SESSION 6: Emerging Strategies for Commercial Use Management

This panel will review good (and bad) experiences resolving conflicts over commercial use in wilderness areas.

Moderator: Tim Devine (NPS-Carhart)

Panelists: Mike Gauthier (NPS-YOSE), Garry Oye (NPS Wilderness Director), Anne Altman (NPS- Concessions Program Manager, Pacific West Region), Chris Ryan (USFS Montana Commercial Use Manager), Jonathan Simon (Member, Van Ness Feldman), Brian Anderson (US Fish and Wildlife Service, Alaska)

Garry Oye, NPS Chief of Wilderness Stewardship
Anne Dubinsky Altman, Commercial Services Program Manager, Pacific West Region
Mike Gauthier, Chief of Staff, Office of the Superintendent, Yosemite National Park

Commercial Services and Wilderness: Six Considerations

1. Wilderness Character. The Wilderness Act states: “Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character.” Commercial services may be allowed in wilderness, but only if wilderness character is preserved.

2. Necessary and Appropriate National Park Service Concessions Management Improvement Act of 1998 states: “It is the policy of the Congress that the development of public accommodations, facilities, and services in units of the National Park System shall be limited to those accommodations, facilities, and services that—(1) are necessary and appropriate for public use and enjoyment of the unit of the National Park System in which they are located; and (2) are consistent to the highest practicable degree with the preservation and conservation of resources and values of the unit.”

3. Minimum Requirement. The Wilderness Act states “there shall be no commercial enterprise and no permanent road within any wilderness area designated by this act except as necessary to meet the minimum requirements for the administration of the area for the purposes of this Act.” NPS Management Policies states: “When determining minimum requirements, the potential disruption of wilderness character and resources will be considered before, and given considerably more weight than, economic efficiency and convenience.” Current or proposed commercial activities or use levels that degrade character should be modified, mitigated, or not permitted.

4. Extent Necessary. The Wilderness Act states “Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.” “Commercial services may be performed within wilderness areas designated by this Act to the extent necessary for activities which

5. Visitor Use Capacity. Parks completing wilderness stewardship plans or general management plans can use wilderness character measures to create standards which can lead to a visitor use capacity for all users; both commercial and non-commercial. A challenge facing many parks is the issue of day use. Many areas have developed capacities for overnight use but have not begun the difficult task of identifying standards for wilderness day use. Areas at or near standards should consider not allowing additional types or increased amounts of commercial use. Consistency with carrying capacity standards for a given location and season should be considered and documented during the evaluation of a proposed commercial service.

6. Allocation. Areas with an established visitor use capacity must next determine how use will be allocated between the general public, commercial users, as well as those with special use permits. The amount, timing, type, and location of use must all be determined using a NEPA compliant public process.
Consistency with established allocations should be considered and documented during the evaluation of a proposed commercial service.

Chris Ryan Program Manager, Wilderness, Rivers and outfitters and Guides, US Forest Service, Northern Region

The Forest Service Northern Region covers approximately 25 million acres in Montana, Northern Idaho and the Grasslands of North and South Dakota. Of the 25 million acres, 5 million are in congressionally designated wilderness and approximately 9 million are inventoried roadless. Wildernesses in the Northern Region tend to be large and wild with relatively light visitor use. Most significant visitor impacts date back to the days of parties of 100-150 visitors. There are approximately 800 permitted outfitters and guides in the Northern Region, approximately 200 of which operate in Wilderness. The majority of the outfitting occurs in the large wildernesses and some of the smaller more heavily used wildernesses have little to no outfitting. Also, the majority of the outfitting in the large wildernesses includes the use of stock animals. Forests have implemented a number of techniques to minimize social conflicts between outfitters and between outfitters and the non-outfitted visitors. The only areas where controls exist over both outfitted and non-outfitted visitor use are the Selway and Middle Fork Salmon Rivers.

The Forest Service works closely with the States of Idaho and Montana to regulate outfitting and guiding. Both states require an outfitter license. Outfitting in the State of Idaho is highly regulated. The National Forests have faced several challenges related to the outfitter and guide program over the past few years; changing public interests and outfitter’s attempts to respond to those interests and increased interest from “non-traditional” outfitters to obtain special use permits. Attempts are underway to develop processes to respond to such requests for either new permits or changed permits.

Jonathan Simon, Member, Van Ness Feldman

Commercial Outfitting: The Colorado River Saga

Since the 1970’s, controversy has surrounded the National Park Service’s management of the Colorado River through the Grand Canyon. The experience or just the thought of rafting down the river has produced one of the classic clashes involving various interest groups, politics, and ostensible scientific land management by the Park Service. For decades, the Park Service has authorized concessioners to provide the public with both oar powered and motorized rafting trips down the Colorado River. But equally for decades, those concerned with preserving wilderness values have sought the removal of any motorized crafts in this great treasure. And equally for decades, private individuals either uninterested in or opposed to having to navigate the river under the auspices of a Park Service-approved concession operation have sought to increase the ability of private-trip operators to raft down the river. Each of these competing interests impeded, for quite some time, the Park Service’s willingness to generate a management plan for the Colorado River—until recently. This presentation outlines the history surrounding this saga, as well as how the Service managed to generate a new management—one that not too long ago survived judicial review.

Brian Anderson, US Fish and Wildlife Service, Alaska


Hunters from around the world come to Alaska to pursue trophy big game species such as brown bear, moose, caribou, and Dall sheep. National Wildlife Refuge System lands in Alaska (nearly 77 million acres in 16 refuges, 18.5 million acres wilderness) encompass some of the best habitat for these species. In accordance with the Alaska National Interest Lands Conservation Act (ANILCA), all refuge lands are open to recreational hunting and fishing, and state law requires that nonresidents obtain the services of a licensed guide for hunting certain big game species. The U.S. Fish and Wildlife Service (Service) authorizes
commercial visitor services such as guides, outfitters, and transportation services using special use permits. When a 1988 court decision invalidated the State of Alaska’s system for limiting the number of big game guides operating in any particular area, the Service was compelled to develop its own program for ensuring quality guided hunting opportunities for the public while reducing conflicts with other users and protecting refuge resources, including wilderness. In 1992, the Service established a prospectus with invitation to bid process, which is now used for all refuge big game guide permits and some recreational fishing guide permits on popular refuge streams.

Alaska refuges have been divided into 89 guide use areas offering a total of 111 big game guide permits. A ranking panel scores the applications using six criteria that address guiding ability, safety record, knowledge and experience, impacts to resources and other users, and history of compliance. The highest ranked applicants are referred to the Refuge Manager for final selection. Minimum scores are established, with some higher minimum scores for designated wilderness areas. The permits are valid for five years, and a one-time noncompetitive five-year renewal is available. Because of the economic potential of these exclusive use areas, guides compete enthusiastically for the best areas. Unsuccessful applicants often appeal to the Regional Director, whose decision represents the final agency action on an appeal. The selected applicant’s proposed plan of operations is incorporated as a condition of the permit, and permit holders are required to submit annual activity reports, along with paying administrative and client use day fees.

The administrative burden of a competitive selection process can be severe, depending on the number of commercial opportunities available and the value of those opportunities to the visitor services industry. However, the benefits to visitors and land managers of retaining the best qualified providers can outweigh the administrative headaches.