accordance with the Wilderness Act.

For the two NCAs in the El Malpais and Gila Box case studies, the purpose of the designation was to “protect” special resources but for the National Monument, the purpose was to “preserve” the special resources. All seven of the special designations studied in that project (two NCAs, one National Monument, and four wilderness areas) were withdrawn from entry, mining, and mineral and geothermal leasing but were subject to valid existing rights. Similarly all seven had express reservations of water to carry out the purposes of the designation.

There was no legislative direction given regarding OHV use in the El Malpais National Monument or NCA and only minimal direction given in the Gila Box Riparian NCA (to limit OHV use to roads and trails designated in the management plan).

Grazing and hunting appear to be two areas where there is a pattern, but the pattern is perhaps more closely aligned with the managing agency than the land designation. Congress directed that grazing be phased out of the El Malpais National Monument (and therefore also any subsequent wilderness area created within the monument). Grazing and hunting are specifically allowed on all of the designations on BLM lands.

## **Implementation in Agency Management Plans<sup>3</sup>**

### **1. Grazing**

In reviewing all six case studies the Center has conducted (including a National Monument and National Park managed by the NPS, four National Conservation Areas managed by the BLM, one National Recreation Area managed by the Forest Service and multiple wilderness areas), patterns related to designation and grazing are not conclusive. The NPS has, however, eliminated grazing entirely in both its areas, while grazing continues in all four BLM NCAs and the Forest Service NRA. Grazing has been eliminated in wilderness areas managed by NPS and Forest Service, but continues in all four BLM managed wilderness areas.

Regarding grazing, the NPS appears to be responding to legislative directives of both its organic act and specific designation legislation. The NPS has implemented the specific legislative direction for El Malpais National Monument by eliminating livestock grazing ten years after designation. The NPS gradually eliminated grazing in Saguaro National Monument, including its wilderness area, without a specific legislative mandate to do so. The agency eliminated grazing largely through land ownership changes and voluntary relinquishment of allotments several decades after the area became a national monument.

With less legislative direction regarding grazing in BLM NCAs and the Forest Service NRA, results have been mixed. In two of the NCAs (Gila Box and King Range) grazing management has been adjusted to virtually eliminate the controversy associated with protective designation and the areas are being managed consistent with the purposes of the NCA. The Gila Box Riparian NCA management plan implements the legislative direction with substantial changes being made to livestock grazing aimed at protecting the area's sensitive riparian resources.

In contrast, in El Malpais NCA and the Snake River Birds of Prey NCA, the NCA designation has made little if any difference in the way grazing is being managed. Congressional direction merely stating that areas should be managed in a manner compatible with the purposes of their designation does not guarantee the land management agencies will make the tough calls to bring grazing management in line. The El Malpais NCA management plan sets ecologically protective goals for grazing and grazing levels have been monitored and reevaluated with permit renewals, but there has been little perceptible change in livestock grazing management, including in NCA wilderness areas, and there are continued impacts to the rangeland resources from current management. Grazing also continues at levels and in ways that continue to create conflict in the Hells Canyon NRA although the wilderness area allotments within the NRA have been vacated.

---

<sup>3</sup> Except for part 2 (Water Rights), this section addresses all six case studies.

## **2. Water Rights**

The agency management plans for the Gila Box and El Malpais designations indicate that the United States would pursue the express reserved water rights of their establishment legislation. In Arizona, BLM has filed for water rights for the three specially designated areas: water rights applications are on file for the Gila Box Riparian NCA and the Fishhooks Wilderness Area and the BLM has records that it filed for the Needle's Eye Wilderness Area.<sup>4</sup> The Gila River adjudication is moving slowly, however, so no reserve rights have yet been quantified. In New Mexico, the United States is participating in the on-going general stream adjudications for the El Malpais area, but little progress has been made on that adjudication. There is no current adjudication that covers the West Malpais and Cebolla Wilderness Areas, but adjudication is anticipated in the future.

Despite Congressional direction reaching back 15 and 18 years, little progress has been made on securing quantification of wilderness federal reserve rights, but it is because of the slow pace of the adjudication process in both Arizona and New Mexico, rather than because of agency inaction. At least in the El Malpais area, lack of quantification of water rights has made no difference as little if any water is naturally available for the reserve right.

We did not explore water rights in detail in the first four case studies so a comparison of all six case studies is not possible with regard to water rights.

## **3. OHV-Travel Management**

Congressional direction on OHV use in the Gila Box Riparian NCA was focused on the management plan with direction to permit vehicles only on routes specifically designated for such use. In addition to designating routes for travel and closing the NCA to off road travel, the plan dramatically reduced the number of roads open for recreational access in the riparian area from 38 miles to 2 miles. Some use of motorized vehicles by grazing permittees may exist in the nearby Fishhooks and Needles Eye Wilderness Areas although this cannot be confirmed or denied based on the information compiled.

NPS management of the El Malpais National Monument changed vehicle access very little from pre-designation BLM multiple-use management. About 95% of the monument has no roads and few marked routes. Prior to designation BLM consistently identified the area as having outstanding wilderness, natural and cultural resource values and high scenic qualities. This area was the main area of the El Malpais Instant Study Area, designated as such because of its previous designation as Outstanding Natural Area and National Environment Area. Building on this long history of roadless management, NPS does not expect very many visitors to use the few designated backcountry roads for motorized recreation.

Despite the lack of Congressional direction regarding OHV use in the El Malpais NCA, BLM management actions for the NCA and its wilderness areas have substantially reduced motorized

---

<sup>4</sup> Although these filings did not show up in the state water rights database when the case study was being prepared, subsequent communications with BLM in Arizona indicates that rights have been filed on the Needle's Eye Wilderness Area in anticipation of the on-going Gila River adjudication.

vehicle use of the entire area. The El Malpais NCA Management Plan designated the two wilderness areas (40 percent of public land acreage) as “closed” and all other public land acreage as “limited.” The “limited” designation confines vehicle use to designated travel routes. Non-NCA lands in the vicinity of the NCA also carry the more restrictive “limited” designation. The plan also reduced the density of vehicle routes throughout the area by closing 83.4 miles of vehicle routes.

In reviewing all six case studies with regard to OHV and travel management, it appears that OHV and travel management is an area where special designation can greatly reduce OHV use and its associated impacts. All of the special designations limited travel to designated routes only and all of the wilderness areas are closed to OHV use (with some limited exceptions for use by permittees). In most areas the previous travel management prescriptions allowed substantially more OHV use than after designation and the subsequent development of a management plan. In addition, many miles of roads were closed and rehabilitated in most of the areas. Despite these apparent successes, it should be noted that the travel management planning process to accomplish these OHV limitations can take many years (sometimes decades) to accomplish and rogue incursions from illegal OHV use continues to be a problem in many areas.

#### **4. Minerals**

The Gila Box Riparian NCA and nearby wilderness areas as well as the El Malpais National Monument, El Malpais NCA and associated wilderness areas were all withdrawn from disposal under the public land laws; from location, entry and patent under the mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing. The Gila Box area is heavily mineralized, but the threat of mineral development was handled in a variety of ways. The Gila Box Riparian NCA is located near the Morenci copper mine, one of the world’s largest open pit mines. While there were mining claims within the boundary of the NCA at the time of designation, BLM challenged the claims and eventually invalidated them. The final boundary of the Fishhooks Wilderness Area was reduced from the boundary of the wilderness study area in order to eliminate 76 unpatented mining claims from the wilderness boundary. However, at the nearby Needle’s Eye Wilderness Area, the boundary included 43 unpatented mining claims. Despite the heavy mineralization in the area, there is no mining activity within any of the designated areas. While there remains scattered private subsurface mineral estate throughout the El Malpais area, there is no mineral development and little mineral resource potential.

In the six case studies we examined, no current mineral activities were on-going or anticipated in any of the specially designated areas. This includes areas with unpatented mining claims in existence at the time of designation. All of the Congressional designations studied withdrew lands from activities under the mining and mineral leasing laws except for the King Range NCA, which was the first NCA ever designated by Congress. Careful Congressional review of potential mineral development, and the exclusion of areas where mineral development is truly likely, has resulted in no mineral development conflicts in any of the areas reviewed.

## **5. In-Holdings and Boundary Changes**

Both the Gila Box and the El Malpais designating legislation authorized acquisition of lands and interests in lands through voluntary means and both identified specific parcels of particular interest for acquisition or exchange. Substantial progress has been made in these areas to consolidate land and mineral ownership in these designated areas. This progress is likely due to the focus and priority that the special designation provides in the agencies' budgeting processes. The elimination of private or state in-holdings not only makes on-the-ground management of the special designation easier, it can eliminate the need for motorized access and allows the closing and rehabilitation of roads resulting in larger roadless areas. It can also eliminate conflicts with inappropriate development such as mineral or residential development.

Since designation, the Gila Box Riparian NCA has had no boundary change and the El Malpais NCA and the El Malpais National Monument have made only an insignificant boundary change to accommodate a visitors' center. Boundary changes may, however, be in store in the future. The BLM is in the process of a land exchange for a riparian area adjacent to the boundary of the Gila Box Riparian NCA and this would likely be recommended for inclusion within the NCA once accomplished. The BLM has also recommended adding about 40,000 acres to the El Malpais NCA.

There was Congressional authority to acquire in-holdings in all of the NCA, NRA, National Monument and National Park designations studied and some amount of acquisition has occurred in all of them. Boundaries have been expanded in important ways in the King Range NCA and Saguaro National Park. Proposals for boundary expansion have been unsuccessful at the Hells Canyon NRA. It is clear that the land tenure configuration at the time of Congressional designation can, and often does, change over time. The presence of private or state in-holdings is not necessarily a barrier to special designation or successful management of the area.

## **Study Questions**

### **1. How do these designations compare to management under the laws generally applicable to the public lands?<sup>5</sup>**

Unquestionably, each of the six areas examined in this study is "better off" than it would have been in the absence of legislation. That is certainly true for King Range NCA. Significant restoration work has been done to repair environmental damage caused by logging and other human activities. In excess of 25,000 acres of inholdings were acquired within King Range NCA. Those acquisitions, in combination with significant restoration work, have led to a situation where more of the area now qualifies for wilderness designation than was the case at the time of designation.

Saguaro evolved from a national monument to a national park, with a number of expansions along the way. Grazing was eliminated in the park twenty-five years ago and few traces of the

---

<sup>5</sup> This section addresses all six case studies.

area's mining history remain. Today, 80% of the area is protected as wilderness. In 2004, the significant resource threats owe to the area's popularity for recreation, development pressures on adjacent and nearby private land, and air pollution from sources near and far. Given the history of national monument and then national park designation and then additions of much of the area to the wilderness system, the area has been far more protected than it would have been under the laws that otherwise control management of the public lands.

The Hells Canyon legislation designated nearly a quarter million acres of wilderness, and eliminated Sheep Mountain Dam from further consideration by the predecessor agency to the Federal Energy Regulatory Commission (FERC). Logging and grazing have declined significantly in the intervening period, and grazing has been eliminated from the area's wilderness areas. This is particularly noteworthy since Congress directed that the non-wilderness portion of the NRA be managed pursuant to the laws that are applicable to public outdoor recreation (including logging, mining and grazing) but in a manner compatible with conservation of scenic, scientific values, fish and wildlife habitat, and other purposes of the act. That formula appears to have provided the Forest Service with ample discretion to pursue its conservation objectives within the NRA.

Even in the case of Birds of Prey, the legislation averted the principal threat to lands critically important for raptor habitat and hunting: the disposition of land under various disposal laws and the consequent conversion of land to agricultural uses. The act also precluded any potential threat from mining and mineral resource development. Although the BLM had taken many of these actions administratively, those actions were limited in duration and could have been reversed by subsequent administrations.

It is clear to the authors that at a bare minimum, these designations removed the principal threats to these six significant natural areas. Significant restoration and acquisition occurred at King Range NCA, Saguaro is now protected from internal threats, Hells Canyon NRA includes wilderness and wild and scenic river corridors and the other lands are managed more sensitively than are adjacent forest lands. Even the Birds of Prey designation preserved future administrations' ability to build on the legacy created by the initial designation in 1993.

However, it is also true that significant time and public pressure was an essential ingredient to many of these advances. Hells Canyon NRA has benefited immensely from the constant advocacy of national, regional and local conservation groups over the course of more than a quarter century. It took King Range NCA's managers thirty years to get a handle on ORV use, and public pressure was a key factor in that eventual success. Conservationists are still struggling with grazing, ORV use, invasive species and other threats at Birds of Prey NCA. Saguaro has moved relatively smoothly to a high state of resource protection, but that success also is due in no small measure to pressure from local and regional conservation organizations.

## **2. How do these designations compare to management under the Wilderness Act of 1964?<sup>6</sup>**

Saguaro National Monument and Park offers perhaps the easiest comparison under this metric: nearly 80% of the park is now wilderness and is so managed. Hells Canyon presents a somewhat similar situation, since nearly a quarter million acres within the area have been designated as wilderness; there are no material differences between how these and other wilderness areas are managed. On the other hand, while logging has declined significantly in the last several decades, timber removal still occurs within the non-wilderness portions of Hells Canyon NRA. That is a clear distinction between how these non-wilderness areas are managed and how they would be managed were they added to the wilderness preservation system. In addition, motorized access is available on a number of paved and unpaved roads within the non-wilderness portions of the NRA; under a wilderness designation, these corridors either would be closed or cherry-stemmed.

At the time King Range NCA was established, some areas remained roadless but significant environmental damage had occurred elsewhere as a result of grazing, logging, and human developments. As a result of restoration work that has occurred in the last thirty years, the surface area that qualifies for wilderness designation has increased, and several wilderness study areas have been identified. These areas are managed to maintain their wilderness characteristics. Pending legislation to designate or expand a number of wilderness areas in California would expand these wilderness study areas and add them to the wilderness preservation system. In other parts of the NCA, small communities continue to function and motorized access continues to be available. Management of these zones clearly falls short of the standards set by the Wilderness Act.

Finally, the relatively small raptor nesting area along the Snake River is managed to maintain its natural state and that management regime is not significantly different from that which would obtain in a wilderness area. The much larger area – which provides the raptor prey base – consists of upland range lands traversed by numerous minor roads and power lines. Its management regime closely resembles the multiple use-approach that would obtain on other BLM lands. This part of the Birds of Prey NCA continues to experience serious management problems. On the other hand, the area's long history of ranching and grazing, the long-established use of part of the area as a military training area, and the area's proximity to a major metropolitan area (and a concentration of ORV users) made wilderness designation of the prey habitat area outside of the river corridor a highly unrealistic option at the time the NCA was created. That continues to be the case today.

## **3. What are the benefits of alternative designations?<sup>7</sup>**

Trade-offs between designations are often debated during the legislative process. Although these trade-offs do not mean that various special designations cannot go together. Wilderness areas are often designated within the boundaries of other designations such as NCAs, NRAs or

---

<sup>6</sup> This section addresses the four case studies from the first project.

<sup>7</sup> This section addresses all six case studies.

National Monuments and Parks. While non-wilderness special Congressional designations may be less protective than wilderness, many benefits can accrue from these special designations.

Special designations can be effective at removing external threats from development including incompatible development of non-federal in-holdings (e.g. El Malpais and King Range NCAs and Saguaro National Park), development of new dams (e.g. Hells Canyon NRA), mining and mineral leasing development (e.g. Gila Box NCA), and land disposition (e.g. Snake River NCA).

In most cases, the associated management plans provide protections for the primary resources for which the area was designated. This move from a multiple use management mandate to a more dominate use mandate can allow the managing agency to focus on the special resources of concern in the area. However, the management planning process can be long and drawn out resulting in some of the protections envisioned by Congress being delayed while the agency goes through the public process of plan development, litigation and protests. When it comes to grazing management, the planning process may fail to adequately address the threats to the resources of the area (e.g. El Malpais and Snake River Birds of Prey NCAs). And just because the management plan calls for agency action, it does not necessarily mean the agency will follow through.

While budgets were not analyzed in detail in these case studies, it is the authors' belief that special designations have resulted in increased budgets (over non-designated multiple use lands) that have allowed restoration work and better management of the resources at hand. The designations also help provide a higher priority when it comes to land acquisition funding and land exchanges. Increased public attention and expectations also accompany special designations.

## Conclusions<sup>8</sup>

First, the scope and intensity of pre-existing land uses appears to affect how areas are managed under alternative management schemes. For example, at Saguaro National Monument/Park, mining was never successful and grazing was occurring at a relatively small scale and was limited to certain sections of the monument/park. As a result, the vested interests that often oppose special designations were not significant players in this instance. Birds of Prey NCA represents the opposite case, where grazing has a long history and agricultural interests initially were strong opponents of any legislation to protect the raptor prey areas. Grazing (and the other pre-existing use, military training) continues to challenge BLM at Birds of Prey NCA. In Hells Canyon, a strategic series of grazing restrictions (to protect bighorn sheep) and base property acquisitions eventually allowed the Forest Service to eliminate grazing in the NRA's wilderness areas. Economics appears to have been equally important in reducing timber removal in the NRA.

Second, we noted that in every case, legislation to designate these special areas was adopted by near-consensus. In the case of King Range and Hells Canyon, congressional advocates had to try

---

<sup>8</sup> This section addresses all six case studies.

numerous times, and build broad bases of support, to get the legislation enacted into law. In the case of Hells Canyon, an initiative from a bipartisan set of governors from the affected area ultimately broke the stalemate over that area's protection. But it is also true that long-term, committed activism by conservationists was responsible for pushing that legislation to success, and to the area's current relatively positive management for protection of natural resource values.

Third, at Hells Canyon and Birds of Prey, grazing continues to be a source of environmental damage and a contentious and difficult management challenge. The problem appears to be most serious and immune to change at Birds of Prey NCA. However, it is difficult to link the persistence of that problem at Birds of Prey NCA and the Forest Service's ultimate willingness to tackle the same problem at Hells Canyon NRA to a difference in the statutory standards for management. While the statutory management standards for these two areas are different, the statutory management standard for Birds of Prey seems adequate to the task of managing grazing and ORV use. Instead, the differences in outcome between these two areas appears to be partly attributable to the more organized and effective opposition to change at Birds of Prey, and partly attributable to a level of resource deterioration that is beyond the control of the ranchers in this area.

Fourth, at both Hells Canyon NRA and Birds of Prey NCA, ORV use is a continuing problem. At Birds of Prey NCA, the problem may actually be intensifying and includes both recreational and military ORV use. At Hells Canyon NRA, while the Forest Service is making progress in controlling and restricting ORV use, it continues to be a source of friction in several areas and may even be intruding into a wilderness area. It took 30 years for the BLM and the public finally to get a handle on the same problem at King Range NCA. These developments confirm the observations of other observers that ORV use is a serious and increasingly important use on public lands across the West.

Fifth, at the same time it is useful to note that non-conforming uses occur within King Range, but that the agency and local citizens appear to have worked out an entente that has permitted the agency to control incompatible uses while conducting important restoration activities. Similarly, the presence of a large dam within Hells Canyon NRA does not appear to have adversely affected the public's experience within the broader NRA. At least some conservationists suggest that the military has better managed the training area within Birds of Prey NCA than the BLM has managed the surrounding lands. And Saguaro National Park actually is composed of two units divided by a major metropolitan area. Thus, it is not possible to conclude that such nonconforming uses necessarily detract from protection of important natural values.

Sixth, even though legislation expanded Saguaro National Monument several times, then re-designated the area as a national park, and then designated much of the park as wilderness, each action was relatively non-controversial. Similarly, King Range was substantially enlarged by subsequent legislation (the Federal Land Policy and Management Act). Conversely, while the Congress has designated additional wilderness within Hells Canyon NRA, proposals to expand the NRA have failed badly. Proposals to designate wilderness at King Range also have been unsuccessful, although the prospects for eventual designation appear good, since there likely will

be little opposition.<sup>9</sup> Legislative initiatives to resolve the problems at Birds of Prey NCA are unlikely.

---

<sup>9</sup> In 2005, the Northern California Coastal Wild Heritage Wilderness Act (S. 128/H.R. 233) , sponsored by California Senators Barbara Boxer (D) and Dianna Feinstein (D) and Representative MikeThompson (D), passed the Senate and was considered by the House Resources Committee.

## Appendix 1. Special Status Designations Comparison Table

AREA	Grazing	Minerals	OHV-Travel	Water Rights	In-holdings & Additions	Other Management Issues
<b>Gila Box Area (NCA, Fishhooks Wilderness Area, Needle's Eye Wilderness Area)</b>						
Pre designation	Grazing in entire area	Many unpatented mining claims	OHV use in canyon bottoms	Gila River fully appropriated since 1935	Several parts of river corridors in private hands	
Designation Legislation P.L. 101-628 (1990)	Silent on grazing in NCA; manage in accordance with Wilderness Act for wilderness areas	Full withdrawal	Vehicle travel only on routes designated in NCA management plan	Reserved; direction to agencies to file for reserved water rights	Authority to acquire lands and adjust boundaries as needed	
NCA Management BLM	Grazing eliminated in riparian areas	No mining activity; existing claims were challenged and "repealed."	OHV only on designated roads; almost all trails & roads closed	Reserved rights filed for in 1994	Acquisition of private riparian lands underway	
Fishhooks WA Management BLM	Light grazing continues	No mining activity	Limited by Wilderness Act	Reserved rights filed for in 1994		
Needle's Eye WA Management BLM	Light grazing continues	No mining activity	Limited by Wilderness Act	Unclear if BLM water rights filings have been recorded by the state		Power line thru area; but not much conflict

AREA	Grazing	Minerals	OHV-Travel	Water Rights	In-holdings & Additions	Other Management Issues
<b>El Malpais Area (National Monument, NCA, Cebolla Wilderness and West Malpais Wilderness)</b>						
Pre designation	Grazing occurred throughout the area, but minimal in core area	Checkerboard split estate but minimal development and conflicts	Core area was roadless; travel limited to existing roads because of Special Management Area designation	Minimal surface water and water conflicts	Extensive private lands & subsurface minerals	Logging, commercial fuelwood gathering, and personal fuelwood gathering
Designation Legislation P.L. 100-225 (1987)	NM: Grazing eliminated in 10 years NCA: Grazing permitted to continue subject to FLPMA and reasonable regulation WAs: Grazing permitted where preexisting; manage according to Forest Service WA grazing guidelines	Full withdrawal for all areas	Not addressed	Explicit federal reserve water right for all areas	Land exchanges and purchases authorized for all areas	NCA and WAs: No sale or commercial wood gathering
National Monument Management NPS	Grazing eliminated, minor trespass problem	No active mines; historic mines closed; some reclaimed; all subsurface mineral estates acquired	Core roadless area became the NM; travel on designated roads/trails only	U.S. joined on-going adjudication; no final action	Most in-holdings acquired	No logging or fuel wood gathering
NCA Management BLM	Grazing continues with associated problems	No active mines; priority to obtain all subsurface mineral rights	Travel use limited to designated roads/trails; areas designated "limited"	U.S. joined on-going adjudication; no final action	Many in-holdings acquired	No sale or other commercial wood gathering, but thinning projects allowed
Cebolla Wilderness Area Management BLM	Grazing continues with associated problems	No active mines; priority to obtain all subsurface mineral rights	Travel use limited to authorized use; areas designated "closed"	Ongoing adjudications do not cover the area; future adjudication planned for area	Most in-holdings acquired	No sale or other commercial wood gathering, but thinning projects allowed; equipment use limited
West Malpais Wilderness Area Management BLM	Grazing continues with associated problems	No active mines; priority to obtain all subsurface mineral rights	Travel use limited to authorized use; areas designated "closed"	Ongoing adjudications do not cover the area; future adjudication planned for area	Most in-holdings acquired	No sale or other commercial wood gathering, but thinning projects allowed; equipment use limited

AREA	Grazing	Minerals	OHV-Travel	Water Rights	In-holdings & Additions	Other Management Issues
<b>Snake River Birds of Prey NCA</b>						
Pre designation	Substantial grazing and cultivated agriculture	84 oil & gas leases, 17 geothermal leases, 2 clay mines, 14 s&g permits	OHV use limited only in Natural Area		Extensive state& private in-holdings	Portion used as bombing range
Designation Legislation P.L. 103-64 (1993)	Grazing may continue if it remains compatible with the purposes of the NCA; need not further the purposes of the NCA	Full withdrawal	Not addressed	U.S. should take all steps necessary to protect all water rights claimed by the United States, but no need for a federal reserve right	Authorized acquisition of in-holdings through voluntary means	Continued use of area as bombing range allowed subject to study and reevaluation; need not further the purposes of the NCA
NCA Management BLM	Grazing continues with associated problems; reevaluation may result in change of timing of use	No mineral leases in effect; several community pits operate	Most travel limited to designated roads, but still a problem; military allowed off-road access in training areas		Minor in-holding acquisition	Continued use of area as bombing range
<b>Kings Range NCA</b>						
Pre designation	Grazing on public land and private in-holdings	Open to hard-rock & mineral lease.	Open to OHV use; no travel management planning		Extensive checkerboard; problems with private land degradation	Timber cut on private & public land; new houses being built
Designation Legislation P.L. 94-579 (1974)	Grazing to continue	Not withdrawn	Not specifically addressed	Not addressed	Authority and direction to acquire in-holdings	Timber cut-ting allowed; residential communities within NCA boundary
NCA Management BLM	Grazing allowed; AUMs increased over pre-designation likely due to private land acquisition.	Open to hard-rock & mineral leasing but no activity.	Designated routes only & many roads closed/ rehabilitated; took 30 years to complete travel management planning		>25,000 acres of in-holdings acquired plus boundaries expanded	NW Forest Plan precludes harvesting

<b>AREA</b>	<b>Grazing</b>	<b>Minerals</b>	<b>OHV-Travel</b>	<b>Water Rights</b>	<b>In-holdings &amp; Additions</b>	<b>Other Management Issues</b>
<b>Saguaro National Monument</b>						
Pre designation	Grazing eliminated by NPS in 1979	Mining activity ceased in 1940's; withdrawn in 1933	No OHV since area was previously a monument	Most streams ephemeral	State, private & university in-holdings	Urban encroachment
Designation Legislation NP: P.L. 103-364 (1994) WA: P.L. 94-567 (1976)	Not addressed	Full withdrawal	Not addressed	Implied reserved water rights	Authority to acquire land & expand boundaries	
National Park Management NPS	No grazing	No mining	No OHV	Minor surface water and few, minor water development structures	Many but not all in-holdings acquired and boundaries expanded	Urban encroachment
Wilderness Area Management NPS	Grazing eliminated by NPS in 1979	Mining ceased in 1940's; withdrawn in 1933	Majority of area designated wilderness in 1976			
<b>Hells Canyon National Recreation Area</b>						
Pre designation	Grazing	36unpatented claims	OHV use permitted	New dams proposed	Checkerboard in-holdings	Existing dam
Designation Legislation NRA: P.L. 94-199 (1975) WA: P.L. 98-328 (1980)	Grazing allowed if not incompatible	Full withdrawal but mining allowed on valid existing rights if not incompatible	Direction to study travel & road needs but OHV use not addressed	Forbids new water development projects; maintain free flowing nature of rivers; implied reserve right	Authorized to acquire in-holdings even w/o consent	Timber harvest by selective cut-ting allowed; hunting & fishing allowed
Recreation Area Management USFS	Grazing amount has reduced but conflicts still exist	No minerals activity	Limited to designated routes & closed some areas & roads; OHV use still an issue	No new water developments allowed	Some acquisitions; proposals to expand boundaries have failed	Some timber harvest by selective cutting; W&S Rivers designated
Wilderness Area Management USFS	Allotments vacated	No claims in wilderness	Closed			No timber harvest