



January 30, 2024

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Washington D.C.

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Re: Protecting America's Outdoors Coalition comments on:

- **National Park Service: Evaluation and Authorization Procedures for Fixed Anchors and Fixed Equipment in National Park Service Wilderness Areas**
- **USDA Forest Service: FSM 2355 Climbing Opportunities #ORMS-3524**

USDA Forest Service and National Park Service Officials,

Outdoor Alliance, The Conservation Alliance, and Outdoor Industry Association (the "Protecting America's Outdoors Coalition") appreciate the opportunity to comment on the National Park Service's Draft Guidance¹ and the U.S. Forest Service's Proposed Directive² on managing climbing and protecting natural and cultural resources in Wilderness areas (hereafter "draft guidance"). These comments provide background and context on Wilderness climbing management, outline issues with the draft guidance, and provide recommendations for next steps.

While we appreciate that the draft guidance acknowledges climbing as a legitimate use within Wilderness, we have significant concerns with the guidance as written. These concerns include:

¹ National Park Service, *Draft Reference Manual 41: Wilderness Stewardship, Evaluation and Authorization Procedures for Fixed Anchors and Fixed Equipment in National Park Service Wilderness* (Nov. 17, 2023), available at <https://parkplanning.nps.gov/document.cfm?documentID=132387> (Park Service's Draft Guidance).

² U.S. Forest Service, *Forest Service Manual 2300 – Recreation, Wilderness, and Related Resource Management Chapter 2350—Trail, River, and Similar Recreation Opportunities* (Nov. 17, 2023), available at <https://cara.fs2c.usda.gov/Public/CommentInput?project=ORMS-3524> (Forest Service's Proposed Directive).

- The agencies' interpretation that fixed anchors qualify as prohibited "installations" under Section 4(c) of the Wilderness Act is contrary to the intent of the Wilderness Act and represents a significant change in policy and practice;
- The proposed guidance fails to justify this change in policy, which is significant and would affect millions of Wilderness users nationwide;
- The decision to require a Minimum Requirements Analysis (MRA) for placement, maintenance, and replacement of fixed anchors creates numerous issues for both climbers and land managers and should be revisited;
- If implemented, the proposed policies create safety issues for climbers and place onerous and unrealistic work requirements on land managers;
- The draft guidance has significant implications for the outdoor recreation community's deep tradition of Wilderness advocacy and would disrupt long-held consensus between conservation and outdoor recreation stakeholders;
- The draft guidance would adversely affect the nation's growing \$1.1 trillion outdoor economy, with pronounced impacts on rural communities in proximity to Wilderness climbing.

To address these concerns and others, we recommend that the agencies work collaboratively with the climbing community, other recreation stakeholders, conservationists, and Tribes, to adopt a more workable and broadly-supported authorization process for fixed anchors in Wilderness. This should include chartering a Federal Advisory Committee to advise on the development and implementation of new guidance. Simultaneously, we remain committed to supporting a bipartisan Congressional fixed anchors solution that would protect Wilderness character while also providing (1) interagency consistency, (2) predictability of access, and (3) safety for climbers.

Our organizations also support the comments submitted by Access Fund (an Outdoor Alliance member organization).³ These comments are intended to

³ See, Access Fund, Comments on National Park Service: Evaluation and Authorization Procedures for Fixed Anchors and Fixed Equipment in National Park Service Wilderness Areas and USDA Forest

supplement the climbing community's comments to provide additional context from the perspectives of the broader human-powered outdoor recreation community, the outdoor industry, and conservation-minded businesses.

Our feedback is outlined in more detail below.

1. Outdoor Recreation and Wilderness

Our organizations deeply value the Wilderness Act, its conservation benefits, and the exquisite, and sometimes unparalleled, opportunities for backcountry recreation the Act protects. Outdoor recreation is a core Wilderness value, and recreational activities such as climbing are a primary way that Americans experience the National Wilderness Preservation System (NWPS) and develop a Wilderness ethic.

Climbing enjoys a rich and varied history on America's public lands, and climbers such as the Sierra Club's David Brower were among the Wilderness Act's original supporters. Some of the world's most iconic climbing areas, including Yosemite's El Capitan, the Wind River Range, and the Diamond on Longs Peak, lie within designated Wilderness areas, and climbing contributes greatly to these areas' history. By their very nature, lands eligible for Wilderness protection—often rugged, craggy, mountainous areas that escaped development over the past two centuries—tend to overlap with high-quality climbing resources.

Opportunities to visit Wilderness settings through climbing and other recreational pursuits provide support to the nation's growing outdoor recreation economy, which contributed \$1.1 trillion to America's economy in 2022, accounting for 2.2% of GDP.⁴ These economic benefits are especially pronounced in gateway communities that lie in close proximity to high-quality recreation opportunities on

Service: FSM 2355 Climbing Opportunities #ORMS-3524 (Jan. 30, 2024), *available at* https://static1.squarespace.com/static/54aabb14e4b01142027654ee/t/65b94db1a1550e44b7288acb/1706642889474/Access+Fund+Comments+and+Addendum_FINAL.pdf

⁴ U.S. Bureau of Economic Analysis, BEA 23-54, Outdoor Recreation Satellite Account, U.S. and States, 2022 (2023).



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public lands, which, in relation to Wilderness climbing, include communities like Estes Park, Colorado; Lander, Wyoming; and Bishop, California.

Experiences recreating in Wilderness landscapes help recreationists develop an appreciation for the natural world that might be unlikely to form otherwise. For some, this appreciation is greatly deepened through activities like climbing, paddling, and backcountry skiing, that require using technical skills and equipment to navigate unique natural features. These experiences navigating the natural world form the foundation for a strong conservation ethic that is deeply held by many in the outdoor recreation community, and which has inspired generations of recreationists to devote support and collaboration to protecting public lands for their conservation, recreation, and cultural values. Our organizations strive to continue this tradition of conservation advocacy, and for decades, we have been strong supporters and close collaborators on many of America's most successful conservation campaigns. Collectively these campaigns have led to millions of acres of public land being protected as Wilderness and through other means.

Throughout our time dedicated to conservation campaigns, our understanding has been that, while climbing and fixed anchor use will be managed in a way that protects Wilderness character, Wilderness designations will not unnecessarily prohibit the use of essential climbing tools where their use doesn't impact important environmental or cultural values. In fact, we consider the Wilderness Act to be an important tool for protecting a particular kind of adventurous recreation experience that is enhanced by remote and undeveloped Wilderness surroundings. In many cases, we have worked alongside the climbing community to ensure that densely-developed climbing sites and sport climbing areas that are incompatible with Wilderness preservation are not included in new Wilderness designations, or are protected through alternative designations.

Outdoor recreationists, including climbers, are also committed to addressing impacts on cultural sites and natural resources that may result from recreational activities. Recognizing the intrinsic value of these sites, we actively strive to foster a culture of responsible and sustainable outdoor recreation, and to this end we appreciate opportunities to engage with Tribes to better protect sacred sites and other areas of cultural significance. Climbers, in particular, are actively working with

Indigenous communities to balance climbing access with cultural resource protection at multiple climbing sites nationwide,⁵ and we welcome the opportunity to enhance this work through national-level Wilderness policy.

2. Background on Fixed Anchors

Fixed anchors are essential tools in a climber's safety system. These include bolts, slings, pitons, and other tools long used by climbers to safely and sustainably ascend and descend technical terrain. Although climbing styles vary, some limited use of fixed anchors is generally considered necessary for safe climbing, either to protect blank sections of rock where removable protection isn't available, or to allow climbers to safely descend without leaving gear behind. As the Park Service guidance recognizes, "the most common form of fixed anchor is a fixed bolt,"⁶ which is attached to the rock via a hole drilled with either a power drill or a non-motorized hand drill.⁷ While one climbing style—sport climbing—relies entirely on bolts for protection, climbers accept that this style of climbing is not appropriate in Wilderness.⁸

Fixed anchors are found in Wilderness areas throughout the country, and many pre-date the Wilderness Act. Many of America's most iconic climbing areas, including NPS-managed lands like the Diamond in Rocky Mountain National Park, as well as USFS-managed lands like Linville Gorge in North Carolina, lie within designated Wilderness. In these areas, occasional fixed anchors play an invaluable role in facilitating primitive and unconfined recreation opportunities as envisioned by the Wilderness Act, including some of the most valuable and adventurous recreation opportunities that America's public lands afford. In fact, the recently designated Camp Hale and Continental Divide National Monument Presidential

⁵ For example, climbers have worked with the Bears Ears Inter-Tribal Coalition to protect cultural resource values at Indian Creek—a highly popular climbing area in southeast Utah.

⁶ Park Service Draft Guidance, at 3.

⁷ In accordance with the Wilderness Act's prohibition on motorized equipment, all bolts placed in Wilderness areas are placed using non-motorized hand drills.

⁸ Park Service, Director's Order #41: Wilderness Stewardship, 15 (May 13, 2013), *available at* https://www.nps.gov/subjects/policy/upload/DO_41_5-13-2013.pdf (DO 41).

Proclamation acknowledges the fixed anchors placed in 1930s as historic objects that should be protected as remnants of Colorado’s mountain culture.⁹

The decision to place a fixed anchor is often an in-the-moment safety decision made by a first ascensionist. Climbers who place fixed anchors must consider a variety of factors including rock quality, the danger posed by a potential fall, and the presence or absence of opportunities to place removable protection. Climbers who embark on first ascents generally do not know whether fixed anchors will be required for a safe ascent, where they might be placed, or even whether a particular route will be climbable at all. Climbers who repeat established routes are individually responsible for evaluating the safety of existing fixed anchors. The opportunity to make these decisions in the moment contributes greatly to the exploratory recreation experience afforded by climbing and is an important component of Wilderness recreation.

Fixed anchors are primarily used for climbing and mountaineering, but they are also utilized for other recreational pursuits including caving, canyoneering, backcountry skiing, and occasionally even whitewater paddling.¹⁰ For all of these pursuits, fixed anchors provide a safe means by which recreationists can experience outdoor opportunities that likely would not be accessible otherwise. In many instances, fixed anchors also help alleviate pressure on environmentally sensitive areas like cliff-top environments by concentrating recreational use in a single confined area, and by alleviating the need to use trees and other natural features as rappel anchors.

3. Feedback Common to Both Agencies’ Draft Guidance

As both recreation stakeholders and Wilderness advocates, we appreciate the draft guidance’s acknowledgement that climbing—including the use of fixed anchors—is

⁹ See, A Proclamation on Establishment of the Camp Hale-Continental Divide National Monument (October 12, 2022), *available at* <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/10/12/a-proclamation-on-establishment-of-the-camp-hale-continental-divide-national-monument/>.

¹⁰ Fixed anchors are commonly used as rappel anchors by both cavers and canyoneers. Backcountry skiers utilize fixed anchors to bypass cliff faces and other technical terrain, such as by rappelling into couloirs. Whitewater paddlers occasionally utilize fixed anchors to construct river crossings and to lower boats into otherwise inaccessible waterways.

a legitimate recreational use within Wilderness. We also greatly appreciate the agencies' willingness to provide an opportunity for public comment and to work with climbers and the broader outdoor recreation community to preserve recreation access while also protecting environmental, cultural, Wilderness, and other public lands values. We also strongly support incorporating Tribal consultation into climbing management, and we appreciate the draft guidance's attention to cultural sites.

Our organizations also have significant concerns with multiple aspects of the draft guidance, which are outlined in more detail below.

A. Fixed Anchors as Prohibited Installations

Chief among our concerns with the draft guidance is the determination the fixed anchors are "installations," and therefore considered a prohibited use under Section 4(c) of the Wilderness Act. This is a highly significant policy change that will likely have far-reaching effects on millions of Wilderness users nationwide and merits further consideration on the part of the agencies.

The Wilderness Act lists "no structure or installation" under the list of prohibited uses in Section 4(c), but does not provide a definition for "installation." Considering the context under which the Wilderness Act was passed, it is clear that Congress did not intend for the term to encompass climbing anchors. Recreational climbing is premised on climbers' ability to safely ascend and descend technical terrain—a pursuit that generally requires the use of fixed anchors. Fixed anchors were widely used at the time of the Wilderness Act's passage, and anchors would have been found in several of the Wilderness areas initially designated by the Act,¹¹ as well as in separate Wilderness legislation passed during the same era. Climbing and mountaineering were repeatedly mentioned in congressional proceedings leading to the Wilderness Act's passage, and preserving the Wilderness recreation experience was a stated goal of many Wilderness advocates in Congress at the

¹¹ For example, both the Ansel Adams and Bridger Wilderness areas contain historic climbing routes that utilized fixed anchors prior to 1964.

time.¹² More recently, Congress included language explicitly endorsing fixed anchor use in the 2019 John D. Dingell Jr. Conservation, Management, and Recreation Act,¹³ and similar language has been included in subsequent Wilderness legislation that is broadly supported within the conservation community.¹⁴

For sixty years, both the Park Service and the Forest Service have managed Wilderness areas without classifying fixed anchors as prohibited installations, but neither agency's draft guidance acknowledges or discusses this significant and abrupt policy change. The Forest Service guidance provides no reasoning to support its determination, and the Park Service only briefly references an existing agency definition.¹⁵ Additionally, neither agency provides information describing why existing climbing management policies are inadequate, and neither agency acknowledges the highly significant regulatory changes that this new guidance poses for climbers.

For these reasons, we write to jointly recommend that the agencies modify the guidance implementation process described in the November 17, 2023 notices. As is outlined below, we recommend that the Departments of Interior and Agriculture jointly charter a Federal Advisory Committee to advise the Departments on the development and implementation of the guidance. Doing so will facilitate more collaboration with stakeholders and will produce a more viable and equitable implementation plan.

B. Concerns with Fixed Anchor Authorization Process

Following the determination that fixed anchors are prohibited, the draft guidance establishes that fixed anchors may be authorized through a Minimum

¹² See, 107 Cong. Rec. S. at 18047 (1961) (statement of Rep. Church), *available at* <https://www.govinfo.gov/content/pkg/GPO-CRECB-1961-pt13/pdf/GPO-CRECB-1961-pt13-8-1.pdf>; See also, 110 Cong. Rec. at 17443 (1964) (statement of Rep. Boland), *available at* <https://www.govinfo.gov/content/pkg/GPO-CRECB-1964-pt13/pdf/GPO-CRECB-1964-pt13-7.pdf>.

¹³ See, John D. Dingell, Jr. Conservation, Management, and Recreation Act, Pub. L. No. 116-9, 133 Stat. 580, 673 (2019).

¹⁴ Protecting Unique and Beautiful Landscapes by Investing in California Lands Act, S. 1776, 118th Cong., § 132 (m) (2023);

¹⁵ Park Service's Draft Guidance at 3.

Requirements Analysis (MRA) upon the determination that they are “necessary to meet the minimum requirements for the administration of the area for the purposes of [The Wilderness Act].”¹⁶ Both agencies propose to require MRAs for both new and existing routes, as well as for anchor replacements on existing routes. Both agencies also propose conducting MRA determinations in concert with climbing or Wilderness management plans, which will more generally address climbing management in specific areas or land management units.

The MRA process creates numerous uncertainties regarding Wilderness fixed anchor use that are highly concerning for our organizations and the climbing community. While the MRA process does leave open a pathway for land managers to find fixed anchors necessary to administer Wilderness recreation, this determination is highly uncertain and contingent on the subjective judgments of agency officials, who may or may not be familiar with basic climbing techniques nor the specific climbs or landscapes under consideration. The draft guidance charges these land managers with making the exceedingly complex decision that fixed anchors are the “minimum necessary” to *administer* a Wilderness area—a standard that will undoubtedly cause some land managers to restrict climbing access in significant ways. MRA decisions that do approve fixed anchor use on some level will then be vulnerable to litigation by third parties, which will be costly and time-consuming, and will provide an additional disincentive for land managers to approve fixed anchors. If climbing is an appropriate use of Wilderness, as the draft guidance agrees, then the MRA is not an appropriate process for authorizing essential climbing tools.

Functionally, considering fixed anchor authorizations via MRAs will be highly challenging for land managers and are reserved for “actions, projects, or programs undertaken by the Service or its agents affecting wilderness character.”¹⁷. Thousands of individual fixed anchors exist across the National Wilderness Preservation System, most of which are not visible to most members of the public. These anchors were all placed at different times by different people, and have different lifespans and maintenance needs. Locating and evaluating all of these

¹⁶ *Id.* at 3.

¹⁷ See NPS Management Policies (2006), 6.3.5, found at https://www.nps.gov/subjects/policy/upload/MP_2006.pdf.

fixed anchors will be arduous and time consuming, even if individual parks and forests pursue MRAs on a programmatic or unit-level basis.

C. Other Concerns with Draft Guidance

In addition to our concerns related to the draft guidance's determination that fixed anchors are prohibited and thus require an MRA, we also note following policy concerns:

Agency Capacity to Implement the Proposed Policy. The draft guidance creates significant new requirements for land managers, which are not accompanied by new funding to implement the directives. We are concerned that many elements of the draft guidance will not be completed in a timely manner, if at all, thereby creating uncertainty for the climbing community around the legality of climbing routes and new route development. For example, the NPS guidance requires land managers to address fixed anchor uses in a Wilderness Stewardship or separate climbing management plan,¹⁸ inventory all routes with existing fixed anchors *when practicable*,¹⁹ complete site-specific or programmatic MRAs for all fixed anchors,²⁰ and also implement a complex permitting system for all new fixed anchors on an ongoing basis.²¹ Similarly, the Forest Service guidance requires land managers to prepare climbing management plans and complete MRAs for fixed anchors on existing climbing routes, for fixed anchor replacements, and for new climbing routes that require fixed anchors,²² while also inventorying and regulating climbing opportunities outside of Wilderness.²³ These are significant, onerous, and somewhat duplicative requirements for land managers, and while we support the directives to address climbing through agency land management plans, we question whether these planning efforts will be completed in a realistic time frame or at all. Our organizations recommend simplifying the proposed authorization process, and would more generally prefer to see the agencies devote their limited

¹⁸ *Id.* at 4.

¹⁹ *Id.* at 5.

²⁰ *Id.* at 4.

²¹ *Id.* at 8-9.

²² Forest Service's Proposed Directive at 14-15.

²³ *Id.* at 13-14.

resources and attention towards land management challenges that have a clearer benefit for environmental, cultural, and recreational values.

Draft Guidance Requires Land Managers to Make Arbitrary Determinations. The decision to place or replace fixed anchors is complex and involves considering multiple factors such as rock quality, fall potential, and more. This decision has historically been left to climbers, who generally have specialized experience navigating technical terrain, and who are familiar with climbing techniques and practices. The draft guidance creates multiple scenarios where land managers will be charged with determining whether fixed anchors are appropriate or necessary to administer a Wilderness area—a highly subjective determination that most land managers will not be equipped to make. We have provided several examples below:

- Section 2 of the NPS guidance provides that land managers should “evaluate all routes with existing fixed anchors when practicable, as funding and resources allow, through either a park, area, or route specific MRA,”²⁴ to determine whether these routes are necessary to administer each Wilderness area. This process leaves open the possibility that land managers might determine that one route is necessary to administer a Wilderness area, while another neighboring route is not.
- Both the MRA process and the permitting process established in the NPS guidance suggest that land managers may decide to approve or deny a permit, or decide that a route is prohibited, based on factors including the *quantity* of fixed anchors being used.²⁵ In this case, judging the appropriate number of fixed anchors for a particular route is a subjective safety determination that requires significant climbing experience and that is almost impossible to make without actually climbing a route (which land managers are unlikely to do).
- With regards to climbing outside of Wilderness, Section 2355.31 of the Forest Service guidance states that land managers should not “allow extensive or arbitrary placement and replacement of fixed anchors and fixed equipment without regard to rock features that provide natural opportunities for ascent

²⁴ Park Service’s Draft Guidance at 5.

²⁵ *Id.* at 3-5. Both the proposed fixed anchor permit process and the MRA require considering the quantity of anchors to be placed.

and descent, such as where fixed anchors and fixed equipment are placed or replaced at a location that is not otherwise climbable purely to make the climb easier, as opposed to a location that is not otherwise climbable to enable a climber's ascent and descent of a climbing route identified in the applicable climbing management plan."²⁶ Considering the wide range of climbing styles, as well as regional variations in climbing ethics, determining whether fixed anchors are placed "purely to make a climb easier" is highly subjective and context-dependent. In many cases, this is not a decision that many land managers will be equipped to make, and we suggest removing this section.

We encourage the agencies to reconsider whether they are equipped to make these decisions and others proposed by the draft guidance.

Safety Issues. The draft guidance would also create safety issues for climbers by establishing a disincentive for climbers to replace aging, unsafe fixed anchors, particularly before climbing management plans and MRAs are completed. Under current practice, fixed anchor replacements are generally performed by individual climbers acting as good samaritans, or by climbing organizations. Under the draft guidance, the MRA requirements for fixed anchor replacements could potentially trigger a decision by land managers that a particular anchor or route is no longer necessary to administer a Wilderness area. This management regime incentivizes climbers to leave aging fixed anchors on climbing routes, which could ultimately lead to unsafe fixed anchors being used.

Impact on the Conservation Movement. As is outlined in Section 2 above, the outdoor recreation community and the outdoor industry have made and continue to make significant contributions towards conservation advocacy, including by advocating for new Wilderness designations. Throughout our collective Wilderness advocacy, our organizations understand that Wilderness protections will necessarily limit some recreational activities and will prohibit others in order to protect Wilderness values and comply with the Wilderness Act. The draft guidance, however, proposes significant new limitations on climbing—a growing recreational pursuit that is ubiquitous throughout many established and proposed Wilderness areas. These

²⁶ Forest Service's Proposed Directive at 13.

limitations require new considerations by the outdoor recreation community and the outdoor industry with regards to endorsing new Wilderness proposals that will likely complicate, and in some cases hinder, the robust and broad community momentum we have been able to consistently direct towards new Wilderness designations.

Impact on the Outdoor Economy. The draft guidance would harm the U.S. outdoor economy, which accounted for 2.2% of the nation's gross domestic product (GDP) in 2022, amounting to \$1.1 trillion.²⁷ The Bureau of Economic Analysis estimates that climbing, hiking, and tent camping supported more than \$10.17 billion in gross economic output in 2022.²⁸ These economic benefits are especially pronounced in rural communities in close proximity to high-quality recreation assets, including climbing areas. For example, a 2017 economic report produced by Outdoor Alliance found that on the Nantahala and Pisgah National Forests—home to popular Wilderness climbing in Linville Gorge Wilderness—rock climbing visitors spent an estimated \$13.9 million annually in and around the National Forests, while rock climbing-related tourism supported 170 full-time jobs in the region.²⁹ If the proposed guidance were to be enacted, it could significantly limit access to historically important climbing routes, reducing the appeal of these areas to climbers, and diminishing the economic contribution of climbing to the outdoor economy, especially in the small, rural communities that support these climbing areas. Examples of rural communities that may be affected by the draft guidance include Estes Park, Colorado; Lander, Wyoming; and Bishop, California.

4. Comments Specific to Forest Service Guidance

Apart from the determination that fixed anchors are installations and therefore require an MRA, as well as separate concerns outlined below, our organizations appreciate multiple aspects of the Forest Service guidance. The guidance clearly acknowledges climbing, including the use of fixed anchors, as a historic and

²⁷ U.S. Bureau of Economic Analysis, *supra* note 4.

²⁸ *Id.* at Table 8.

²⁹ James Maples and Michael Bradley, Economic Impact of Rock Climbing in the Nantahala and Pisgah National Forests, Economic Report, Outdoor Alliance, Washington, D.C. (August 5, 2017), available at https://static1.squarespace.com/static/54aabb14e4b01142027654ee/t/59d5452c12abd93de5f7b021/1507149106153/OA_NPNF_ClimbingStudy.pdf.

appropriate use of Wilderness, and acknowledges that climbing can contribute to wilderness character. We support the provisions to collaborate with and seek input from local climbing organizations.³⁰

We are also highly concerned by multiple aspects of Section 2355.31, which addresses fixed anchor management outside of Wilderness.³¹ While this section allows for the continued use, placement, and replacement of fixed anchors in the near-term, it instructs agencies (through a climbing management plan) to “[r]estrict the placement and maintenance of fixed anchors and fixed equipment to established climbing opportunities that have been evaluated for natural and cultural resource impacts.”³² This section is problematic for multiple reasons. First, the definition of “climbing opportunity” as “a user-created or primarily user-created dispersed recreation area on NFS lands with no, minimal, or limited Forest Service investment or amenities where climbing may be performed”³³ is vague and should be clarified. It is unclear whether this definition applies only to areas where climbing currently occurs, or whether it is intended to encompass all areas where climbing could potentially occur. It is also unclear how the guidance intends to consider climbing opportunities that are discovered after a climbing management plan has already been finalized, and whether the term “climbing opportunities” is intended to encompass climbing areas where fixed anchors are not utilized. We recommend clarifying what is meant by this section. Further, as is noted above, we are highly concerned by the requirement that land managers “not allow extensive or arbitrary placement and replacement of fixed anchors and fixed equipment without regard to rock features that provide natural opportunities for ascent and descent,”³⁴ and we recommend that Section 2355.31(3) be removed.

5. Comments Specific to NPS Guidance

We appreciate that the Park Service draft guidance clearly re-iterates Director’s Order #41’s core determination that recreational climbing is a legitimate and

³⁰ Forest Service’s Proposed Directive at 11-12.

³¹ *Id.* at 13-14.

³² *Id.* at 13.

³³ *Id.* at 10.

³⁴ *Id.* at 13.

appropriate use of Wilderness, and that fixed anchors can be necessary to fulfill the Wilderness Act's purpose of providing opportunities for primitive and unconfined recreation. We also support the NPS's proposal to address climbing management through site-specific Wilderness Stewardship Plans and believe these planning efforts to be a valuable opportunity to address potential climbing impacts on natural and cultural resources, including through tribal consultation.

Unlike the Forest Service guidance, the Park Service guidance is based on an existing agency policy—Director's Order 41—that has guided climbing management in NPS Wilderness areas since 2013. Notably, Director's Order 41, which is widely supported by climbers and conservationists, does not consider fixed anchors to be prohibited installations under the Wilderness Act. We are thus confused by the Park Service's assertion that their guidance "clarifies that fixed anchors and fixed equipment...are a type of installation under §4(c) of the Wilderness Act."³⁵ Why the NPS specifically chose not to classify fixed anchors as installations in Director's Order 41, but is now stating that their proposed guidance (and change in position regarding prohibited installations) simply clarifies existing policy, deserves explanation.

In addition to requiring MRAs for both new and existing routes, the NPS guidance would also put in place a complicated permit process for applying for and obtaining permission to place or replace fixed anchors.³⁶ This process is onerous and would require climbers to report information including the type and quantity of anchors to be used. Because fixed anchors are often placed based on in-the-moment safety decisions, this information is often unknown until after an ascent is complete.

Finally, we are concerned that Section 6 of the Park Service guidance lists "where appropriate, implement temporary and permanent closures of climbing routes, or approve a reroute of climbing routes" under the list of actions intended to mitigate risk. While we are not opposed to closing areas to climbing when climbing poses unacceptable risks to public safety, environmental, or cultural resources, it is

³⁵ Park Service's Proposed Guidance at 3.

³⁶ The proposed permit requirement is stricter than the authorization process articulated by DO 41, which states that "Authorization *may* be required for the replacement or removal of existing fixed anchors or fixed equipment" DO 41 at 15 (emphasis added).

unclear what the Park Service intends by including this language in a section titled “Liability Considerations.” This section should be further clarified.

6. Recommended Next Steps

Addressing the concerns raised above, as well as others raised by the climbing community, requires holistic changes to both agencies’ draft guidance, including, as a threshold matter, reconsidering the determination that fixed anchors are prohibited installations and require an MRA. Rather than finalize more modest edits to the draft guidance, we recommend that the agencies work collaboratively with outdoor recreation and conservation stakeholders, as well as Tribes, to craft a Wilderness climbing management policy that better meets the needs of stakeholders and land managers. We have outlined two essential components of such a process below.

A. Charter a Federal Advisory Committee.

In addition to these substantive comments, our organizations also support a separate letter, sent by a group of outdoor recreation and Wilderness advocacy organizations. The letter outlines areas of agreement related to the draft guidance, describes shared concerns, and ultimately recommends that the agencies jointly charter a Federal Advisory Committee (FACA) to advise on the development and implementation of new guidance. We strongly support this recommendation, which we feel will lead to more equitable and implementable outcomes than what the agencies have currently proposed. We have included the text of the FACA letter as Appendix 1 of these comments.

B. Alternative Authorization Process for Fixed Anchors.

While we have significant concerns with the agencies’ proposal to evaluate fixed anchor use via the MRA process, we would welcome other authorization tools for regulating fixed anchors and protecting natural and cultural resources. Such a process should provide a realistic pathway for preserving access to existing climbing routes and allow for new climbing route development, while also providing safeguards for environmental, cultural, and Wilderness values. The framework

below, which was compiled by Access Fund to reflect areas of agreement between a coalition of recreation and conservation stakeholders,³⁷ outlines the core principles of a more broadly-supported and effective Wilderness climbing policy:

1. All policies should adhere to the standards and limiting principles in Director's Order 41.
2. Existing anchors should be "grandfathered-in" unless there exist demonstrable unacceptable conflicts with cultural, natural, or other wilderness resources.
3. Essential in-the-moment safety decisions—such as (a) replacing dangerous existing anchors or (b) placing remote adventure backcountry anchors—should remain with climbers (subject to Director's Order 41 standards), not with land managers.
4. Fixed anchor maintenance and replacement shall be allowable for existing fixed anchors.
5. All wilderness fixed anchor authorization processes should be informed by local land use plans (wilderness plans, climbing plans, forest plans) that outline desired conditions and zone wilderness areas to understand local sensitivities and opportunities to make informed decisions regarding:
 - a. Where anchors should be allowed and authorized programmatically,
 - b. Areas where sensitive resources exist requiring case-by-case anchor authorizations, and
 - c. Where climbing is not allowed and thus no wilderness climbing anchors should be authorized.
 - d. These plans should also consider other provisions for visitor use management regarding trails, human waste, climber education, etc.
 - e. In the absence of a land use plan assessing wilderness climbing zones, supervisors and superintendents may authorize permits for new fix anchors consistent with Director's Order 41.
6. A permitting process for new wilderness climbing anchors should require as much specificity as appropriate but not an unreasonable level of detail for

³⁷ As is noted in Access Fund's comments, a broad coalition of recreation and conservation stakeholders—including agency wilderness managers—worked for many years to develop a protocol for managing wilderness climbing anchors. This coalition disbanded during the Covid-19 pandemic.

anchor placements where climbers could not reasonably be expected to have sufficient knowledge until presented with in-the-moment conditions.

7. All wilderness anchor placements and replacements are subject to reporting and monitoring so land agencies can apply a management strategy that will be adaptive, site specific, and relevant. As the Park Service has acknowledged, the strategy “should incorporate adaptive management reinforcing the connection between the monitoring of wilderness character and the strategy for adapting management actions to preserve wilderness character.”³⁸

We support this framework for regulating Wilderness fixed anchors, and we encourage the agencies to consider an alternative authorization process that reflects these principles.

* * *

Thank you for considering our community’s input, and thank you for seeking public comment on the draft guidance. We stand ready and willing to work with your agencies to protect Wilderness values, including sustainable climbing access.

Best regards,



Louis Geltman
Vice President for Policy and Government Relations
Outdoor Alliance



³⁸ Park Service, *Wilderness Stewardship Plan Handbook: Planning To Preserve Wilderness Character* 11 (2014), available at https://www.nps.gov/subjects/wilderness/upload/NPS-WSP-Handbook_508.pdf.



Shoren Brown
Vice President, Public Affairs
The Conservation Alliance

A handwritten signature in black ink, appearing to read "Hannah Wintucky".

Hannah Wintucky
Government Affairs Manager
Outdoor Industry Association

Cc: Jamie Ervin, Sr. Policy Manager, Outdoor Alliance



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Our Organizations

Outdoor Alliance is a coalition of ten member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, the Mazamas, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our nation's public lands, waters, and snowscapes.

The Conservation Alliance is an organization of like-minded businesses whose collective contributions support grassroots environmental organizations and their efforts to protect wild places where outdoor enthusiasts recreate. Alliance funds have played a key role in protecting rivers, trails, wildlands and climbing areas. Membership in the Alliance is open to all companies who care about protecting our most threatened wild places for habitat and outdoor recreation. Since its inception in 1989, The Conservation Alliance has contributed more than \$21 million, helped to protect more than 51 million acres of wildlands; protect 3,107 miles of rivers; stop or remove 34 dams; designate five marine reserves; and purchase 14 climbing areas. For complete information on The Conservation Alliance, see www.conservationalliance.com.

Based in Boulder, Colorado, with offices in Washington, D.C., Outdoor Industry Association (OIA) is a catalyst for meaningful change. A member-based collective, OIA is a passionate group of business leaders, climate experts, policy makers, and outdoor enthusiasts committed to sustainable economic growth and climate positivity while protecting—and growing access to—the benefits of the outdoors for everyone. For more than 30 years, OIA has catalyzed a thriving outdoor industry by supporting the success of every member company across four critically aligned areas: market research, sustainability, government affairs, and inclusive participation. OIA delivers success for its members through education, events, and business services in the form of solutions and strategies, consultation, collaboration, and opportunities for collective action. For more information, visit outdoorindustry.org.

Appendix 1: Federal Advisory Committee Recommendation Letter

January 30, 2024

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Peter Mali
National Wilderness Program Manager
U.S.D.A. Forest Service
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Mr. Semler and Mr. Mali:

The undersigned organizations respectfully submit this comment on the National Park Service¹ (NPS) and U.S. Forest Service² (USFS) proposed guidance on the management of climbing in designated Wilderness. The signatories are submitting this letter in identical letter form to both agencies.

The signatories plan to submit individual comments on the substantive components of the agency guidance proposals issued in November. We have come together in submitting this joint comment to emphasize our collective agreement that the proposed guidance is highly problematic. We believe the implementation of this guidance would create profound problems for the climbing community and a strong backlash against Wilderness conservation.

For these reasons, we write to jointly recommend that the agencies modify the guidance implementation process described in the November 17, 2023 notices. We recommend that the Departments of Interior and Agriculture jointly charter a Federal Advisory Committee to advise the Departments on the development and implementation of the guidance. Doing so will facilitate more collaboration with stakeholders and will produce a more viable and equitable implementation plan.

Toward that end, the signatories to this letter have agreed on the following core principles:

1. The proposed NPS/USFS guidance would impose limits on climbing practices that have been allowed since the Wilderness Act became law in 1964. Under these circumstances, fairness considerations require the agencies to develop an implementation strategy that

¹ Evaluation and Authorization Procedures for Fixed Anchors and Fixed Equipment in National Park Service Wilderness Areas, National Park Service, 88 Fed. Reg. 80333 (November 17, 2023).

² Forest Service Manual 2300— Recreation, Wilderness, and Related Resource Management, Chapter 2350—Trail, River, and Similar Recreation Opportunities, Section 2355—Climbing Opportunities, U.S.D.A. Forest Service, 88 Fed. Reg. 80269 (November 17, 2023).

will produce certainty on a reasonable timeline and that is equitable and transparent to the climbing community.

2. Unfortunately, the proposed NPS/USFS guidance for managing wilderness climbing anchors is highly impractical and will require analyses and plan development that will take many years, if ever, to complete. Many of the provisions in the guidance raise significant safety concerns and stand to threaten the closure of iconic existing climbs in NPS/USFS wilderness areas.
3. The NPS/USFS proposals mandate lengthy and expensive land use plans and MRA processes that will be very costly and time consuming. Despite this fact, these mandates come with no additional funding. By imposing mandates without additional funding, these proposals will produce *de facto* moratoriums on wilderness fixed anchors across the country that will be highly unpopular and unenforceable.
4. The NPS/USFS proposed guidance documents are impractical for the additional reason that they set forth conflicting mandates (e.g., Director's Order 41 may require prior authorization for anchor replacement, whereas proposed Reference Manual 41 would require prior authorization for anchor replacement). For that reason, they create significant uncertainty and are unfair to the climbing community.
5. The NPS/USFS proposals are unpopular with Congress and have prompted Congress to move climbing policy legislation out of committee with unanimous bicameral and bipartisan support. To date, this legislation has been limited, but the agencies' guidance proposals may encourage Congress to take even more assertive legislative action.
6. The NPS/USFS proposals are highly unpopular with the outdoor recreation community, which has historically supported conservation initiatives such as wilderness designations. These proposals will drive a wedge between these two overlapping constituencies making it much more difficult to generate support for conservation initiatives.

Because of these fundamental realities, implementation of the guidance as proposed will produce years of uncertainty and a long litany of inequitable results. What is called for is greater collaboration on both the substance of the guidance and the plans for implementation of its terms. We see no way for the existing process to lead to the collaboration that will be necessary to avoid these problematic results.

There is precedent for greater collaboration on the management of fixed anchors in designated Wilderness. In 2018, representatives of the federal agencies and the climbing and conservation communities met in Tucson, AZ to discuss ways to manage Wilderness climbing and fixed anchors. This multiday meeting featured productive dialog on a wide range of climbing issues. Participants made substantial progress on strategies for implementing reasonable controls on the deployment of fixed anchors. Unfortunately, for reasons unknown to us, this collaboration process was abandoned.

We urge agency officials to restart that collaboration process now by chartering a joint DOI-USDA FACA Committee to develop and implement more viable and equitable guidance on the management of fixed anchors in Wilderness.

Thank you for allowing us to comment on the proposed guidance.

Sincerely,

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Vice President of Policy & Government
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The Access Fund

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The American Alpine Club

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