SESSION 3: History of Commercial Use in Wilderness
February 22, 2012, 10:45am-Noon

This panel will review the natural, cultural, and political history of commercial use in wilderness.

Moderator: Don Kennedy (Stanford)

Commentators: Jan van Wagtendonk (USGS), Jon Christensen (Stanford, Lane Center for the American West).

James Turner, Wellesley College

My presentation will be informed by my research on the history of wilderness advocacy and designation. The Promise of Wilderness offers detailed analysis of the growth of the wilderness system, the development of public lands policy across the four federal land agencies and nine presidential administrations (from the Johnson administration to the start of the Obama administration), the changing role of both proponents and opponents of environmental reform, and how these events intersected with broader currents of American politics. The central argument of the book is that conservation issues, rather than becoming secondary to a new generation of environmental issues after the 1970s (such as air and water pollution or threats to public health), have played a key role in shaping the dynamics of modern American environmental politics.

For this conference on commercial wilderness use, what interests me most is how the recent debates over the use and management of wilderness — such as the use of fixed anchors for rock-climbing, mountain biking, and commercial pack trips, etc. — mark an important turning point in wilderness politics and policy. Although debates over management are hardly new, through the 1990s, wilderness politics was dominated by debates over wilderness designation that often pit wilderness advocates against resource industries. Over the past ten years, debates over managing the existing wilderness system have gained importance, and as they have, such debates have highlighted the competing interests of a wide array of wilderness supporters and users, such as hikers, packers, and scientists. I’ll consider what lessons the earlier debates over wilderness designation can offer for recent debates over management. Most important, reducing wilderness management to a set of scientific criteria for protecting “wilderness character” — as supported by the courts — risks ignoring the social values that have informed wilderness protection historically and are important to its future.
Doug Scott, Pew Charitable Trusts

The Legislative History of Wilderness and Commercial Outfitting

The 1964 Wilderness Act carefully distinguishes between “commercial enterprises” and “commercial services.” #

“Commercial enterprises” are flatly prohibited, with limited exceptions. These exceptions for nonconforming uses include –

- Existing private rights
- Established use of aircraft or motorboats
- Grazing of livestock, where established prior to establishment of a wilderness area

The drafters and champions of the Wilderness Act based these specific exceptions on the long history of administrative wilderness preservation policies going back to the 1920s. In this approach, the law was, as its advocates said repeatedly, not a reform law. Their priority was not to reform these long-established policies accepting these nonconforming uses, but rather to shift wilderness preservation decisions away from the Executive Branch to Congress.

Where any of these uses exist at the time a wilderness area is established, Congress has generally extended the same exception(s) to the new wilderness area and most wilderness advocates have agreed with that extension.

By contrast, the Act provides that “commercial services” may be allowed within wilderness areas “to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.”

The lead sponsor of the Wilderness Act in the U.S. House of Representatives was Rep. John P. Saylor (R-PA), who explained the commercial services provisions as follows –

“Commercial services are permitted as necessary in realizing the recreational or other purposes of the areas, such as provision of horses and guide services to wilderness visitors by persons headquartered and conducting their business operations outside the wilderness areas, or taking of pictures or observing and recording of scientific data for pay.” #

The operators of many commercial outfitting and guide services were important, vocal supporters of the Wilderness Act. The leading national advocacy organizations working for the Wilderness Act themselves utilized the services of commercial outfitters for trips into wilderness areas that they offered to the public. Similarly, as Congress has extended wilderness protection to new areas, commercial outfitters have often been an active part of coalitions supporting that legislation.

A leading Senate opponent later recalled that “Perhaps there is no other act that was scanned and perused and discussed as thoroughly as every sentence in the Wilderness Act.” Senator Gordon Allott, Senate Committee on Interior and Insular Affairs, Preservation of Wilderness Areas, Hearing before the Subcommittee on Public Lands on S. 2453 and Related Wilderness Bills, 92nd Cong., 2nd sess., May 5, 1972, 64. · Congressional Record, November 7, 1963, 20355