

NPS Management Policies, Ch. 6 Wilderness Preservation and Management

6.4.4 Commercial Services

Wilderness-oriented commercial services that contribute to public education and visitor enjoyment of wilderness values or provide opportunities for primitive and unconfined types of recreation may be authorized if they meet the “necessary and appropriate” tests of the National Park Service Concessions Management Improvement Act of 1998 and section 4(d)(6) of the Wilderness Act (16 USC 1133(d)(5)), and if they are consistent with the wilderness management objectives contained in the park’s wilderness management plan, including the application of the minimum requirement concept. Activities such as guide services for outfitted horseback, hiking, mountain climbing, or river trips and similar activities may be appropriate and may be authorized if conducted under the terms and conditions outlined in the park’s wilderness management plan and/or in legislation authorizing these types of commercial uses.

The only structures or facilities used by commercial services that will be allowed in wilderness will be temporary shelters, such as tents, or other specifically approved facilities that may be required within the wilderness management plan for resource protection and the preservation of wilderness values. Temporary facilities will generally be removed from the wilderness after each trip, unless such removal will cause degradation of the wilderness resources. In Alaska, additional guidance for the management of temporary facilities for hunting and fishing guides is found in the Alaska National Interest Lands Conservation Act section 1316 (16 USC 3204). The use of permanent equipment and supply caches by commercial operators is prohibited within wilderness.

Managers will ensure that commercial operators are in compliance with established leave-no-trace protocols.

(See Visitor Use 8.2; Commercial Use Authorizations 10.3)

NPS Director’s Order #41: Wilderness Stewardship

7.3 Commercial Services

Parks must make a documented determination of the types and amount of commercial services necessary to realize wilderness purposes (recreational, scenic, scientific, educational, conservation and historical) in a given area at a given time. This documented determination process should be undertaken using an interdisciplinary approach that includes the wilderness manager, commercial services staff, and other resource specialists. There are two specific legal requirements for allowing commercial services from the Wilderness Act (16 U.S.C. 1133(d)(5)).

The first requirement of the Wilderness Act is a determination that a certain activity is necessary in wilderness. For activities that are necessary to realize the wilderness purposes, the second requirement is an evaluation of the minimum amount of commercial service that is necessary to achieve these purposes.

Wilderness areas at, or near, visitor use capacity may not be able to accommodate any commercial services either at all or during peak capacity periods. Commercial services, similar to all other activities, may only be allowed in wilderness if wilderness character is preserved.

Commercial services may be limited to preserve opportunities for primitive recreation or other aspects of wilderness character. Specific consideration should also be given to the potential short-term and long-term impacts of commercial service activities. The use of motor vehicles, motorized equipment, or mechanized transport is not allowed in wilderness for commercial services.

Commercial filming is considered a commercial service for purposes of the Wilderness Act. Parks must apply the same two legal requirements for commercial services to any commercial filming request in wilderness. For example, is it necessary, why does the commercial filming need to take place in park wilderness? If necessary, what wilderness purposes (recreational, scenic, scientific, educational, conservation and historical) will be realized from this use? In most cases, park managers should work with the applicant to find locations outside of wilderness that can accommodate this use. If wilderness locations are justified, then the activities should minimize impacts to other visitors' enjoyment of wilderness and only use the minimum amount of the wilderness needed for the activity for the shortest possible period of time.

Commercial still photography activities that include the use of models, sets, or props, or promote a product or service are prohibited in wilderness.

Commercial air tours are inconsistent with preservation of wilderness character. Existing air tours over a proposed wilderness area will not preclude consideration for wilderness designation. Ways to prevent or minimize negative impacts to wilderness character should be addressed in Wilderness Stewardship and Air Tour Management Plans. Parks should also work with air tour operators and the FAA to further prevent or minimize negative impacts to wilderness character.

NPS Reference Manual 41 (RM41), Wilderness Stewardship

7. Wilderness Use Management

- [Extent Necessary Determination Process for Commercial Services](#)
 - [Appendix A: Definitions](#)
 - [Appendix B: Examples](#)
 - [Appendix C: Flow Chart](#)
 - [Appendix D: Wilderness Purposes and Examples](#)
 - [Appendix E: Decision Document Template](#)