



January 30, 2024

RE: The Mountaineers Comments to:

- **USDA Forest Service: FSM 2355 Climbing Opportunities #ORMS-3524**

USDA Forest Service Officials:

The Mountaineers appreciates the opportunity to provide comments 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.³ The Mountaineers submits these comments to oppose the agencies' interpretation of fixed anchors as installations and proposed use of the Minimum Requirements Analysis process to regulate fixed anchors, as well as outline the negative impacts of the proposed guidance to our programs, the conservation movement, and climber safety.

I. The Mountaineers

The Mountaineers, based in Seattle, Washington and founded in 1906, is a nonprofit outdoor education, conservation, and recreation organization whose mission is "to enrich the community by helping people explore, conserve, learn about and enjoy the lands and waters of the Pacific Northwest and beyond." The Mountaineers Books publishing division expands the mission internationally through award-winning publications including instructional guides, adventure narratives, and conservation photography. 1,200 skilled volunteers lead 3,200 outdoor education trips and courses annually for 16,000+ members.

Our youth programs provide over 15,000 opportunities each year for young people to get outside. We are a passionate, engaged, and knowledgeable community that cares about the outdoors, and protects the outdoor experience for current and future generations.

For more than 100 years, Mountaineers have cherished the natural beauty and challenges offered by the Pacific Northwest landscape. Areas like the Alpine Lakes Wilderness and Mount Rainier National Park provide an unparalleled resource for our educational courses and programs and world-class opportunities for activities



including climbing, mountaineering, alpine climbing, canyoning, and backcountry skiing.

The Mountaineers and its membership, and climbers more generally, have engaged in the protection and stewardship of wilderness resources for generations, with many contributing to the idea of “wilderness” protection prior to the Wilderness Act of 1964. The Mountaineers community has a deep history of successfully advocating for Wilderness protection of our public lands in Washington State; our members’ advocacy was instrumental to the formation of Olympic National Park in 1938, the creation of North Cascades National Park in 1968, and the designation of the Alpine Lakes Wilderness in 1976.

The historic use of fixed anchors by The Mountaineers in many of these areas predates their National Park, National Forest, and Wilderness designations. *The Mountaineers: a history* details the use of fixed anchors such as pitons in early Mountaineers climbing exhibitions prior to the Wilderness Act.⁴ The first edition of *Mountaineering: The Freedom of the Hills*, known as the “Bible” of mountaineering, was published prior to the Wilderness Act and provides instruction on climbing techniques that utilize fixed anchors such as pitons.⁵

The Mountaineers supports the collaborative management of the ecological, cultural, and natural resources of wilderness areas, especially as more people recreate in the outdoors and the population of climbers continues to grow. We recognize that the regulation of climbing in wilderness areas is an important part of fostering safe, responsible, and sustainable climbing.

We are also grateful for our longstanding, strong relationships with National Park and U.S Forest Service staff and leadership throughout Washington state. We look forward to continuing our work with the NPS and USFS to steward these important resources for generations to come.

II. Fixed Anchors as Prohibited Installations

Since the enactment of the Wilderness Act of 1964 (“the Act”), climbers and other recreationalists have utilized fixed anchors in accordance with the Act with an understanding that fixed anchors or fixed equipment should be rare in wilderness. The climbing community has a strong ethic for caring for the land and minimizing



fixed anchor use in wilderness, relying on removable protection whenever possible.

During the 60 years following the passage of the Act, no federal agency or regulation has taken the position that fixed anchors are presumptively prohibited installations under Section 4(c) of the Act. Indeed, recognizing the importance of climbing, agencies have routinely managed and even promoted climbing and fixed anchors as allowable uses in wilderness areas around the country. For instance, the Park Service's *Director's Order #41 on Wilderness Stewardship*, the directive that guides the Park Service's current approach to regulating fixed anchor use in wilderness areas, "recognizes that climbing is a legitimate and appropriate use of wilderness" and that the "occasional placement of a fixed anchor" does not violate the Wilderness Act. Within Washington State, in the Alpine Lakes Area Management Act of 1976, in which Congress officially designated the Alpine Lakes Wilderness, Congress noted that the Alpine Lakes region "is abundant in its...opportunities for great diversity of recreational use and enjoyment," including "mountain climbing."⁶

Additionally, the National Park Service and U.S. Forest Service already have many management tools for regulating climbing in wilderness and possess the ability to develop climbing management plans that effectively protect wilderness character and allow for sustainable climbing access.

Modern management of climbing in wilderness areas typically involves the following elements:

- Each park unit or district has flexibility in managing fixed anchors so they can tailor their approach to local conditions. Prior approval is needed before placing new fixed anchors or replacing aging fixed anchors in wilderness in some but not all areas. Other public land units may manage climbing through a dedicated climbing management plan.
- The use of power drills in wilderness areas is strictly prohibited. All fixed anchors must be placed by hand without the use of motorized equipment. This is a time consuming and laborious process that serves as a natural and effective limitation on the proliferation of fixed anchors.



- Land managers retain authority under the Wilderness Act and other authorities to close areas to climbing or to limit climbing to protect wilderness characteristics, natural resources, or cultural values.
- Individual National Park units or Forest Service districts are encouraged to develop climbing management plans that provide more detail about how they will manage sustainable climbing access and conserve and protect climbing areas.

However, the USFS and NPS have recently adopted a novel re-interpretation of the prohibitions listed under section 4 (c) of the Act, and in doing so have unilaterally reclassified fixed anchors as prohibited installations. The agencies did not utilize a notice-and-comment process in arriving at their chosen definition which changed a 60-year understanding of what constituted an installation. These guidance documents are also “procedurally improper,”⁷ which has left the climbing community confused and may serve as a potential deterrent to those in the regulatory community from properly responding to the notices.

The Mountaineers is particularly concerned with the agencies’ new interpretation of the Wilderness Act that defines fixed anchors as installations. Fixed anchors, critical climbing tools used to facilitate safe ascent or descent of technical, vertical terrain, are fundamental to rock climbing. Defining fixed anchors as installations would create a presumption that they are prohibited in wilderness. This presumption will make it difficult to secure permission to maintain existing anchors and place new anchors to protect climbing routes and may also result in widespread removal of existing anchors from wilderness areas. Defining fixed anchors as installations under the Act is also highly impractical. Land managers would be forced to implement a costly and time-consuming administrative MRA exception process every time a climbing anchor needs to be maintained. This process could take months to complete for a single individual anchor.

The combined effect of these actions would be to significantly reduce climbing opportunities in wilderness, make those opportunities less safe, and enforce a highly time-consuming and inefficient process on under-resourced land managers. **We urge the agencies to revise the proposed guidance to omit the interpretation that fixed anchors are prohibited “installations” under the Wilderness Act.**



Additionally, the National Park Service's Director's Order #41 (DO#41), Section 7.2, outlines clear management guidance for regulating fixed anchors in designated wilderness. DO#41 does not treat fixed anchors as prohibited installations, nor does it require a Minimum Requirement Analysis (MRA) for recreational climbing fixed anchors (although it does require MRA for administrative purposes such as search and rescue). DO #41 does contend that fixed anchors or fixed equipment should be rare in wilderness, and that some kind of authorization or administration process should be present to regulate the placement of fixed anchors or equipment - the Mountaineers fully supports this contention.

The national-level policy formation process that resulted in DO#41 included extensive stakeholder input, public notice and comment, and subsequent collaboration. However, it is clear that the agencies did not adequately consult with the stakeholder community when developing the new proposed guidance. For example, bouldering is included in the list of possible climbing uses subject to a fixed anchor permit application; however, bouldering is a form of climbing that does not utilize fixed anchors.

We do not think the agency should cast the collaborative work that defined the formation of DO #41 aside. **The Mountaineers urge the NPS to use DO#41 and the other management tools available under its existing authorities to manage wilderness climbing. We also urge the USFS to adopt similar guidance.** This approach is preferable to asserting a new interpretation of the Wilderness Act that was not informed by public process and does not align with current federal policy and practice.

If the agencies are unable or unwilling to revert to those policies outlined in DO #41 or a "DO #41-like" policy, we recommend the agencies jointly charter a stakeholder process to work with the climbing community - including outfitters and guides - to implement, strengthen, and improve existing management policies for protecting wilderness character and providing for the appropriate use of fixed anchors in wilderness areas.

III. Minimum Requirements Analysis

The NPS and USFS proposed guidance would require a Minimum Requirements Analysis (MRA) for new anchor placements and existing anchor replacement



reauthorizations. However, the NPS’s own “Level 1”⁸ policies clearly state that MRAs are not for public actions, but rather for “administrative actions, projects, or programs undertaken by the Service or its agents.”⁹ This is an important distinction because the placement and replacement of recreational fixed anchors is not undertaken by the Service or its agents, but rather, as the USFS proposed guidance states, by “climbers [who] are responsible for the placement and replacement of fixed anchors and fixed equipment.Climbers have personal and exclusive responsibility for assessing the safety of installed fixed anchors and fixed equipment.”¹⁰ Considering that the agencies do not intend to place or maintain fixed climbing equipment, it would be inconsistent with agency policy to utilize an MRA as the decision tool to authorize a recreational climbing fixed anchor. While an MRA is certainly an appropriate tool for an agency-initiated action or project analysis, it is wholly inappropriate as an evaluation tool for a privately initiated activity.

It is also unrealistic that effective implementation of the NPS or USFS directives will occur if the guidance is published in its current form. Both the NPS and USFS are historically under-resourced, and neither agency has the budget nor the personnel to appropriately execute the policies set forth in the draft guidance, which includes the MRA process being applied to all fixed anchors. At a practical level, the proposed reinterpretation of the Wilderness Act will cause significant confusion and consume significant agency resources at a time when land managers are struggling to cope with staffing shortages, resource limitations, climate change and other threats to wilderness values. By treating existing fixed anchors as presumptively prohibited, land managers would need to locate, catalog, and assess all of these fixed anchors to determine whether to allow them to remain in place. This would be an insurmountable task.

The Mountaineers opposes the use of the Minimum Requirement Analysis (MRA) for protecting wilderness character and regulating fixed anchor use in climbing areas. However, we support reasonable regulations for fixed anchors. If the agencies conclude that changes are needed to the existing system of regulating fixed anchors in wilderness areas, we support the Access Fund’s proposed framework for how federal agencies should manage wilderness climbing anchors.¹¹

IV. Impact on The Mountaineers Courses and Programs



Wilderness areas throughout Washington State are critical teaching spaces for The Mountaineers outdoor education and recreation courses. These areas, including but not limited to North Cascades National Park, Mount Rainier National Park, the Alpine Lakes Wilderness, Olympic National Park, the Stephen Mather Wilderness, and Goat Rock Wilderness, offer tremendous and unparalleled rock climbing, mountaineering, and alpine climbing opportunities.

The USFS and NPS directives would significantly impact The Mountaineers ability to lead many climbing and mountaineering courses in these areas, as our courses often rely on the protection afforded by fixed anchors. The standard route on Unicorn Peak in Mount Rainier, the Sulphide Glacier route up Mount Shuksan in North Cascades National Park, and the South Face of the Tooth in the Alpine Lakes Wilderness, are all examples of essential teaching spaces for our alpine climbing, mountaineering, and rock climbing courses, respectively, wherein students rely on pre-existing fixed anchors for safety. Under the proposed USFS and NPS guidance, these anchors would be classified as “installations” and therefore prohibited, unless granted an exemption through an overly arduous, complicated, and inefficient process (MRA).

In summary: within Washington state, the USFS and NPS directives would have the effect of restricting The Mountaineers leaders, students, and members access to many of the most iconic climbs in Washington state, cause significant uncertainty for our course leaders who have historically relied on such anchors, and create a barrier to providing education in safe and responsible climbing techniques.

V. Impact to Conservation

The Mountaineers are also concerned that the USFS and NPS guidance will deter climbers from supporting critical conservation initiatives like new Wilderness designations. Many of the greatest conservation gains during the 21st century have been a direct result of the collaboration between the human-powered outdoor recreation and conservation communities. The climbing community was integral to the development and passage of the Wilderness Act of 1964 as well as the protection of wilderness areas and other protected landscapes for more than a half century. To reiterate, the Mountaineers community successfully advocated for the formation of Olympic National Park in 1938, the formation of North Cascades



National Park in 1968, and the designation of the Alpine Lakes Wilderness in 1976. These are but a few examples of our extensive and successful public lands conservation and advocacy efforts over our organization's 116-year history. Our community - climbers, mountaineers, canyoneers, backcountry skiers, ice climbers, alpine climbers - effectively mobilized to support these protections because of their connection to these places through outdoor recreation and education. That connection would be lost or significantly disrupted under the agencies' climbing guidance.

The proposed climbing guidance will also affect the public's opinion of the need for conservation and have a negative and direct impact on the future of America's public lands. It will make it much more difficult for climbers and other recreationists to support Wilderness designations.

It bears repeating that The Mountaineers supports the prohibition on the use of power drills in wilderness, mandatory authorization (per DO#41) for the placement of fixed anchors, and management of other aspects of recreational use like trails and human waste management. We believe the agency would do more to protect wilderness character by focusing its limited resources on these management issues rather than reviewing every existing fixed anchor within wilderness.

VI. Impact on Safety

The proposed guidance would also adversely impact the ability of climbers to stay safe in the alpine. Historically, the rare and judicious replacement of fixed anchors has been an invaluable asset to the safety of The Mountaineers course students when climbing in wilderness areas, yet the application of this new policy would limit climbers' ability to replace and update existing anchors that are aging, outdated, or otherwise do not provide adequate safety for climbers. A trip report¹² from a Mountaineers course alpine climbing field trip on Unicorn Peak in Mount Rainier National Park highlights the importance of fixed anchors in ensuring climbers' safety: in the trip report, the leader states, "thank you to those who left behind new rap rings and new tat...with the tat and rap rings already in place we opted to inspect and utilize the existing gear." The group was able to safely rappel off the summit due to new, pre-existing "tat and rap rings" (fixed anchors) that had



presumably replaced aging, and potentially unsafe, fixed gear. Under the NPS and USFS, climbers would be limited in their ability to replace aging fixed anchors or refrain from replacing them due to fear of litigation. This would result in climbers' utilizing potentially unsafe anchors in the alpine.

VII. Conclusion

The Mountaineers believes that the NPS and USFS should adopt climbing guidance which affirms that fixed anchors are not installations prohibited by the Wilderness Act. In lieu of publishing such guidance, the Mountaineers would ask that the NPS and USFS convene a committee pursuant to the negotiated rulemaking process in order to address the issue of fixed anchors in wilderness areas and implement guidelines following a committee report. The Mountaineers reiterates that the MRA process is not only a technically incorrect tool for the evaluation of fixed anchors, but cannot be practically implemented due to agency underfunding and understaffing.

The Mountaineers will remain committed to instilling the ethos of maintaining wilderness character, utilizing the best low-impact climbing techniques and practices, and staunchly supporting appropriate recreation in wilderness. The Mountaineers is ready and willing to assist the USFS and NPS to deliver on their dual mandate of conserving wilderness characteristics while also ensuring the benefit and enjoyment of the Wilderness for the broader public.

Respectfully,

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¹National 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).

²U.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).

³Per notices extending the comment periods, the public is invited to provide comment on both the agencies' guidance proposals through Tuesday, January 30, 2024. See 89 Fed. Reg. 1600 (Jan. 10; 2024); 89 Fed. Reg. 1518 (Jan. 10, 2024).

⁴Kjeldsen, Jim. *The Mountaineers: a history*. Mountaineers Books, 1998. Chs 3-4.

⁵Manning, Harvey. *Mountaineering: The Freedom of the Hills*. The Mountaineers, 1960.

⁶Alpine Lakes Area Management Act of 1976, Pub L. No. 94-357, 90 Stat 905.

⁷Murdock, Erik (2024). Access Fund Comments to: *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* [Unpublished manuscript]. Access Fund.

⁸See National Park Service Laws/Regulations/Policies/Guidance, found at <https://www.nps.gov/dscw/laws/policies.htm>.

⁹See NPS Management Policies (2006), 6.3.4.5, found at https://www.nps.gov/subjects/policy/upload/MP_2006.pdf.

¹⁰See Section 2355.03.7, 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>, page 6.

¹¹See: Murdock (Note 7)

¹²The Mountaineers, *Trip Report, Basic Alpine Climb - Unicorn Peak* (June 11, 2021), available at [Basic Alpine Climb - Unicorn Peak — The Mountaineers](#).