

Data Submitted (UTC 11): 1/26/2024 7:46:16 PM

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Comments: Our signed letter with comments is attached.

## INTRODUCTION

The New Mexico Climbers' Resource and Advocacy Group (NM CRAG) submits these comments to the U.S. Forest Service (USFS) draft climbing management proposal issued on November 17, 2023. NM CRAG is a New Mexico 501(c)(3) nonprofit corporation that represents climbers across the State of New Mexico to protect access to New Mexico climbing areas while improving and preserving these resources for the future. NM CRAG works with landowners and land managers, educates climbers, and engages in stewardship projects across the State of New Mexico. NM CRAG is an affiliate of the Access Fund.

The breadth of climbing in New Mexico is incredibly diverse from desert to alpine environments. As the federal government owns nearly one-third of the land in New Mexico, much of the climbing resources within the state are on federal lands. The Congressional Research Service in its review of Federal Land Ownership: Overview and Data, February 21, 2020, notes that 31.7 % of New Mexico's land is federally owned as of 2018. Based on the report, as of 2018 roughly 12 % of New Mexico is owned by the USFS and the National Park Service (NPS).

Climbers have been recreating on public lands and utilizing fixed anchors well before and during the nearly 60 years since the enactment of the Wilderness Act in 1964. For example, the first documented climb of Organ Needle in the Organ Mountains near Las Cruces was in the early 1900s, and Stephen Christensen established the first technical rock-climbing route up the Wedge in that same range on May 17, 1934. Other climbers explored the Sandia Mountains near Albuquerque in the 1930s. David Brower, one of the most influential people in helping establish the Wilderness Act, placed some of the first bolts on a climb in New Mexico with his team's ascent of Shiprock in 1939. Climbing clubs in New Mexico were established in Los Alamos and Albuquerque in the early 1950s. Harry Davis and William Ficklin used over 20 pitons and expansion bolts on their first ascent of Sugarloaf in the Organ Mountains, now located within the Organ Mountain Wilderness, on October 30, 1955, only to discover a summit register with the names of German rocket scientists who had made the climb nearly 10 years earlier in 1946.

Considered cutting-edge for its time, David Hammack and Reed Cundiff made a first ascent of the Southwest Ridge of the Needle in the Sandia Mountains in 1959-now located within the Sandia Mountains Wilderness-and climbers today still use some of the fixed pitons from the early ascents of this route. Then, as now, climbers must rappel off the Needle from fixed anchors to descend this steep formation safely, as well as many of the other routes in the Sandia Mountains Wilderness. Before 1960, Dick Ingraham, Ron Hahn, and others had established technical rock-climbing routes on each of the 25 major peaks in the Organ Mountain range. In 1964 when the Wilderness Act was signed into law, climbing in the Organ and Sandia Mountains, as well as other ranges, was a well-established practice which had always included the use of fixed anchors, as a valid activity compatible with Wilderness characteristics.

The USFS proposal is premised on a completely new concept that fixed anchors are prohibited "installations" under the Wilderness Act-a finding not supported by the language of the Wilderness Act. The proposal's fundamental misguidance ignores the long history of climbing on federal lands that predates the Wilderness Act and continues to this day, almost 60 years later. It also fails to recognize how climbing has been managed on federal lands, what a fixed anchor is and how fixed anchors are used, and most importantly, that fixed anchors are part of the safety system for climbing and have a long historical precedence. The USFS proposal appears to have been constructed without consultation with the climbing community and in utter disregard for public safety.

## INSTALLATIONS

The USFS proposal is structured on the unsupportable premise that fixed anchors are prohibited "installations" under the Wilderness Act. This is a new interpretation of the Wilderness Act unsupported by the language in the Act, its legislative history, and ignores nearly 60 years of climbing in designated Wilderness using fixed anchors.

This interpretation that fixed anchors in Wilderness are prohibited as "installations" ignores the safety of those seeking to climb, and places the public at risk, as fixed anchors are an essential part of the safety system for climbing. Since the adoption of the Wilderness Act, if a climber needs to place a bolt to allow for a safe descent or ascent, they have to hand-drill the hole for the bolt, which is a long, arduous effort, and as a result, has only been used sparingly and when essential for safety. In this way, Wilderness has been protected, fixed anchors have been limited, and climbers have been able to safely recreate in federal Wilderness.

Further, fixed anchors as defined in this proposal include all forms of protection that climbers may use to safely ascend or descend a route. For example, in the Sandia and Organ Mountain Wildernesses-both ranges with steep, isolated granite spires-the only means to safely descend routes is to rappel off the tops of the formations using a variety of anchors, from slings wrapped around trees, to pitons, fixed nuts, or bolts. Considering these fixed anchors as "installations" prohibited under the Wilderness Act is equivalent to a de facto ban on climbing in many of these Wilderness areas, as there would be no way to get off many of these formations.

## MINIMUM REQUIREMENTS ANALYSIS

The proposal that using a Minimum Requirements Analysis (MRA) as the sole means to judge the appropriateness of existing fixed anchors in Wilderness and if they may be retained omits climber safety, local historical practice, and real opportunities for public input. Suggesting "that a Forest Supervisor may authorize the placement or replacement of fixed anchors and fixed equipment in Wilderness based on a case-specific determination that they are the minimum necessary for administration of the area for Wilderness Act purposes, including primitive or unconfined recreation and preservation of Wilderness character (proposed FSM 2355.32, para. 1)" as the means to determine when a fixed anchor may be appropriate is a serious safety concern for climbers.

Forest Supervisors typically lack any experience to know when a fixed anchor may require replacement and would not have sufficient judgment to evaluate the appropriateness of proposed fixed anchors for new climbing routes. Further, climbers establishing routes from the ground up cannot know whether a fixed anchor may be necessary for safety depending on the rock condition, availability of protection, etc., and consider this type of climbing the embodiment of unconfined, primitive recreation.

Additionally, the burden of proof of actual impacts to wilderness character (or other resources) should be on the Forest Service to demonstrate prior to any action related to fixed anchors at a local Forest level rather than suggesting impacts are occurring nationally and then extrapolating that they therefore are also happening locally in each Forest. The Forest Service should provide a better user and recreational dataset that actually demonstrates the purported impacts these rule changes are proposed to address, as well as more clearly identifies how the proposed rule changes will address the supposed impacts and result in greater consistency in management across the U.S. The rule changes as proposed neither clearly identify the issues that are supposed to be addressed, nor explain how allowing each Forest Supervisor to choose what is safe for climbers, and to determine what constitutes primitive or unconfined recreation, will be better and more consistent than the no-action alternative.

Further, the proposed rule changes do not provide a clear definition of what constitutes primitive or unconfined recreation for a climber and therefore do not create consistency across the Forest Service when implementing

the proposed rule changes. It is highly likely therefore that each Forest Supervisor will bring their own biases to what primitive or unconfined recreation is for a climber and there will be less consistency rather than more consistency. Again, the proposed rule changes would not address the purported issue, making the action alternative no different from the no action alternative.

#### MRA AND MANAGEMENT OF FIXED ANCHORS

The USFS proposal is completely inadequate for replacement and maintenance of existing fixed anchors. This places decision makers with no understanding of climbers or climbing routes in a position to decide their needs for safety. To require an MRA is unsafe and unworkable and would only endanger the public. In an emergency, safety must be prioritized and not subject to additional administrative processes. Maintenance of existing fixed anchors supports public safety.

#### REGULATING CLIMBING OUTSIDE OF WILDERNESS

The USFS proposal to limit new routes on USFS lands outside of Wilderness to an administrative process within "existing climbing opportunities" is completely unworkable, subjective, and essentially prohibits further development as a practical matter given the lack of federal funding, and inadequate staffing and training of federal personnel. The USFS lacks the money to define what existing climbing opportunities are present now and has no additional funding to develop climbing plans to manage these resources.

In New Mexico, we have a clear example of what happens when a federal agency creates an unfunded mandate to manage climbing, however well intended. In 2012, the BLM Taos Field Office issued its Resource Management Plan that included a simple statement "Installation of new rock-climbing routes or hardware will require pre-approval by the BLM." Over the decade that followed, various climbers approached the BLM staff to ask how this pre-approval process would work and if they could get approved to replace old hardware with new hardware or if they could establish new routes. Some climbers got verbal approval from various BLM staff and other climbers got responses indicating that there was no formal process to approve new hardware. In the meantime, fixed anchors became unsafe with no administrative process to approve their replacement with new hardware. Only after 11 years did the BLM issue an environmental assessment (EA) to create a process for how climbers could get new hardware or routes approved in the Taos BLM Field Office. Now more than a year later, the BLM has indicated that they do not have enough staff to complete the EA and issue a decision on how to approve new climbing hardware or routes. Meanwhile, there is no approved way to maintain safety for climbing hardware on the BLM-managed land in the Taos Field Office.

NM CRAG is sympathetic to the funding shortcomings at federal agencies, which is why we organize various trail maintenance and clean-up days at local crags each year and routinely volunteer our time to help agencies. Agencies, however, are chronically understaffed and underfunded, with fighting fires or other efforts taking precedence over managing climbing resources. It is a reasonable conclusion to assume that if this unfunded, unstaffed proposal is adopted for management of climbing areas on USFS land outside (and inside) of Wilderness, this would lead to the agencies taking no action for years, if not decades, and would leave responsible climbers in limbo as to how best to proceed with maintenance of existing fixed anchors or establishment of any new climbing routes. Essentially, the action alternative would be just like the no action alternative-an agency with no funds or staff to enforce the existing regulations. Therefore, it is not clear how the proposed actions meet a purpose or that there is a need for the proposal.

#### CONCLUSION

Given the amount of federal land in New Mexico, and that the on-going use of fixed anchors has been allowed, managed, and authorized by the USFS, for the draft USFS proposal to find that fixed anchors are "installations" turns aside decades of precedent, undermining safe use of federal lands in New Mexico. NM CRAG believes that

consultation and working with the climbing community is the most prudent path forward, rather than proceeding with the draft proposal that arguably endangers the public and essentially prohibits recreational climbing on USFS lands.

Respectfully,

New Mexico Climbers' Resource and Advocacy Group

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President