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TO: Interested Parties
FROM: Andy Kerr
RE: Addendum to *Persuading Congress to Establish and Wilderness and/or Wild and Scenic River: A Checklist*
DATE: 21 April 2015

Since I first published *Persuading Congress to Establish a Wilderness and/or Wild and Scenic River: A Checklist*¹ in 2007, both much and almost nothing has changed. Changes include:

- The politics are significantly better for conservation.
- Social media is transforming citizen education and advocacy.

What hasn't changed is that to persuade Congress to act to save a Wilderness or Wild and Scenic River is that it actually takes an Act of Congress. The more items you can check off on the checklist, the more likely you will achieve your goal. Below are some additional or revised suggestions, observations that I intend to incorporate when I get around to revising the publication.

1. Research. Google as a research assistant is more important than ever. Often, information to make the case for a Wilderness and/or Wild and Scenic River designation can be plumbed from Forest Service and Bureau of Land Management and other on-line documents and information. USFS Land Management Plans and BLM Resource Management Plans are the place to start. What are the agencies planning to do with your beloved free-flowing stream and/or roadless area? Extensive watershed analysis documents have been prepared for most watersheds within the Northwest Forest Plan (NWFP; the range of the northern spotted owl). If your area is within a NWFP Late Successional Reserve (LSR), check you the relevant agency-prepared LSR Assessment. For eastside forests look for relevant documents prepared in support of the "Interior Columbia Basin Ecosystem Management Plan" (ICBEMP; www.icbemp.gov). One has to dig, but it can be worth it: <http://www.fs.fed.us/pnw/publications/icbemp.shtml>. Root around the websites of the relevant national forest and/or BLM district. You may well find nuggets of

¹ Kerr, Andy. 2007 [Persuading Congress to Establish and Wilderness and/or Wild and Scenic River: A Checklist](#). Larch Occasional Paper #1. The Larch Company, Ashland, OR and Washington, DC.

utility. Various state agency (fish and wildlife, water resources, environmental quality, parks and recreation, etc.) websites may yield interesting finds.

2. Social Media. I have nothing offer on the subject/opportunity/necessity other than to say if you don't do social media then connect with those that do. Such is now a vital communication channel for first informing and then activating citizens to advocate.

3. Mineral Withdrawal for the entire Wild and Scenic River. The default setting under the Wild and Scenic Rivers Act of 1968 (WSRA) is that only those segments of a Wild and Scenic River that are classified as “wild” are protected from mineral exploitation. However, Oregon U.S. Senator Ron Wyden (D-OR) and the Rep. Peter DeFazio (D-4th-OR) both understand that if a stream is worth making a Wild and Scenic River, it's worth protecting from mining. Until WSRA is amended, special language withdrawing the entirety of new WSRs in Oregon from the application of the federal mining laws in necessary.

4. Multiple-Segment Wild and Scenic Rivers. Wyden and DeFazio support legislation that would add 122 miles of tributary streams to the existing 84.5-mile lower Rogue Wild and Scenic River. While each and every proposed stream segment would independently qualify as a Wild and Scenic River, the legislation both elected officials are advancing would direct the managing federal agencies to manage all the connected stream segments as *one* Wild and Scenic River. (Senator Wyden is also proposing the same for tributary streams to the Elk Wild and Scenic River.) As you consider the free-flowing streams in the watersheds of most concern to you, consider adding to existing WSRs or making new WSRs that are not limited to just one mainstem segment. A stream segment proposed for addition need not actually connect directly to the existing Wild and Scenic River, if otherwise hydrologically connected. For more information on Oregon WSRs, see my paper on the subject.²

5. Multiple-Unit Wilderness. In Oregon today, the Clackamas, Hells Canyon, Mount Hood, North Fork John Day, Oregon Islands, Soda Mountain and Steens Mountain Wilderness Areas all have multiple units.³ Rather than designate each roadless area as its own Wilderness, Congress grouped related roadless units into one Wilderness designation. For purposes of achieving designation as Wilderness—as well as later management as Wilderness—multi-unit Wilderness Areas is a good idea.

6. “Small” Wilderness. One out of every 15 Wilderness areas designated by Congress is a freestanding Wilderness of less than 5,000 acres in size.⁴ Consider the Clackamas Wilderness, designated by Congress in 2009, which includes five units: Big Bottom (1,263 acres), Clackamas Canyon (1,247 acres), Memaloose Lake (1,131 acres), Sisi Butte (3,243 acres), and South Fork Clackamas (2,579 acres). Though “small,” all have wilderness character. The Wilderness Act defines a Wilderness as having “at least five thousand acres of land *or is of sufficient size as to make practicable its preservation and use in an unimpaired condition.*”⁵

7. Voluntary Federal Grazing Permit Retirement. The Wilderness Act expressly “grandfathers” grazing where it occurred at the time of designation of the Wilderness. When

² Kerr, Andy. 2012. [National Wild and Scenic Rivers and State Scenic Waterways in Oregon](#). Larch Occasional Paper #13.1. The Larch Company, Ashland, OR and Washington, DC.

³ Kerr, Andy. 2012. [The National Wilderness Preservation System in Oregon: Making It Bigger and Better](#). Larch Occasional Paper #11. The Larch Company, Ashland, OR and Washington, DC.

⁴ Kerr, Andy. 2012. [Small Wilderness: No Big Deal](#). Larch Occasional Paper #8. The Larch Company, Ashland, OR and Washington, DC.

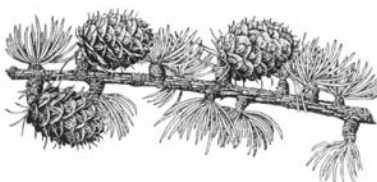
⁵ 16 U.S.C. 1131(c)(3). [emphasis added]

establishing the Soda Mountain Wilderness in 2009, Senator Wyden included legislative language to facilitate the voluntary retirement of federal grazing permits in and near the Wilderness. Voluntary federal grazing permit retirement is ecologically imperative, economically rational, fiscally prudent, socially just and political pragmatic.⁶

8. Overarching Conservation in the Form of National Recreation Areas, National Conservation Areas or the Like. The ultimate conservation protection is a combination of Wilderness, Wild and Scenic River and an overarching watershed-to-landscape-level conservation designation.⁷ Often, the conservation values in a watershed or landscape are not fully captured by solely Wilderness and/or Wild and Scenic River designation. You may wish to consider proposing an overarching national recreation area (NRA) on USFS and/or BLM lands, or national conservation area (NCA) on BLM lands. Don't hang up on the term "recreation." A modern NRA enacted by Congress will emphasize conservation while providing for compatible and sustainable recreation. *21st Century National Recreation Areas for Oregon's National Forests and BLM Public Lands*⁸ offers model legislative language (for an NRA or an NCA) as well as examine the conservation benefits and limitations of Oregon's three existing NRAs. I have prepared a paper that examines the conservation value of each and every especially congressionally designated conservation designation for Oregon.⁹ In addition, I've prepared a paper that examines the multitude of congressional conservation designations that have been applied to federal public lands.¹⁰

Conclusion

As you develop your Wilderness and/or Wild and Scenic River proposals and campaigns, I'm available to help. Initial assistance (and that may be all you really need) can be *pro bono* (no cost). If more of my assistance is wanted either for initial help or on an ongoing basis, I am available for consulting.



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⁶ Kerr, Andy. 1998. [The Voluntary Retirement Option for Federal Land Grazing Permittees](#). Rangelands 20(5). October.

⁷ Kerr, Andy and Mark Salvo. 2008. [Overlapping Wilderness and Wild & Scenic River Designations Provide Maximal Conservation Protection for Federal Public Lands](#). Environmental Law Online. Issue 38:3.

⁸ Kerr, Andy. 2015. [21st Century National Recreation Areas for Oregon's National Forests and BLM Public Lands](#). Larch Occasional Paper #20. The Larch Company, Ashland, OR and Washington, DC.

⁹ Kerr, Andy. 2012. [Special Congressional Conservation Designations in Oregon](#). Larch Occasional Paper #12. The Larch Company, Ashland, OR and Washington, DC.

¹⁰ Kerr, Andy. 2015. [National What-Have-You Areas: Congressional Conservation of Our Public Lands](#). Larch Occasional Paper #21. The Larch Company, Ashland, OR and Washington, DC.