

1.6 C. 4. Commercial Enterprises and Services

a. **General principles.** Commercial enterprises are prohibited in wilderness areas, except for valid existing rights and as otherwise provided for in Section 4(d) of the Wilderness Act. Section 4(d)(6) allows those commercial *services* necessary for activities that are proper for realizing the recreational or other wilderness purposes of the areas. Commercial services are allowed to the extent necessary for realizing these wilderness purposes. Allowable commercial services may include those provided by packers, outfitters, and guides, and may also include commercial filming (see sub-section b, below) or restoration stewardship contracts (see 1.6.C.15.f.vi of this manual). Determining the “extent necessary” is based on the following guidance:

- i. The BLM should determine through analysis if one or more of the public purposes of wilderness would go unrealized if there was no commercial use. If a given purpose can be adequately realized in a given place and time without commercial services then the commercial service is not necessary.
- ii. Commercial services may serve visitors who lack the necessary physical or cognitive ability or specialized knowledge, skills, or equipment to engage in wilderness recreation. To be allowable a commercial service must be necessary to realize wilderness purposes rather than only to provide a desired activity in a wilderness setting.
- iii. Commercial services may be necessary to address specific resource concerns, provide support for research or other projects, or provide wilderness education or interpretation.
- iv. In all instances, commercial services may be performed within the wilderness to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the area. For example, an overnight pack trip to a distant valley to experience wilderness solitude may be dependent on a wilderness setting and therefore would likely satisfy the statutory requirement that the service is proper for realizing the wilderness purposes of the area.
- v. Commercial services can be allowed only where their authorization will not impair wilderness character as a whole. Where commercial services are likely to impair wilderness character as a whole, reduction in commercial service use or non-commercial use (or both) may be necessary. Reductions will be based on levels of demand, need, equity, and availability of similar experiences in the vicinity of the wilderness.

b. **Commercial filming.** Commercial filming—the use of motion picture, videotaping, sound recording, or other moving image or audio recording equipment for commercial purposes—is considered a “commercial service” and is not permitted in wilderness unless it is necessary for realizing the recreational or other wilderness purposes of the area and does not otherwise utilize a prohibited use. Allowable examples could include a film that explains the importance of preserving the wilderness resource, describes the primitive recreational opportunities of the wilderness, describes the scenic beauty of the resource, or analyzes the educational and scientific value of the wilderness.

- i. The commercial nature of the filming is not dependent on the profit or not-for profit status of the filmmaker. A commercial film project involves the advertisement of a product or service, the creation of a product for sale, or the use of on-screen actors, models, sets, or props. The creation of a product for sale includes recouping production costs or television broadcast on either commercial or non-commercial broadcast stations, but does not include activities associated with broadcasts for news programs.

c. **Still photography.** Still photography is not prohibited, whether it is used for a commercial purpose or not, unless it involves the use of models or props, physical modification of the wilderness, or utilizes one of the prohibited uses described in 1.6 B 2.b.-j.