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Wilderness Legislation: History of Release Language, 1979-1992

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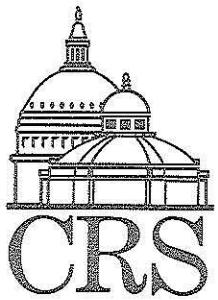

WILDERNESS LEGISLATION: HISTORY OF RELEASE LANGUAGE, 1979-1992

SUMMARY

In 1979, the Forest Service completed a nationwide review of potential national forest wilderness areas, and presented recommendations to Congress for additions to the National Wilderness Preservation System. The adequacy of this study in meeting NEPA requirements was challenged successfully in court. Congress responded to the court decision, and the potential for additional wilderness studies, by developing release language that: 1) prevents judicial review of the first round of Forest Service analysis of wilderness potential; 2) guides the timing of future Forest Service wilderness reviews; and 3) provides for managing undesignated, potential national forest wilderness areas prior to such future reviews.

The continued relevance of release language has been questioned. Release language has apparently been successful in preventing administrative appeals and litigation based on the wilderness suitability reviews. However, the original Forest Service wilderness review has been succeeded by recommendations in national forest plans, and some argue that all planning decisions should be subject to judicial review, and that it is difficult to insulate only the review of wilderness suitability from judicial review, and not other decisions. Retaining and modifying release language may also be appropriate, because there is no direction for presenting wilderness recommendations from national forest plans to Congress and because of questions over how long wilderness characteristics must be protected.

Other agencies have also reviewed the wilderness suitability of their lands. The management issues addressed in release language have not been relevant for lands managed by the National Park Service or the Fish and Wildlife Service, but may be relevant for Bureau of Land Management (BLM) lands. In addition, the BLM is required to protect the wilderness characteristics of the areas under study "until Congress determines otherwise." Thus, some form of release language may be needed, especially for the BLM recommendations in 10 western States that are pending before the President and Congress.

This report provides a history of several of the forms of release language introduced since 1979, and examines whether release language is still relevant and adequate.

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Wilderness areas are Federal lands that have been designated by Congress as part of the National Wilderness Preservation System. Wilderness areas generally have no roads or other facilities, and timber harvesting and many other activities are prohibited or restricted in wilderness areas. Because such activities are permitted on many Federal lands, decisions to designate -- and not to designate wilderness areas -- can be controversial.

"Release language" has been included in many laws that designated national forest wilderness areas. It was developed in the early 1980s during the debate over Forest Service wilderness areas, principally because a lawsuit successfully challenged the agency's wilderness suitability review. Release language has provided direction on Forest Service review of undesignated roadless areas and on the management of such areas until the review and recommendations are final.

Release language is still part of the debate over wilderness designations, in large part because statewide wilderness bills with release language have not been enacted for two western States with substantial national forest roadless areas (Idaho and Montana). Release language was a focus of debate over the Montana National Forest Management Act of 1992 (S. 1696). Although release language has to date generally been applied only to national forest lands, it might also be relevant for other agencies, especially the Bureau of Land Management, whose wilderness recommendations are pending before the President and Congress. A review of the history that led to release language is essential to understanding its possible relevance in the future.

BACKGROUND

Controversies over wilderness designation to date have generally focused on the national forests, because national forest lands were the first Federal lands managed under an administrative system of wilderness, and were the first ones designated as part of the National Wilderness Preservation System by Congress. The Forest Service established the first wilderness area in New Mexico in 1924, and created an administrative system of wilderness, wild, and primitive areas. Numerous external pressures, including congressional consideration of a statutory wilderness system, led the Forest Service to request (and Congress to enact) the Multiple-Use Sustained-Yield Act of 1960 (MUSYA),[1] to recognize and maintain its discretion over land management (including administrative wilderness management). MUSYA states: "The establishment and main-

[1]Act of June 12, 1960, Pub.L. No. 86-517, 74 Stat. 215; 16 U.S.C. 528-531.

tenance of areas of wilderness are consistent with the purposes and provisions of this Act."[2] Thus, MUSYA allows the Forest Service to retain undeveloped lands, managed to preserve wilderness values.

Despite the provision in MUSYA, concerns about the permanence of the Forest Service's administrative system led Congress to enact the Wilderness Act in 1964.[3] This Act established the National Wilderness Preservation System (NWPS), with an initial endowment of 9.1 million acres of national forest lands that had been previously designated as wilderness administratively. The Act also reserved to Congress the authority to designate future wilderness areas, but directed the Secretary of the Interior to review the wilderness potential of large roadless areas within the National Park and National Wildlife Refuge Systems, and the Secretary of Agriculture to review the wilderness potential of the 5.5 million acres of administratively designated Forest Service primitive areas. The Federal Land Policy and Management Act of 1976 (FLPMA)[4] directed the Secretary of the Interior to review the roadless areas managed by the Bureau of Land Management (BLM).

The Forest Service chose to expand the scope of the primitive area review to include all National Forest System roadless areas greater than 5,000 acres. This study, the Roadless Area Review and Evaluation (RARE), began in June 1970 and included more than 12 million acres in 274 areas. However, the study was criticized, because national forests in the East, national grasslands, and all areas of less than 5,000 acres were excluded; a lawsuit challenged the study, claiming that the exclusion of 44 million acres from the analysis violated the National Environmental Policy Act of 1969 (NEPA).[5] The Forest Service abandoned RARE in 1972 without making any wilderness recommendations.

THE SECOND ROADLESS AREA REVIEW

The Forest Service began a second nationwide, state-by-state wilderness study, RARE II, in June 1977. The examination was broader in scope than the first effort, including more than 62 million acres in 2,919 areas. In addition, RARE II was carried out as an acceleration of the planning process mandated

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[2]16 U.S.C. 529.

[3]Act of Sept. 3, 1964, Pub.L. No. 88-577, 78 Stat. 890; 16 U.S.C. 1131-1136.

[4]Act of Oct. 21, 1976, Pub.L. No. 94-579, 90 Stat. 2743; 43 U.S.C. 1701, *et al.*

[5]Act of Jan. 1, 1970, Pub.L. No. 91-190, 83 Stat. 852; 42 U.S.C. 4321-4347. Section 102(2) of NEPA requires Federal agencies: (A) to use an interdisciplinary approach in planning and decisionmaking; (B) to consider environmental amenities and values; and (C) for "major Federal actions significantly affecting the quality of the human environment," to prepare statements assessing the environmental impacts of the action and alternatives to the action and to make such statements available to the public.

for the national forests by the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA) and the National Forest Management Act of 1976 (NFMA).[6] This differed from the original RARE study, which was carried out before Congress had provided direction for Forest Service land and resource management planning. RARE II was also intended to meet the requirements of the National Environmental Policy Act of 1969 (NEPA), and with public participation. Various alternatives and public comments were, thus, considered in shaping the RARE II recommendations.

The RARE II Recommendations

The RARE II Final Environmental Impact Statement (FEIS) was issued on January 1, 1979. Three categories were used to recommend the disposition of the roadless areas: *Wilderness*, *Further Planning*, and *Nonwilderness*. The areas recommended for wilderness would be protected until Congress added the areas to the NWPS.[7] Areas recommended for nonwilderness would be available for multiple-use management, and thus could be available for logging, livestock grazing, motorized recreation, recreational facilities, and energy and mineral development. While MUSYA recognizes that maintaining wilderness characteristics is consistent with multiple-use management, the regulations in effect at that time apparently directed only nonwilderness multiple-use management for areas not designated.[8] Further planning areas would be restudied in national forest planning, recommended either for wilderness or for nonwilderness, and managed accordingly.

The RARE II FEIS recommended more than 15 million acres (nearly a quarter of the RARE II study area) for wilderness and nearly 11 million acres (17 percent of the RARE II area) for further planning. The other 36 million

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[6]Respectively, Act of Aug. 17, 1974, Pub.L. No. 93-378, 88 Stat. 476, and Act of Oct. 22, 1976, Pub.L. No. 94-588, 90 Stat. 2949; 16 U.S.C. 1600-1614, *et al.* Together, these laws define a process and 15-year cycle for preparing, amending, and revising integrated, multiple-use land and resource management plans for units of the National Forest System.

[7]The Wilderness Act (Pub.L. No. 88-577) required the Forest Service to protect the undeveloped character of the administratively designated primitive areas until Congress designated or rejected the areas; today, only one primitive area, the Blue Range in Arizona, remains neither designated nor released from this direction in the Wilderness Act. For the other areas that the Forest Service chose to review in RARE II, an explicit rejection of wilderness designation was not anticipated or believed necessary.

[8]See the discussion of the Forest Service regulation at 36 C.F.R. 219.12(e) (1981) in *California* v. *Block*, 690 F. 2d 753, 762 (9th Cir. 1982). This regulation was controversial, and presented an issue as to the management of areas classified as nonwilderness in RARE II that was ultimately resolved in the compromise release language.

acres (58 percent of the RARE II area) were recommended for nonwilderness, to be available for multiple-use management.

On April 16, 1979, President Carter submitted his wilderness recommendations to Congress. The Carter Administration recommendations closely followed the Forest Service recommendations, with less than 1 million acres shifted to categories other than those recommended by the Forest Service. While the 96th Congress enacted wilderness statutes based on some of these recommendations, most remained pending after the 1980 election. Subsequently, the Reagan Administration generally endorsed the Forest Service recommendations in its congressional testimony.

The California Lawsuit

On July 25, 1979, the State of California sued the Forest Service. The State argued that the RARE II FEIS did not meet the NEPA requirements for 47 areas in California that were recommended for nonwilderness, because the agency did not adequately examine the effects of its decision on the wilderness quality of the individual areas.

On January 8, 1980, a U.S. district court held that the RARE II FEIS violated NEPA.[9] The judge found that the document did not contain adequate, site-specific analysis of: 1) the wilderness values foregone in recommending that the areas be available for development, or 2) the impacts of potential development. He also found that the alternatives were "heavily skewed towards development", and the Forest Service "effectively undercut the possibility of serious public participation in its decisionmaking process." Finally, the judge enjoined the Forest Service from any activities which would alter the wilderness values of those 47 areas.

The Forest Service appealed the U.S. district court decision. On October 22, 1982, the Ninth Circuit Court of Appeals largely upheld the lower court's decision. The appeals court reversed the lower court's finding with respect to the agency's public participation process, but upheld the findings that: 1) the FEIS was inadequately site-specific on wilderness values and the impacts of potential development, and 2) the range of alternatives was too narrow. The appeals court also upheld the injunction preventing development in RARE II areas recommended to be available for development.

The Crowell Re-Evaluation

As a result of the Ninth Circuit Court ruling, Assistant Secretary of Agriculture for Natural Resources and Environment John Crowell directed the Forest Service to re-evaluate *all* RARE II recommendations on February 1, 1983. This new wilderness review was to be conducted within the ongoing RPA/NFMA planning for the national forests. However, Crowell also announced that the

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[9]*California v. Bergland*, 483 F. Supp. 465 (E.D. Cal. 1980), *aff'd in part, rev'd in part, sub nom. California* v. *Block*, 690 F. 2d 753 (9th Cir. 1982).

national forests in a State would be exempt from the re-evaluation, if Congress had enacted a statewide bill with language that: 1) precluded judicial review of the RARE II recommendations; 2) addressed the timing of future wilderness reviews; and 3) guided management of the areas in the interim.

Two aspects of the re-evaluation were controversial. One was whether all RARE II recommendations should be re-evaluated. Environmentalists felt that the re-evaluation should be limited to areas recommended for nonwilderness, since the California lawsuit only involved such areas. However, the Forest Service argued that it might be vulnerable to lawsuits from commodity-oriented user groups if recommendations for wilderness also were not evaluated.

The second controversial aspect was the decision to allow development already planned for RARE II areas recommended for nonwilderness, except for the areas under the court injunction. Some groups asserted that the injunction should be extended to all RARE II areas, halting development until the re-evaluation was completed. The Forest Service argued that only a limited area would be affected and that there was no congressional support for a moratorium on development. However, the Forest Service agreed to prevent development in areas designated in any wilderness bill that had passed either House of Congress until a law was signed or the bill died.

WILDERNESS BILL RELEASE LANGUAGE

The California lawsuit raised concerns about the legality of development in areas recommended for nonwilderness. After the RARE II FEIS was issued, numerous wilderness bills were introduced in the House and in the Senate, and several included release language. One provision was to prevent judicial review of the RARE II recommendations where Congress had examined the recommendations and decided which areas to designate as wilderness.[10] The release language provision concerning judicial review of the RARE II recommendations was not controversial at the time, and only one version has been enacted in the numerous wilderness statutes.

Release language also addressed: 1) the timing of future wilderness reviews (under RPA/NFMA planning), and 2) the management of areas not designated as wilderness, pending future review. Several versions of release language have been considered by Congress since the RARE II FEIS was issued; the two initial versions, developed in 1980, have been referred to as hard and soft release, with compromise release language developed in 1984.

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[10]This provision is often called sufficiency language, but this term can be misleading. This provision clearly expresses Congress's view that RARE II was sufficient for congressional purposes, "without passing on the question of the legal and factual sufficiency of the RARE II final environmental statement." The operative language, however, was that limiting judicial review.

Hard Release Language

Hard release language is, generally, proscriptive. Several versions of hard release were developed, with varying levels of restrictiveness. The first was developed in 1980, shortly after the decision in the California lawsuit, with a more restrictive version developed in 1982, and a somewhat less restrictive version in the Wyoming bill in 1983. The latter version is the only one to have passed the Senate, but no version of hard release has passed the House.

Hard release would have prohibited further reviews of the wilderness potential of national forest lands for at least several years. The most restrictive version would have prohibited *all* future reviews of the wilderness potential of national forest lands, thereby limiting the consideration of wilderness suitability solely to RARE II; other versions would have prohibited further wilderness review in planning efforts completed or begun before a specified date.

The range of management of lands not included in the Wilderness System by Congress would also have been restricted under hard release. Most versions directed that lands not designated as wilderness (or wilderness study areas) be managed for uses other than wilderness, a position reflected in the then-current regulations. (In addition, the initial version would have directed such management for areas recommended for further planning in RARE II, unless Congress had designated them wilderness by a specified deadline.) This direction would apparently have prohibited administrative wilderness management of areas not designated by Congress and, arguably, directs the Forest Service to attempt to seek development of all undesignated areas.

Hard release language thus implicitly would have amended MUSYA, RPA, and NFMA by narrowing the options authorized for national forest management. As noted above, MUSYA stated that wilderness protection is authorized under multiple-use management, and the RPA/NFMA planning process is to be consistent with MUSYA. Thus, by preventing the Forest Service from considering wilderness protection, hard release restricts the planning and management options authorized in MUSYA, RPA, and NFMA.

Soft Release Language

Soft release language is more permissive than hard release, and allows the continuation of processes and management choices under current law. The sole version of soft release evolved during the 1980 debate over national forest wilderness designations in California, and was enacted in statewide bills for Alaska, Colorado, and New Mexico in 1980 and for Indiana, Missouri, and West Virginia in 1982.

Under soft release, the Forest Service was not required to re-evaluate the wilderness potential for areas recommended for nonwilderness in RARE II until the RPA/NFMA plans were revised. Since the plans must be revised within 15 years, this was expected to allow 10 to 15 years of management for such lands without further wilderness review. This language was intended to make the

wilderness review part of the RPA/NFMA planning process. Soft release also prohibited statewide national forest wilderness reviews, again with the intent of assuring that future wilderness reviews would be done within the RPA/NFMA planning for each unit.

Soft release would also allow the Forest Service to manage the lands not designated as wilderness for uses other than wilderness under the initial RPA/NFMA plans. However, the agency could also protect the wilderness characteristics of those areas, if that management strategy was chosen in the planning process. Again, the intent was to allow the full range of management options authorized in MUSYA and determined in RPA/NFMA planning.

Compromise Release Language

Development interests felt that the soft release language developed in 1980 did not provide some of the protection they felt was needed. They generally desired greater limits on future Forest Service wilderness reviews, and were concerned about perceived loopholes that could be used to require new wilderness reviews within a few years.

Negotiations between Senator James A. McClure (then Chairman of the Senate Energy and Natural Resources Committee) and Representative John F. Seiberling (then Chairman of the National Parks and Public Lands Subcommittee of the House Interior Committee) resolved most of the industry concerns, and a compromise was announced in May 1984. The compromise modified soft release to clarify statutory direction on two points. One point was to clarify what constitutes a "revision" of the initial RPA/NFMA plans, and hence of the timing at which additional wilderness reviews must be conducted.

The other point was that lands not designated as wilderness would be managed for multiple use, under MUSYA and through RPA/NFMA planning; the wilderness characteristics of areas not designated "need not" be preserved, but could be protected if the Forest Service chose to do so in its planning process. The report by the Senate Energy and Natural Resources Committee on the Arizona Wilderness Act of 1984 confirmed that Congress intended to allow undeveloped management for undesignated areas, if the Forest Service decided on such management through the RPA/NFMA planning process.[11]

Public statements by Members of Congress and interest groups described the compromise as providing at least some of the certainty about the future use of "released" areas that industry groups sought. The wood products industry stated that the compromise met their immediate needs, and Senator McClure noted that the compromise resolved the problems and stated that the compromise release language would be used in all wilderness legislation.

The compromise release language opened the floodgates for wilderness legislation in the 98th Congress. Statewide wilderness bills were enacted for the

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[11]S. Rept. 98-463, 98th Cong., 2nd Sess. (1984) at 29.

national forests in 18 states: Arizona, Arkansas, California, Florida, Georgia, Mississippi, New Hampshire, North Carolina, Oregon, Pennsylvania, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin and Wyoming. Except for the designations in Alaska in 1980 (which tripled the Wilderness System), the wilderness designations by the 98th Congress were the largest addition to the Wilderness System since its creation in 1964.

THE FUTURE OF RELEASE LANGUAGE

The continued relevance of release language has been questioned by some observers. Release was primarily intended to insulate the RARE II FEIS from judicial review and permit the Forest Service to not reevaluate the RARE II recommendations in the initial RPA/NFMA plans for the national forests. The RARE II study is now irrelevant, however, because the RARE II recommendations have been superseded by recommendations made in the initial round of RPA/NFMA plans. Furthermore, only two States (Idaho and Montana) have sizable national forest roadless areas but no statewide release language. Similar release language has not been broadly applied to the lands managed by Interior Department agencies, because the National Park Service and Fish and Wildlife Service have not conducted comprehensive studies analogous to the RARE studies, and BLM wilderness recommendations have not been successfully challenged. Thus, the need for release language in the future is in doubt.

Arguments Against Release Language for the National Forests

Three arguments have been offered against continuing to enact compromise release language or some modification of it. The first is that the standard version is out-of-date, at least for the national forests. Release was intended to permit the Forest Service to avoid reviewing again the wilderness characteristics of areas not designated as wilderness during the initial RPA/NFMA plans for each national forest in the relevant State, because RARE II accomplished that task. However, the initial plans have now been completed, and some national forests are beginning the first revision of their RPA/NFMA plans. Reviewing the suitability of roadless areas -- for inclusion in the National Wilderness Preservation System or for administrative management to maintain the areas in an undeveloped state -- is a part of the planning process, and compromise release language expressly directs wilderness review during RPA/NFMA plan revisions.

The second argument against retaining and modifying the compromise release language is that wilderness recommendations should not now be exempt from judicial review. All other agency actions and decisions, made under RPA/NFMA planning for the Forest Service, are subject to administrative appeals and judicial review, and it is argued that wilderness recommendations should also be subject to challenges and review. Furthermore, while the Wilderness Act required protection of existing primitive areas until Congress determined otherwise, only the Blue Range Primitive Area in Arizona has been neither designated as wilderness nor released from this requirement.

The third argument against modifying sufficiency and release language is the difficulty in developing alternative legislative language that precludes judicial review of only the wilderness suitability recommendations in the RPA/NFMA plans, and not of other decisions in the plans. It was relatively simple to insulate the RARE II FEIS from judicial review, because RARE II was a separate study that reviewed only wilderness suitability. The RPA/NFMA plans, however, include many other land allocations and decisions about management emphases in addition to wilderness suitability determination. Exempting such decisions from judicial review would substantially amend the RPA/NFMA process for public participation in and oversight of agency decisionmaking, and would go far beyond the scope of release language to date. For example, some were concerned that the language in the Montana National Forest Management Act of 1992 (as passed by the Senate) could be interpreted to exempt decisions beyond the wilderness suitability recommendations in the RPA/NFMA plans for the national forests in Montana. At a minimum, developing language acceptable to all interests has proven difficult.

Arguments Favoring Release Language for the National Forests

There are basically three arguments favoring retaining and modifying the compromise release language. First, no direction currently exists for presenting wilderness recommendations to Congress as part of the planning process. The Forest Service has apparently been sending copies of its RPA/NFMA plans, which contain wilderness recommendations in a variety of formats, to the appropriate committees of Congress; however, the wilderness recommendations in the plans are often difficult to discern from the masses of data and maps identifying the management direction for the entire national forest. Establishing a system for presenting Congress with recommendations from future wilderness reviews appears to be a suitable topic for wilderness legislation.

The second argument for retaining and expanding release language is the question of how long wilderness characteristics must be protected. No time period is currently specified for protecting the wilderness characteristics of areas recommended for wilderness, but not designated by Congress; presumably, such areas will be protected at least until the RPA/NFMA plans are revised and the wilderness suitability is reviewed again. Because the decision about which areas to designate is made by Congress, some question whether the Forest Service will be able to develop areas recommended for multiple-use management without additional clarifying language. This presumption may be warranted based on the California lawsuit, but it is unclear that reviews of wilderness suitability in the RPA/NFMA plans would be found inadequate in the same ways that the RARE II FEIS was found inadequate. In the only case to date on Forest Service wilderness recommendations in RPA/NFMA plans without release language, the court found that the Forest Service review was adequate, even though only 4 of 47 roadless areas in the Idaho Panhandle National Forest were recommended for wilderness.[12]

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[12]*Idaho Conservation League* v. *Mumma*, 956 F. 2d 1508 (9th Cir. 1992).

The third argument for retaining and modifying release language is that release language has apparently worked as intended. No Forest Service actions have been stopped by administrative appeals or litigation in roadless areas that have been released, under either soft or compromise release, because of the inadequacies of the review of wilderness suitability.[13]

Release Language and Interior Agency Lands

As noted above, release language was developed during the consideration of national forest wilderness bills. With a limited exception, release language has not been applied to lands managed by agencies of the U.S. Department of the Interior. The management issues addressed by release have not arisen for National Park System and National Wildlife Refuge System lands, because these lands are managed to preserve particular uses and values, as specified in the enabling legislation for each area, and many of the uses proscribed by wilderness designation have already been prohibited on these lands.

Some form of release language may be relevant for roadless lands managed by the Bureau of Land Management (BLM). As with the national forests, BLM lands are managed for multiple uses, some of which conflict with preserving the wilderness characteristics of roadless areas. FLPMA requires land use plans for BLM lands, and §603(c) directed an initial review of the wilderness suitability of BLM lands.[14] However, BLM's land use plans are not required to be cyclical or on a definite time frame, as is specified for the RPA/NFMA plans. Thus, no clear direction is provided as to future reviews of wilderness suitability. Such direction has been one of the two key elements of release language for the national forests.

The other key element of release language for the national forests has been the direction on management of roadless areas. Section 603(c) specifies that the wilderness characteristics of the BLM areas under review are to be protected, "until Congress has determined otherwise." Thus, some version of release language may be necessary for the BLM to permit development of the roadless areas that have not been recommended for wilderness or that were recommended but not designated by Congress.

One version of release language has been enacted for particular areas. This version "releases" the BLM from the §603(c) requirement to protect wilderness characteristics of roadless areas. It was first enacted for several Montana areas

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[13]This is not to suggest that all activities in roadless areas have proceeded, but only that flaws in the wilderness review have not been the basis for any successful challenges.

[14]The definition of multiple use in §103(c) of FLPMA does not expressly state that wilderness management is a recognized use, but includes "natural scenic, scientific, and historical values" in a non-limiting list of resources.

in the Lee Metcalf Wilderness Act of 1983,[15] and was then enacted for certain BLM lands in the Arizona Wilderness Act of 1984.[16] The version has also been applied statewide to BLM roadless lands in the Arizona Desert Wilderness Act of 1990;[17] §102 of that Act states:

> . . . . the Congress hereby finds and directs that all public lands in Arizona, administered by the Bureau of Land Management pursuant to the Federal Land Policy and Management Act of 1976 not designated as wilderness by this title, or previous Act of Congress, have been adequately studied for wilderness designation pursuant to section 603 of such Act and are no longer subject to the requirement of section 603(c) of such Act pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

This version of release does not address the other management issues debated in release language for national forest roadless areas -- the timing of future wilderness suitability reviews and management of potential wilderness areas in the interim.

The question of release language may arise in future BLM wilderness bills. To date, the Arizona Desert Wilderness Act of 1990 is the only statewide BLM wilderness bill enacted. However, as required by FLPMA, the BLM presented its wilderness recommendations to the president by October 21, 1991. President Bush submitted wilderness recommendations for BLM lands in California in 1991 and for Idaho, Nevada, New Mexico, Oregon, Utah, and Wyoming in 1992; President Clinton is required to submit the remaining BLM wilderness recommendations (for Alaska, Colorado, and Montana) by October 21, 1993. Release language may be debated as Congress considers BLM wilderness legislation in these States.

[15]Act of Oct. 31, 1983, Pub.L. No. 98-140, 97 Stat. 901.

[16]Act of Aug. 28, 1984, Pub.L. No. 98-406, 98 Stat. 1485.

[17]Act of Nov. 28, 1990, Pub.L. No. 101-628, 104 Stat. 4469.