

Wilderness “Installation” Defined

The 1988 Office of General Council opinion on caches and structures within wilderness areas advocated a “plain meaning” approach to interpreting Section 4(c)’s prohibitions. In applying this standard to fixed anchors in wilderness, Forest Service reviewing officer Darrell Kenops relied on his dictionary definition of “installation” to determine his conception of what the Wilderness Act prohibited. The Forest Service has consistently refused to supply The American Alpine Club or other interested parties with the legal analysis upon which Mr. Kenops relied for his ruling.

The prohibitions of Section 4(c) of the Wilderness Act should be interpreted in the context of the Act itself, Section 4’s management policies, and Section 4(c)’s enumeration of prohibitions. By failing to interpret the Act as a whole, administrators and advocates endanger the vision of the Act with the detail of the individual words. In certain contexts, the word “installation” can refer to an appointment to an office, a military base of operations, lighting or other electrical fixtures, or “something installed, as a system of machinery or apparatus placed in position for use.” By resorting to an individual dictionary definition of installation, we are dependent upon one conception of the word, independent of the words around it.

The legal principle behind interpreting words in their context is *ejusdem generis*. This principle states that ambiguous words in a statutory list should be interpreted as of the same kind as the other items in the list. In this case, “no installation” should be interpreted as of the same scope as “no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure.” The common theme of this list is the relatively large size, visibility and obtrusiveness of the things it prohibits. To interpret installation down to the miniscule size of bolts (approximately 1.5” x 1” for the hanger, 3” x 3/8” for the bolt shaft itself) is to ignore the context of the other, comparatively massive, prohibitions.

Clearly, using one of many dictionary definitions as the primary basis to prohibit a traditional and historic wilderness pursuit is troubling, especially when other legal principles and definitions contradict this one opinion.