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Comments: To whom it may concern:

I write to ask the agency to withdraw the proposed fixed anchor guidance.

First, the agency's interpretation of the Wilderness Act is wrong. The Act's definition of "installation" does not encompass small fixed anchors and bolts of the sort that the agency has permitted climbers to use for decades. When read in the context of the other prohibitions contained in Section 4(c) of the Wilderness Act—which prohibits "commercial enterprise[s]," "permanent road[s]," "temporary roads," "motor vehicles" of various kinds, and "structure[s] or installation[s]"—it is clear that the Act is intended to regulate large and significant physical changes to, or intrusion upon, the character of natural wilderness. Indeed, a small bolt, or even several bolts, is nothing like a road or a building. At the very least, fixed anchors have a de minimis impact: they are usually placed high up on the face of cliffs that are completely inaccessible and invisible to the general public. And the Wilderness Act must be read to include a de minimis allowance, otherwise the agency's absurdly broad definition of installation—"anything made by humans that is not intended for human occupation and is left unattended or left behind when the installer leaves the wilderness"—encompasses basically anything left in the wilderness. That leads to absurd results (like this).

Second, even if the agency disagrees with this statutory interpretation, there is no question that, for decades, the agency has permitted the use of fixed anchors and during that period did not consider fixed anchors to violate Section 4(c) of the Wilderness Act. The proposed guidance therefore marks a significant change in agency policy that is irreconcilable with the agency's reading of the same statutory language for decades. An "agency must at least 'display awareness that it is changing position' and 'show that there are good reasons for the new policy.'" *Encino Motorcars, LLC v. Navarro*, 136 S. Ct. 2117, 2126 (2016) (citation omitted). Far from showing such awareness of change—much less justifying the change—the guidance relies entirely on its (incorrect) interpretation of the statute without giving any reasons for the change in policy. Such an about-face is unlawful.

Third, the guidance upsets significant reliance interests. As the Supreme Court has recognized, agency regulations can "engender[] serious reliance interests," *Encino Motorcars*, 136 S. Ct. at 2126, and they certainly have here. For decades, climbers and guides, and the businesses and communities that have developed in and around climbing areas, have relied on—indeed, structured their lives and businesses around—the agency's reasonable interpretation of the Wilderness Act to permit the judicious use of fixed anchors for safety. If the proposed guidance is implemented, the huge hurdles it imposes in bolting new routes and re-bolting existing routes will fundamentally change the sport, make it far less safe, and harm communities that serve climbers and guides. The guidance upsets those strong reliance interests without even acknowledging them.

These legal reasons are alone enough reason for the agency to abandon the proposed guidance. But there are also substantial affirmative policy reasons why the agency should reconsider.

First, prohibiting fixed anchors will create safety issues by making it harder (if not impossible) to regularly maintain fixed anchors—a responsibility voluntarily undertaken by the climbing community (and supported by community donations). Often, critical safety decisions regarding fixed anchors must be made in the moment and the proposed guidance's authorization process will impose unjustified roadblocks that will endanger climbers. Fixed anchor maintenance needs to be managed in a way that incentivizes safe anchor replacement and does not risk the removal of climbing routes.

Second, the de minimis impact of fixed anchors on natural wilderness can be significantly mitigated. To be clear, fixed anchors are present largely in places where the general public has essentially no ability to encounter (or even see) them—on sheer cliff faces and on the tops of inaccessible cliffs. But even if the agency is concerned with a glint of sunlight reflecting off of a few small pieces of metal (the average route has fewer than 15 bolts), that extremely minor impact can be mitigated by requiring matte fixed anchors that are colored like the surrounding rock. Some manufacturers are already making these, and some areas require them.

Third, many alternatives to fixed anchors are often far more destructive. For example, in areas that prohibit fixed anchors but permit temporary anchors, people often set up top-ropes from the top of the climb, running static line around trees and boulders. The result is that the trees are harmed (and sometimes killed) and vegetation at the tops of cliffs is trampled, leading to erosion. This has happened at Carderock and Great Falls, near where I live in Washington, D.C.

Fourth, other alternatives, such as cams and passive protection, cannot be used in many of the nation's premier climbing areas and climbs due to the quality of the rock. The proposed guidance's preference for these types of protection will make climbing unsafe or impossible in significant areas of the country.

Finally, climbing has an important cultural legacy that deserves to be protected. Prohibiting fixed anchors could erase some of the world's greatest climbing climbs and climbing areas. Climbing management policy needs to protect existing routes from removal and also foster the creation of new routes to permit the development of the sport. That can be done sensibly, in a way that protects the natural character of wilderness areas. Unfortunately, the proposed guidance does not do so. It should be withdrawn.

Thank you for your consideration.