

## **NPS Wilderness Extent Necessary Determination Guidance**

### **Appendix D: Wilderness Purposes and Examples**

#### **Recreational Purposes**

NPS Management Policies require recreational use in NPS wilderness areas are of a nature that:

- enables the areas to retain their primeval character and influence;
- protects and preserves natural conditions;
- leaves the imprint of man's work substantially unnoticeable;
- provides outstanding opportunities for solitude or primitive and unconfined types of recreation; and
- preserves wilderness in an unimpaired condition.

Hiking, backpacking, canyoneering, photography, stock use, rock climbing, river trips, and nature study are examples of activities traditionally associated with appropriate wilderness recreation. A use or related activity must be restricted or prohibited when its occurrence, continuation, or expansion would result in unacceptable impacts to wilderness resources or character. A finding that a proposed wilderness use is appropriate does not automatically translate to the need for a commercial service to provide that activity.

Parks utilize public processes to complete Wilderness Stewardship Plans and/or Commercial Services analysis to determine if a proposed commercial service is necessary to fulfill a wilderness purpose and the extent necessary of that service. The United States Court of Appeals for the Ninth Circuit recognized wilderness managing agencies are charged with diverse and sometimes conflicting mandates under the Act.

- The Commercial Services Analysis (END) for the Black Canyon of the Gunnison National Park was completed for both the inner canyon and uplands wilderness areas of the park. The END concluded that no commercial services are necessary or appropriate for the inner canyon. Park visitors are already fully utilizing the available permits for access into the inner canyon wilderness without guides and outfitters to kayak or climb. The END noted that introducing commercial services would diminish general public recreational activities and reduce opportunities for “challenge, self-reliance, and adventure that are integral to the wilderness character of the inner canyon...”

In contrast to the findings for Black Canyon's inner canyon wilderness, the END concluded that commercial service provision of guided hiking, camping and educational tours are appropriate in the uplands wilderness areas of the park. The END notes that these uses would “protect and enhance the desired wilderness character of this zone...and could foster new opportunities for visitors with limited wilderness experience.”

The Black Canyon END also provides an example of cooperating on wilderness commercial services with other agencies. The BLM issues commercial use authorizations for guided rafting, float fishing and hiking/fishing trips for the adjacent Gunnison Gorge Wilderness area that often stage on wilderness designated NPS land.

- A 2011 Commercial Services Evaluation for the Isle Royale Wilderness concluded that commercial kayak guides provide an activity which is proper for realizing the recreational purposes of the area. The Evaluation determined that three guide services providing a total of 4 trips each year for a total of 12 people was the minimum extent necessary.

## **Scenic Purpose**

Appreciation of wilderness scenery is a readily available and important aspect of almost any visit to wilderness. Although the scenic purpose of wilderness can largely be realized simply by visiting a wilderness, commercial services can play a role in helping visitors understand the key distinction that the wilderness scenery they are viewing is natural and untrammelled. Wilderness managers may want to consider commercially provided painting, writing, photography, or similar workshops to provide a structured environment for learning about the wilderness behind the scenery.

## **Scientific Research Purposes**

The natural and untrammelled qualities of wilderness provide unique opportunities to conduct scientific research. Researchers may rely on commercial services to provide logistical support. NPS must review requests for scientific research permits that involve the support of commercial services to ensure impacts to wilderness character have been evaluated.

See [\*An Interagency Framework to Evaluate Proposals for Scientific Activities in Wilderness\* \(2010\)](#), and the NPS White Paper [\*Scientific Activities and Research in NPS Wilderness: Guidelines for Wilderness Managers\* \(2011\)](#).

## **Educational Purpose**

Wilderness provides an unparalleled classroom for coursework on wilderness values, ethics and philosophy and wilderness ecology. Some education programs are specifically designed to use wilderness to teach self-reliance, survival, adaptability or problem solving skills. Other wilderness-based courses focus on “how to” topics such as wilderness first aid, rock climbing or backcountry skiing. Often the sponsors of the courses are fully accredited institutions offering course credit. Additionally, in order to realize the educational purpose of wilderness, managers may consider allowing commercial education programs, but only after completing the END.

## **Conservation Purpose**

Activities such as ecological restoration projects, trail maintenance or endangered species monitoring are examples of conservation actions that help realize the conservation purpose of wilderness. These activities are generally completed as part of the proper administration of the wilderness by the agency or under contract and are not considered a commercial service.

## Historic Purpose

“Historic uses” are usually defined as those uses which emphasize the wild, untrammled, and natural character of the land in its historic state. Visitors help to realize the historic purpose when they encounter the land as did those of earlier historical periods. The historic purpose is realized by maintaining the wilderness character of the land, by primitive recreation in the wilderness, by the provision of opportunities for solitude, by perceiving and enjoying features of historical value, and by enjoying the scenic wonders of the natural and untrammled landscape. The realization of this purpose is consistent with the realization of the conservation, historical and recreational purposes.

The courts that have directly addressed the meaning of “historic uses” as used in the Wilderness Act, have construed “historic use” to mean use of the primeval or ancient wilderness in its natural state. The United States Court of Appeals for the Eleventh Circuit found that “the only reasonable reading of “historical use” in the Wilderness Act refers to experiencing the natural, rather than manmade, features.”<sup>1</sup> This decision was followed by the district court in *Olympic Park v. Mainella*, which noted that:

*The National Park Service references the historic pattern of shelter construction and recreational use in concluding that the “setting, association, and feeling are significant aspects of historic use within the park”, but while this may be true, this type of usage is in the past and a new value has been placed on the land by the creation of the Olympic Wilderness. ...a different “feeling” of wilderness is sought to be preserved for future generations to enjoy, a place “where the earth and its community of life are untrammled by man” and which retains “its primitive character and influence.”*<sup>2</sup>

Thus, “historic use” refers to preserving the wilderness character of the land so that each visitor may encounter it in its historic state, with the unique qualities identified either as part of a wilderness character assessment, the specific wilderness enabling legislation, or other appropriate documentation. These qualities will vary from one wilderness area to another. For many, this historic state will be as undeveloped as it was when the first humans experienced it.

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<sup>1</sup> *Wilderness Watch v. Mainella*, 375 F. 3d 1085 (11<sup>th</sup> Cir. 2004)

<sup>2</sup> *Olympic Park Associates v. Mainella*, 2005 WL 1871114 (D.Wash. 2005)