



## Commercial Services in Wilderness

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### What is Wilderness?

The Wilderness Act was passed in 1964 and defined wilderness as an area that is “in contrast with those areas where man and his own works dominate the landscape,” and where “the earth and its community of life are untrammelled by man...” and as “an area of undeveloped federal land retaining its primeval character and influence... which is protected and managed to preserve its natural conditions and which generally appears to have been affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable.”

In 1984 Congress passed the California Wilderness Act. The Act designated 94% of Yosemite as wilderness and instructed the National Park Service to manage that land in accordance with the provisions of the Wilderness Act. The Act directs the agency to preserve wilderness character and leave wilderness unimpaired while realizing its recreational and other purposes. Wilderness areas within the National Park System are to be managed at the highest possible standard afforded by U.S. land conservation laws, for they have the protection of both the National Park Service Organic Act and the Wilderness Act. The preservation of wilderness character requires purposeful restraint on the part of both managers and visitors.

### What is a Commercial Service?

A commercial service is one in which any work or duty is provided by one person or entity for another person or entity in exchange for money. It includes, but is not limited to guiding, packing, cooking, carrying, instructing, demonstrating, providing gear and food, navigating, and other services typically provided under the description of “guiding and outfitting.”

### Commercial Services in Yosemite’s Wilderness

The Code of Federal Regulations (36 C.F.R. § 5.3) states “Engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract or other written agreement... is prohibited.”

Commercial Use Authorizations (CUAs), which are not considered concession contracts, are permits authorizing suitable commercial services to park area visitors in limited circumstances as described below. A concession contract may be issued instead of a CUA when the Service determines that the services are necessary and appropriate, and/or provision of the services require certain protections such as legal, financial, and resource provisions that are more typical of a concession contract.

Commercial Use Authorizations may be issued only to authorize services that (1) are determined to be an appropriate use of the park; (2) will have minimal impact on park resources and values; and (3) are consistent with the purpose for which the unit was established, as well as all applicable management plans and park policies and regulations. They are typically only issued for 1 or 2 years and are intended to provide a simple means to authorize suitable commercial services to visitors in park areas in the limited circumstances in the legislation.

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## Commercial Services in Yosemite's Wilderness (cont.)

Concession contracts are issued for services determined to be necessary and appropriate for visitor use and enjoyment of the area. When planning and developing concession contracts, operations are based on a determination that the facility or service:

- Is consistent with enabling legislation;
- Is complementary to a park's mission;
- Is necessary and appropriate for the public use and enjoyment of the park in which it is located;
- Is not, and cannot be, provided outside park boundaries;
- Incorporates sustainable principles and practices in planning, design, siting, construction, and maintenance; and
- Adopts appropriate energy and water conservation, source reduction, and environmental purchasing standards and goals.

Approximately 95 Commercial Use Authorizations (CUAs) are issued park-wide to businesses operating in the Yosemite Wilderness. Some of these companies may conduct more than one activity. Activities currently provided include: guided hiking/backpacking, stock trips, photography workshops, cross-country skiing, snowshoeing, winter camping, and fishing.

Other commercial activities include Commercial Filming, Still Photography, and Right of Way, and are authorized through special use permits which are managed under Directors Order 53 as special use activities in the park. Commercial Use Authorizations are managed under Directors Order 48B for commercial visitor services. In some situations there are visitor services which are commercial by definition but operate as non-profit entities. Section 418 of Public Law 105-391, the National Parks Omnibus Management Act of 1998 (54 U.S.C. 101925) states that a nonprofit organization is not required to obtain a CUA to conduct activities in a park area (even if the activities would otherwise be subject to authorization by a CUA) if the nonprofit organization does not derive taxable income from the authorized activities. As such, nonprofit organizations, such as private summer camps, schools, university recreation programs may be issued a special use permit to conduct activities in wilderness when an educational fee waiver is approved.

Finally, High Sierra Camps, Pack Stock Trips, Backpacking, and Mountaineering are authorized through a concession contract and operated by the park's primary concessioner.

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## Current Management

Section 4(d)(6) of the Wilderness Act only allows commercial services that are "proper for realizing the recreational or other wilderness purposes."

To date, the National Park Service has not quantified the extent to which commercial services are necessary in Yosemite's designated wilderness, but does authorize commercial services through a number of different legal authorities. These authorities include concession contracts, commercial use authorizations (CUAs), memorandums, and special use permits.

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## Find Out More

Learn more about this plan, including public meeting dates and other information by visiting <http://www.nps.gov/yose/getinvolved/wsp.htm>. You can also follow this and other park plans and postings on Facebook at [www.facebook.com/YosemiteNPS](http://www.facebook.com/YosemiteNPS).

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## Tell us what you Think

Comment on the Wilderness Stewardship Plan by visiting the Planning, Environment, and Public Comment (PEPC) website at <http://parkplanning.nps.gov/yosewild>.

Electronic comment submittal through PEPC saves resources and allows for direct entry into the NPS comment analysis system. Alternatively, your comments can be emailed to [yose\\_planning@nps.gov](mailto:yose_planning@nps.gov) or mailed to:

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