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# D<sup>2</sup>

The Wilderness Act of 1964 defines Wilderness, in part, as "...an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain...an area of undeveloped federal land retaining its primeval character



without permanent improvements or human habitation, which is managed and protected so as to preserve its natural condition." Any federal land designated Wilderness, in any of the 50 states, falls under the provisions of the Wilderness Act.

## What is Wilderness?

Wilderness does not stand alone but is a designation layered over other land units such as National Parks, National Wildlife Refuges and National Forests. Only Congress can create Wilderness and decide if all or only part of a National Park, Refuge or Forest will be Wilderness. Wilderness Study areas, however, can be created by the administrative branch of government (e.g., the Secretary of Interior) and layered over federal lands. Wilderness study lands are managed essentially as Wilderness until Congress makes the final decision on whether to statutorily designate the study area as Wilderness.

On lands designated Wilderness or Wilderness study, there are certain general prohibitions: no permanent roads; no motorized vehicles, equipment or boats; no landing of aircraft; no permanent buildings or installations, and no commercial enterprises. To these general prohibitions common sense exceptions are made for management and for emergencies involving the safety of visitors to the Wilderness.

Legislation creating Wilderness areas sometimes allows certain activities to continue as they have in the past such as use of motorboats and landing of aircraft in specifically designated places.

It has been found since passage of the Wilderness Act that the strictest interpretation of its provisions

was not practical and that minor relaxations were needed. The law proves flexible enough to allow trails and rustic signs, sanitary facilities in areas of heavy use, and even small footbridges. Certain light commercial activities are permitted on some Forest and Refuge Wilderness lands, such as trapping, big game guiding and horse rentals for Wilderness travelers.

The primary purposes of National Parks, Refuges and Forests do not change with Wilderness or Wilderness study overlay. For example, hunting is allowed in a National Forest and in a Wilderness Forest as well.

The Chairman of the Senate Energy and Natural Resources Committee feels that Wilderness under the law is not unduly restrictive, but the federal agencies which manage Wilderness lands, such as the National Park Service, the Fish and Wildlife Service and the Forest Service, have managed Wilderness in such prohibitive ways that the public believes it is the Wilderness law itself which prohibits many activities in a Wilderness area. The committee chairman says the managing agencies should not interpret the Wilderness Act in an unduly restrictive way, contrary to the intent of Congress when it wrote the Wilderness Act of 1964.

## Alaskan Wilderness

In the case of Alaska, the Alaska lands bill which is finally passed by Congress will designate certain Alaska lands as National Parks, National Wildlife Refuges, additions to National Forests and Wild and Scenic Rivers. All or part of particular units may be designated Wilderness or Wilderness study. The recently passed Udall bill has 67 million acres of Wilderness and the remaining 61 million acres are Wilderness study.

Certain exceptions to the hard and fast Wilderness

prohibitions will likely be granted in the final Alaska lands bill, such as the use of snowmachines on Wilderness lands for Native and non-Native subsistence activities.

Other exceptions are being sought, among them special rights of access for recreation, transportation and utilities. Any exceptions will be spelled out in the final Alaska lands legislation so that it is clear to the managing agencies as well as to the general public.

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