

Wilderness, Motorized Rafts, and the Grand Canyon

By Mark Grisham

Mark Grisham is the executive director of the Grand Canyon River Outfitters Association, a non-profit trade group that represents each of the licensed river running concessioners that operate in Grand Canyon National Park. This article is reprinted with permission from the Grand Canyon River Outfitters Association.

For the past three decades, an intractable controversy has simmered and sometimes boiled over regarding the use of low-powered outboard motors on pontoon rafts running the rapids of the Colorado River within Grand Canyon National Park. Today, three out of four professionally-outfitted river trip passengers, and a number of self-outfitted river trippers, choose to utilize motorized rafts powered by low-emission, low-noise, environmentally-friendly motors.

Despite the significant contribution that such motorized use offers by making a Grand Canyon river trip accessible to a substantially greater portion of the American public than would otherwise be the case, some continue to call for the elimination of such motorized trips. These efforts are linked to obtaining “wilderness” designation for the Colorado River corridor within the Park. It is believed, erroneously, that such a designation would necessarily prohibit the National Park Service from continuing to authorize motorized river trips.

Wilderness and the Grand Canyon

The Grand Canyon is, indeed, a national treasure. It is a World Heritage Site, which signifies its international standing as one of the planet’s most unique and valued places. Whether by hiking in the backcountry or rafting down the Colorado River, visiting the Grand Canyon is one of the world’s special experiences. Unfortunately, this “crown jewel” in the National Park System has sometimes become mired in a debate, not about proper ecological stewardship, but over whether five decades of motorized use along the river should end. This issue has long polarized groups and individuals that otherwise share a common, deeply held goal of preserving and enhancing the Grand Canyon and its unique river experience.

A common misunderstanding is that the Grand Canyon is a designated wilderness area. The Grand Canyon is not a wilderness area nor does it contain any wilderness areas. Nor is the National Park Service required to manage the river corridor as “de facto wilderness.” In fact, no areas within Grand Canyon National Park have ever been formally recommended, either by the Secretary of the Interior or the President of the United States, for inclusion into the wilderness system.

Congress passed the Wilderness Act in 1964, establishing the National Wilderness Preservation System, to close off certain areas of federal land and preserve their wilderness character. The Act defines wilderness, “in contrast with those areas where man and his own works dominate the landscape . . . 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.” It specifies that a wilderness area comprises undeveloped Federal land

retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its

preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

The Wilderness Act established a specific process for adding areas to the Wilderness Preservation System. Pursuant to this process, a land management agency (i.e., National Park Service, Bureau of Land Management, or United States Forest Service) can recommend areas meeting the statutory definition of wilderness to the Secretary of the Interior and the President. After receiving the Secretary's recommendation, a formal process exists by which the President makes a recommendation to Congress with respect to his determination regarding whether an area should be designated as wilderness. A Presidential wilderness recommendation becomes effective only if so provided by an Act of Congress. Thus, under the Wilderness Act, only Congress can designate federally managed areas as part of the National Wilderness Preservation System.

The Wilderness Act also directed the Secretary of the Interior to review all roadless areas of five thousand contiguous acres or more in the national parks and, within ten years, to report to the President on the suitability of each area for possible preservation as wilderness. In the Grand Canyon Enlargement Act of 1975, which provided for the further protection of the Grand Canyon and doubled the size of the Park, Congress modified the deadline for wilderness suitability review by the Executive Branch first set forth in the Wilderness Act in 1964. The 1975 Act specifically required the Secretary of the Interior to report to the President, within two years, his or her recommendation on the suitability or non-suitability of any area within Grand Canyon National Park for potential wilderness designation.

In 1980, Grand Canyon National Park produced a proposed wilderness recommendation, in which the agency (but not the Secretary of the Interior or the President) recommended that almost the entire backcountry area of the Park—approximately 1,000,000 acres—with the exception of the cross canyon corridor hiking trails be designated as wilderness by Congress. This recommendation included the Colorado River corridor, consisting of approximately 12,190 acres (or 1% of the total area) as “potential wilderness,” pending the elimination of motorized rafts from the river, which had been proposed by the Park as part of its then on-going river management planning process.

The “potential wilderness” designation, only if enacted into law by Congress, would mean that motorized use eventually would be eliminated and, once eliminated, the river corridor would become part of the Wilderness Preservation System automatically without any further action by Congress. (In 1993, the Park updated the 1980 recommendation, largely to reflect the acquisition of federal title to various lands within the Park's boundaries.) The Park's proposed recommendation, never formally transmitted to the Secretary of the Interior, together with the Park's attempt to eliminate motorized river trips through the river management planning process that was ongoing in the late 1970's, created substantial controversy.

Congress responded to the agency's proposal by passing an amendment offered by Senator Orrin Hatch (R-Utah) to the 1981 Department of the Interior appropriations bill that prevented the National Park Service from moving forward with its proposed phase-out of motorized river trips. In response, the National Park Service implemented a Colorado River Management Plan and subsequently issued river running concession contracts that continue to require motorized trips on the river. So was born the dichotomy involving the agency's proposed wilderness recommendation that attempts to classify the river corridor as “potential wilderness” (with an assumed eventual phase-out of motorized trips) and the agency's requirement that the Park's river concessioners continue to provide motorized river trips. It remains to this day.

Since 1981, no Secretary of the Interior or President has ever officially received or forwarded on a formal recommendation on the suitability or non-suitability of any areas within Grand Canyon

National Park for possible inclusion into the Wilderness Preservation System. Congress has yet to consider whether or not any areas within the Grand Canyon should be designated as wilderness.

Absent further congressional action, the Wilderness Act does not require the termination of motorized use on the Colorado River in the Grand Canyon. The question is whether the National Park Service, as a matter of agency policy, should manage Grand Canyon National Park and its Colorado River corridor in such a manner as to not impair its suitability for possible inclusion into the Wilderness Preservation System at some future point.

National Park Service has determined that the removal of motorized watercraft is not required either by the Wilderness Act nor current agency policies or guidelines. This is because the National Park Service has determined that such use is not diminishing the river corridor's future suitability for potential inclusion into the National Wilderness Preservation System. Motorized use is transitory in nature and does not harm or negatively impact the resource. If such use did impair the area's suitability for wilderness designation, after five decades of such use, certainly the Colorado River corridor within the Park would no longer be suitable for possible wilderness designation. Yet wilderness advocates maintain that the Colorado River corridor within the Grand Canyon does remain suitable for possible inclusion. If this is true, it can only be so because motorized use has not diminished the river corridor's wilderness character.

It is widely recognized, even by those advocating wilderness designation, that the river corridor through the Grand Canyon has been noticeably and almost certainly irreversibly modified as a result of the construction and operation of Glen Canyon Dam, just upstream from the Park. The Colorado River corridor downstream from the dam is no longer an "unimpaired natural area," a fact amply illustrated by the available scientific literature. That humankind has left an imprint on the Colorado River corridor within the Park is beyond dispute. The impacts caused by Glen Canyon Dam were not considered during the original formulation of the National Park Service's proposed Grand Canyon wilderness recommendation twenty-two years ago, and are a principal reason why today, that recommendation may not remain valid.

Motors and Wilderness

Given the exceedingly high demand for recreational whitewater trips through the Grand Canyon, motorized access is essential in order to provide the current level of public access for all types of visitors while continuing to meet strict resource and visitor protection mandates. Without such motorized use, the number of participants able to enjoy a professionally-outfitted trip could be reduced quite drastically, from about 19,000 to as little as perhaps 8,000 or 9,000 annually. This is simply not what the American people want. Many wilderness advocates, however, see such a dramatic decrease in public visitation as a positive outcome.

The continued use of motorized rafts neither affects any ultimate judgment by Congress nor would it likely be inconsistent with any action that Congress would take if it were to consider a wilderness recommendation for Grand Canyon National Park. Congress, both in the Wilderness Act and in statutes establishing specific wilderness areas, has recognized that motorized use and wilderness are not necessarily incompatible, especially when that use is already well established. Under the Wilderness Act, wilderness areas are to be "devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use" and managed so as to preserve the wilderness character of the area.

Section 4(c) of the Act generally prohibits activities such as timber harvesting, as well as roads, structures, and facilities, in wilderness areas. Although public use of motorized vehicles generally is

prohibited in wilderness areas, section 4(d)(1) of the Act includes an exception specifically allowing for the continuation of motorboat or aircraft use if those uses were established prior to an area's designation as wilderness by Congress.

In addition to provisions like section 4(d)(1), Congress, in a variety of wilderness designations, has authorized uses that might otherwise be restricted under the Wilderness Act. For instance, Congress has authorized use of motorized watercraft, motorized land access, aircraft use, and water infrastructure projects, among other activities, while designating specific wilderness areas. As a result, wilderness designation does not mean the same thing in every designated area.

Consequently, the continued use of motorized rafts is fully consistent with the requirements of the Wilderness Act and with all current National Park Service management requirements applicable to Grand Canyon National Park. The existing level and type of motorized use does not harm the resource and does not adversely affect the suitability of any area of Grand Canyon National Park for possible future congressional designation as wilderness. In any case, section 4(d)(1) of the Wilderness Act itself expressly contemplates the continued use of motorboats in wilderness areas where such use was "established" prior to designation of the area.

Motorized rafts are very much an established institution in Grand Canyon National Park. They have been used on the Colorado River within the Grand Canyon to run professionally-outfitted river trips for the public for the past five decades. They are a part of the Park's history, even assisting in its preservation. It was on motorized trips that large numbers of citizens in the late fifties and sixties, including many prominent, public figures, were first introduced to the Grand Canyon. This public exposure helped turn the tide away from the day's dam building proposals and helped build the public understanding that the Grand Canyon should remain protected.

Today, motorized trips are a principal reason why Grand Canyon river trips are accessible to a very broad range of the general public, from young children to the elderly, to those with even severe disabilities, to those who are spending the first night of their lives sleeping outdoors on their Grand Canyon river adventure.

The Future

The principal benefit motors provide along the Colorado River within the Grand Canyon is greater and broader public access. The level of visitation along the Colorado River within the Park, while meeting today's high standards for resource protection and visitor experience quality, simply would not be possible without the use of pontoon boats powered by low-emission, low-noise outboard motors. That segment of the American public able today to experience the Grand Canyon by river would be dramatically narrowed as a consequence of the elimination of this type of use.

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