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Comments:

The proposed guidance should be abandoned and rewritten to recognize and acknowledge the historical use of many wilderness areas by climbers and the necessary nature of fixed anchors for route development and for the sake of the climbers' safety. Fixed anchors should be allowed to be placed, replaced as necessary, and placed with minimal restrictions. Fixed anchors have been primarily self-regulated by the climbing community for decades and should continue to be.

Fixed anchors are an essential piece of climbers' safety system and are not prohibited "installations" under the Wilderness Act. Following existing climbing policies that allow judicious use of fixed anchors for more than a half century will do more to protect Wilderness character while providing for primitive and unconfined Wilderness climbing.

The following is the full text of the Joint Explanatory Statement:

"Recreation, Heritage, and Wilderness. --Within the funds provided, \$2,000,000 is made available to support infrastructure and trails development and to build the capacity of local user groups and partnership organizations for all National Recreation Areas administered by the Service established after 1997. The Service is directed to issue general guidance on rock climbing management for National Forest System lands, including the application of the Wilderness Act (Public Law 88-577) for rock climbing and appropriate use of equipment in wilderness areas, within 180 days of enactment of this Act."

Joint Explanatory Statement, 2021 Consolidated Appropriations Act. Available at

<https://www.govinfo.gov/content/pkg/CPRT-117HPRT43750/html/CPRT-117HPRT43750.htm> (Emphasis added).

First, a Joint Explanatory Statement does not carry the force of legislation and cannot rewrite the Wilderness Act. See *Roeder v. Islamic Republic of Iran*, 333 F.3d 228, 237 (D.C. Cir. 2003). Second, the Joint Explanatory Statement does not singularly focus on climbing anchors however, the proposed guidance appears to be fixated on fixed anchors.

Climbing and mountaineering have been part of many designated wilderness areas prior to their designation, as such, and prior to the passage of the Wilderness Act. The Act clearly states: "Except as otherwise provided in this chapter, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use." 16 U.S.C. § 1133(b)(emphasis added).

Climbing and mountaineering are a recreational use, and in many instances climbing requires fixed anchors not only for climbers' safety, but also for the preservation of rock. (See attached photo of what a route looked like in 1964, certainly not a leave no trace ethos). Climbing and mountaineering are also historical uses in many wilderness areas. Finally, a consideration of what climbing anchors entailed when the 1964 Wilderness Act was passed is worth considering prior to jumping to restrict fixed anchors.

In 1964, climbing anchors relied heavily upon what many would consider now to be an over reliance on pitons and other techniques that left a significant trace. Again, at the time of the Wilderness Act's passage rock climbing and mountaineering were considered recreation and an historical use. Bolts and pitons have been regularly used in route development since the time of rock climbing and mountaineering becoming a recreational activity first in Europe. I have attached copies of two pages from a book that documents the climbing techniques of the time, *Basic Rockcraft* by Royal Robins. Please ensure these copies are placed in the administrative record.

Given that climbing and mountaineering are both a protected recreational activity and an historical use of many wilderness areas, the use of fixed anchors on new routes or their replacement on old routes should be protected

under the Wilderness Act and not arbitrarily restricted by the Forest Service.

The Forest Services' reliance on 16 U.S.C. 1133(c) for proposing restricting fixed anchors is misplaced and not in accordance with the Wilderness Act. The Act states:

"(c) Prohibition provisions: commercial enterprise, permanent or temporary roads, mechanical transports, and structures or installations; exceptions: area administration and personal health and safety emergencies

Except as specifically provided for in this chapter, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this chapter and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this chapter (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area."

Just by a plain reading of the statute, a climbing anchor even a fixed anchor (which as described above is part and parcel of a recreational and historic use) cannot be regulated out of existence under a twisted reading of 16 USC 1133(c). First, as described above climbing and fixed anchors go hand in hand and are a recreational activity which is one of the purposes that wilderness areas are "devoted to". Second, at the time of the Wilderness Act's passage a climbing anchor could not have been considered an "installation" by Congress because such a ban on "installations" would have directly conflicted with Section 1133(b)'s "wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use." Because such a ban would have banned many climbing techniques of the time. See Basic Rockcraft.

Further, reading "installation" in isolation is absurd. The Act states "no structure or installation" given that structure and installation are separated by "or" not "and", it is a clear indication that Congress meant something big like a "military camp, fort, or base" not personal safety equipment used in rock climbing and mountaineering. Second, even if Congress's use of the word "installation" could mean a bolt used during a recreational activity that also qualifies as an historic use in many places it would directly conflict with the exception which precedes such a prohibition "personal health." Utilizing bolts and fixed anchors and replacing old fixed anchors clearly are important to the personal health of rock climbers and mountaineers.

It is unreasonable for federal agencies to create new guidance policies prohibiting Wilderness climbing anchors across the country when they have allowed, managed, and authorized fixed anchors for decades. Prohibiting fixed anchors will create safety issues by imposing unnecessary obstacles to the regular maintenance of fixed anchors, a responsibility undertaken by the climbing community. Critical safety decisions often must be made in the moment and any authorization process should not impede those decisions. Fixed anchor maintenance needs to be managed in a way that incentivizes safe anchor replacement and does not risk the removal of climbing routes.

Prohibiting fixed anchors obstructs appropriate exploration of Wilderness areas. Land managers need to allow climbers to explore Wilderness in a way that permits in-the-moment decisions that are necessary when navigating complex vertical terrain.

Furthermore, prohibiting fixed anchors will threaten America's rich climbing legacy and could erase some of the world's greatest climbing achievements. Climbing management policy needs to protect existing routes from removal and allow for new ones to be developed.

Finally, the Forest Service should not restrict the establishment of new routes to "existing climbing opportunities" on non-Wilderness lands. Such a restriction is unenforceable and will create confusion amongst land managers and climbers. Non-Wilderness climbing management policy should maintain opportunities for new anchors unless and until analyses determine climbing should be restricted to protect natural resources.

