

The Essence of Indecision: The Hayduke Principle and Wilderness Policy Paralysis on National Park Service Lands

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Undisputed areas of wilderness exist within several “crown jewel” National Park Service (NPS) units, especially Grand Canyon National Park, Glacier National Park, and Yellowstone National Park. However, since the late 1970s these areas have only been provisionally protected, which leaves open the possibility for change (particularly on the fringe) with new park leadership despite the NPS policy to retain the character of land with wilderness potential. Gary Everhardt, who director of NPS during the mid-1970s, warned Congress in 1976 that “many people ask why have wilderness in National Parks at all. I think our answer to that is very simple: It precludes capricious action by a future land manager which might have the result of allowing development or use practices what would be inconsistent with out congressional mandate to preserve units of the National Park System for future generations. It is the recognition by law of the highest land classification that the nation can bestow on its natural resources” (Congressional Record 1976:18). In fact, 13 million acres in 40 NPS units have been recognized as potential wilderness and await official permanent protection (Watson 1996). In 1994, the Congressional Research Service noted that almost half of the pending recommended wilderness areas waiting for designation are in areas of the National Park System (Gorte 1994).

At the bottom of the indecision to formally designate these wilderness areas is a cultural barrier to wilderness compromise. Wilderness is unnecessarily seen as either “on/existent” or “off/nonexistent.” Indeed, novelist Edward Abbey’s famous character in *The Monkey Wrench Gang*, George Hayduke, measured driving distances in six-pack increments—36 six-packs to New York City, for instance. And the empty cans went out the window because it’s not the litter that is the problem—it’s the road. Any sign of civilization spoils the area for an indeterminate distance, completely and forever. The divisive argument that any particular area does *not* qualify for wilderness works to the advantage of either pro-wilderness advocates or anti-wilderness organizations. Pro-wilderness NGOs (non-governmental organizations) may argue for the complete and absolute elimination of some activity for wilderness, or opponents of designation may suggest that an indistinct and ancient road disqualifies thousands of acres. We call this the “Hayduke Principle.” This dualism prevents compromise over wilderness

designations. With closer inspection of designated and undesignated wilderness areas, we find that neither nature, nor human use, conforms to this strict division. Expecting such clarity provides serious barriers to designation, even areas that are geographically remote. Other areas that are highly contested experience high human use but low levels of development, such as the Colorado River corridor in Grand Canyon National Park.

The Wilderness Debate and the Hayduke Principle

Roderick Nash wrote: “The bitterness of the controversies that climaxed in the establishment of the National Wilderness Preservation System suggested that clear-cut, opposing factions were rallying to the standards of either the civilized or the wild” (Nash 1967:226). This struggle and the cultural values that surround it have promoted a dualism of pure nature and nature which has been soiled by human activity. Thus, areas receiving this important protection are strictly “untrammeled by man, where man himself is a visitor

who does not remain” (1964 Wilderness Act).

Linda Vance (1997) criticizes this dualistic thinking: “Wilderness is more than a land-use designation: it is the part of our environment that is idealized as ‘perfect nature,’ as, indeed, the highest or purest form of nature we have. In defining wilderness by the absence of humans, we are saying, in effect, that nature is at its best when utterly separated from the human world. The idea of wilderness is thus an extreme manifestation of the general Western conceptual rift between culture and nature” (Vance 1997). Places that are heavily used but not overtly developed, places within eyesight or earshot of roadways, places with established mountain bike use, or places in need of extensive restoration and anti-invasive weed measures do not fit our black-and-white expectations. These areas then complicate surrounding areas that otherwise clearly do fit. The debate is visceral. For instance some analysts suggest that in southern Utah there is a significant number of people who will not, under any circumstances, allow the government to have any wilderness, anywhere, at any time (McCool 2002).

Perhaps this duality comes out of a contrast with industrial expansion. Craig Allin argues that wilderness developed in relation to national development and expansion. Initially, wilderness was viewed as a “worthless impediment to progress” (1982:4). As a result, wilderness became more scarce and eventually more valued as a function of this scarcity. Thus, wilderness preservation, according to Allin, occurs as a result of the abuses of industrial expansion where wilderness becomes that place where development has not occurred. This same dynamic can be seen in other countries as well and strategies to protect those wild lands have been shared across international boundaries (Ostergren and Hollenhorst 1999).

If the standard for wilderness is too high, few places will qualify, and those that do will be subject to a high burden of proof that will be less likely to succeed and more easily defeated. Consequently, and importantly, less political power is needed to block wilderness designation than is needed to push it through,

which is important information for wilderness advocates. In fact, sometimes 99 votes in the U.S. Senate aren’t enough. One senator can put a “hold” on a bill until circumstances encourage him or her to acquiesce. This means that vigorous opposition (or almost any opposition) from the local congressional delegation must be avoided for designation to take place. The political reality is that some compromises may need to be made to get wilderness designation. The reality for wilderness advocates is that of the 2.3 billion acres in the United States, only 106,302,240 acres (Wilderness Information Network 2003) are protected to the highest extent of the law, and nature has compromised enough.

Grand Canyon National Park

Grand Canyon National Park is an illustrative example of wilderness policy paralysis. The vast majority of this park is undisputed wilderness; however, *none* is designated. This does not seem to be a result of Arizonan congressional resistance. Nine laws from 1964 to 1990 designate wilderness in Arizona, which has over 4.5 million acres of wilderness in ninety-three units. Arizona holds over 4% of the National Wilderness Preservation System, and has more wilderness than 46 other states. About 10% of these acres are managed by NPS in four designated areas: Chiricahua National Monument, Organ Pipe Cactus National Monument (the largest NPS Arizona wilderness unit), Petrified Forest National Park, and Saguaro National Park (National Wilderness Preservation System 2002). Nor does the problem seem to be the National Park Service. Most of Grand Canyon National Park has been treated as wilderness at least since 1980. Currently, the general management plan for the park reads: “Over 90% of the park will be managed as wilderness, in accordance with the park’s 1993 wilderness proposal.”

The problem is the division over designation within the Colorado River corridor. The river flows freely for 240 miles, but also experiences at least 23,000 floaters a year, a majority of whom ride with commercial river runners who use motors (Grand Canyon National

Park 1997). The subsequent generation of \$23.3 million in regional economic impact is a strong force in the debate (data are from commercial and non-commercial motorized and non-motorized raft trips from 2001; see Hjerpe 2003). The status of the river has been so ambiguous and irreconcilable that the park's wilderness plan has not even been forwarded to the secretary of the interior, from which it would go to the president after a new or refurbished environmental impact statement, and then to Congress—a trek longer than Bright Angel Trail itself. A solution that allows for designation of the gray area—the river—seems unlikely. The implication is that including the river takes the designation process of the whole park off the table.

Discussion and Suggestions

One issue that we only consider parenthetically is the bureaucratic behavior of NPS. Is it conforming to the 1964 Wilderness Act? We suggest that, yes, NPS is conforming to the best of its ability and is, in many cases, doing a very good job. On-the-ground implementation is just as the political science literature would predict. Regardless of the impasse at the congressional level, NPS has a policy to maintain the wilderness character of lands that may qualify. Some superintendents have a reputation for zealous preservation and observation of using the least-intrusive tool. Others may be a little more willing to employ motor-driven tools and vehicles, but several environmental NGOs we talked to felt that in some conditions, even helicopters *are* the minimum tools, compared with a long line of horses to supply remote sites or a series of burial pits for refuse. In the few cases where NPS refuses to forward recommendations, or put any effort into developing a wilderness plan (“back-country plan” by another name), wilderness advocates ought to keep up the pressure. The unfortunate byproduct of the NPS doing the best that any bureaucracy in its place can, is that outside organizations will inevitably do the best they can and turn to the courts. The recent suit by the Wilderness Society to compel NPS compliance is a tool to urge reallocation of funds and resources to wilderness

(filed in the U.S. District Court for the District of Columbia against Secretary of the Interior Gale Norton and NPS Director Fran Mainella). Unfortunately, NPS should expect such actions, and more in the future. If the United States is to protect its wilderness assets within the National Park System, then some agent or interest group must take a proactive stance. The group may be an NGO, a federal agency, or the general public itself through elections and actions. Of course, Congress may suddenly allocate additional funds for wilderness plans, management, and designation and thus preclude any further legal action.

If the nature/culture dualism is operating as we believe it is, then the policy solution would be to overcome it by allowing for complexity and compromise in our conceptions of what “good nature” looks like—and allowing for a more gradual change in perception, which presumably would take generations. Were the latter to occur and people were able to view human interaction with nature as neither dominion nor alien, then perhaps wilderness policy would become obsolete (to the extent that natural degradation is a result of human dominion and humans would live with wild nature rather than domesticating nature). Both of these developments are important, but policy decisions are needed in a more timely manner.

One strategy toward wilderness designation in the Grand Canyon is to separate the bulk of the park's wilderness from the Colorado River management plan. This is a strategy that seems to be taking place already, but is still under review. The local congressional delegation could meet with the NPS congressional liaison and Grand Canyon wilderness managers to negotiate two things.

First, this meeting should establish what areas are *uncontroversial* in order to free them for permanent, immediate protection. If both the congressional delegation from the region and the administration can agree on areas that are indisputable wilderness, it would be difficult for other members of Congress to argue against this. No riders—e.g. trading to keep other wilderness areas out of the process—

should be accepted at this time. Some congressional delegations we interviewed have said they would consider designating NPS wilderness if Title II precluded future designation of areas under the U.S. Forest Service (USFS) and Bureau of Land Management (BLM). This is the type of negotiation that stops wilderness bills in Utah: the environmental NGOs will not allow politicians to adopt “a shade of green” in Title I while developing the USFS and BLM areas that are more at risk.

Next, the ambiguous areas should be discussed in geographic detail with potential exemptions used to further protect areas that receive heavy use but maintain many wilderness qualities, such as the Colorado River. If negotiations over the river allow for permanent protection of that system, it may be worth allowing for a motorboat exemption, which is clearly permissible both by precedent, such as in Glacier Bay National Park and the Boundary Waters Canoe Area Wilderness, and by the wording of the original 1964 act under section 4(d)(1) (National Park Service 1998). If policy-makers and wilderness advocates struggle to keep motors out of the river in order to preserve “good nature,” it will take a great deal of time and political capital that apparently is more easily used to stall rather than forward wilderness protection. Also, the exemptions allowed in wilderness are not inherently “on or off” any more than wilderness itself; these exemptions should be heavily negotiated to at least reduce motor use in the river and balance out the distribution of passengers to private and commercial boaters. Even if wilderness advocates vehemently disagree with this specific recommendation, there seem to be very few good reasons for gambling the entire wilderness area in the Grand Canyon that can be permanently protected today on the less than 1% that cannot.

The Hayduke Principle assumes that wilderness designation is paralyzed by dualistic thinking and a dichotomy of what good nature and bad nature can be. We don't expect that all groups will compromise in all areas, although there is a chance that policy inertia could be overcome to decide on many NPS

areas and allow managers to move forward. The resulting conversations and differences may linger for many years, while old issues pass and new ones arise to complicate the wilderness debate. On the other hand, a chapter could close on millions of acres within the National Park System.

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