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National Park Service

National Forest Service

Access Fund

American Alpine Club

RE: Draft Regulations for Fixed Anchors in Wilderness

To Whom It May Concern:

First off let me introduce myself. I am an attorney licensed in Wyoming (Bar # 6-4034) and have a great deal of experience with NEPA and regulation of uses and activities on federal lands. I am also a climber with over 40 years of experience and have been active in climbing advocacy for much of that time, including being a member of the American Alpine Club since 1988. Professionally, I have worked in the outdoor industry and USFS Wilderness since the 1980's and also as a NPS seasonal in Grand Teton National Park. So I have a pretty good feel for both the regulatory scheme involved here and also what is actually going on on the ground, especially in the Bridger Wilderness and the Wind River Range.

Before delving into specific comments on the particulars of the respective Drafts for the USFS and NPS, I do feel it is worthwhile to make a few "big picture" observations.

Perhaps the most difficult problem with fixed anchors derives from the concept of the "first ascent". While there are indeed many notable accomplishments in the long history of mountaineering and rock climbing in the past eras of climbing, we are now in a different era where there isn't nearly as much significance in any first ascent, no matter whether it is "cutting edge" in difficulty and/or scale. What IS becoming of much greater significance is that we are living in a new era where there are competing interests that outweigh the significance of any "first ascent".

One particular interest is a changing view of the ownership of a first ascent. It used to be that it was left up to the climbing team or "first ascensionist" to decide the style of ascent and in particular the use of fixed anchors. It might be a "bolt ladder". It might involve drilling holes for hooks and bolts or the heavy use of pitons, all of which were very scarring on the rock. It might involve more "clean" placements that are removed after a pitch is completed. The placements might be used for belay stations or they might be for vertical progression (aid climbing) or they might be used for protection from lead falls (free climbing). The point here is that climbers themselves recognized that whatever the original style and use of fixed anchors was, it was strictly up to the folks claiming the first ascent to decide everything and anything. That included a route name. These routes could make a person "great". Great enough in fact to become a professional climber, author or guide. It was your route if you climbed it. And there wasn't anything or anyone to stop you.

Leaving aside the question of whether any of these climbers actually owned anything, the big problem is that this attitude-an entitlement to ownership of a route-spilled over into the establishment of all sorts of other types of

climbs that were or are being established in a much greater scale. In other words that the freedom that climbers were given to decide where and how to climb the "great routes" should also apply to their lesser and more common endeavors. However, I would argue that we live in an age where the diminished significance historically of any climbing means that it is more akin to any other form of recreation. What I am trying to get at is that there really isn't any truly historical or other significance in any climbing great enough to justify giving climbers free rein to decide where and how to install fixed anchors.

In a very real sense climbers have claimed a privilege to decide for themselves how they will use and impact wilderness resources. But we now have so many other uses of both wilderness and non wilderness lands that allowing users to self govern is not really a question. So I would argue that despite climbing's long history of self-regulation, we live in an era where the scope of recreational use impacts/conflicts and more ominously climate related impacts require land managers to take an active role.

Regulation of climbing and fixed anchors in particular in Wilderness Areas is now a necessary and compelling government interest.

Therefore, I would hope the question of whether climbing and fixed anchors in wilderness should be regulated is settled. It seems to me the real issue is to determine how to do so.

One particularly sticky issue is the reality that climbing has a history as a 'preexisting use' that predates the establishment of Wilderness Areas as well as a history of climbing being viewed officially as an acceptable recreational use subsequent to 1964. This reality is used as an argument against regulation or even prohibition of fixed anchors (or even climbing). What the folks that put this argument forward seem to fail to recognize is that climbing has evolved so radically since 1964. In one sense it is the sheer scale of the recreational use, i.e. that there are now millions and not thousands of climbers. In another it is that the use of fixed anchors has changed considerably, particularly with the discipline of "Sport Climbing" which depends entirely on bolts and also didn't even exist in 1964 or for years after then. In yet another it is the scale and intensity of user impacts to the resource that do not involve the actual climbing, i.e. social trails, impacts from intense camping, campfires, trash, human waste, pets, noise, crowds, trailhead parking etc.

On the other hand, that climbing is and has long been an established and recognized recreational use means that land managers need to allow installations that are a necessary and integral part of wilderness climbing.

In "Trad Climbing" or "Alpine Climbing" (the two disciplines particularly common in Wilderness), there are numerous fixed anchors. It might be belay anchors. It might be rappel anchors used on a separate "route" but that are nonetheless part of the route of ascent. It might be that bolts and pitons (which should be placed by hammer not power drill in wilderness) are used for protection not just belay. In some cases where the technical difficulty of the route is extreme, fixed anchors are used to allow the route to be "cleaned" of dirt, vegetation and loose rock and also to rehearse the "moves". It might be that climbers can't complete the route for a variety of reasons, including lack of required fitness, climbing skill, rigging knowledge or simply a change in weather. It is even quite common for removable protection to become "fixed" due to a variety of reasons including that the climbers got it stuck and can't remove it.

A big point that the Drafts fail to capture is the many fixed installations result from situations that are completely impossible to predict yet are at the same time completely impossible to avoid. One perverse result of a strict reading of the language of the proposed Draft is that ANY climb, new or not, might require seeking a pre-approved special use permit (NPS) or approval from the District Ranger on either a case-by-case basis or according to the established climbing management plan (USFS).

As for USFS language stating District Rangers shall make a "case-specific determination that they [fixed anchors] are the minimum necessary" I'd say this: good luck!

In the Bridger Wilderness, the Pinedale Ranger District has resisted implementing a permit system in the Island Lake/Titcomb Basin area, despite well documented resource damage from over and illegal use, because it doesn't have the resources to do so! It has also struggled to keep official USFS hiking trails clear of blowdown, especially after the recent Labor Day wind event. Joe Kelsey's guidebook "Climbing and Hiking in the Wind River Mountains" catalogues quite a bit but not nearly all of the climbing routes there. It is 438 pages. So if the USFS cannot effectively regulate one particular hiking destination that is a six hour walk from the trailhead due to a lack of resources, (or keep its trail system clear-sorry) I really don't see how it can enforce comprehensive climbing regulation across the entire range and perhaps remove the hundreds and thousand of fixed bolts, pitons, slings, stuck ropes, ice screws, pickets and whatever else this Draft could allow a Ranger to determine as illegal!

Over the many years I have known the Wind River Range one particular problem I have seen is that in a very real way the letter and spirit of Wilderness Regulations have eroded to the point that it is a bit of a free-for-all now. I am seeing some very destructive behaviors and widespread ignorance and even flouting of some of the most basic tenets of wilderness values and Leave No Trace ethics. I am certain that another layer of well intended and comprehensive regulations that are also practically impossible to enforce and have that goals that are impossible to achieve will have the unintended effect of increasing the sense of regulatory fatigue that lead many users to ignore the simple rules and do whatever they want.

I would point both the NPS and USFS to the NPS' own NEPA Handbook, with quotes the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act § 1500.1 Purpose and Policy: "NEPA's purpose is not to generate paperwork or litigation-even excellent paperwork-but to provide for informed decision making and foster excellent action."

While I do recognize that the proposed Drafts for both NPS and USFS wilderness climbing and fixed anchors are well written and lengthy, I have serious doubts that they will ever foster anything resembling excellent action in the Wind River Range regarding the currently existing fixed anchors as I cannot see how USFS staff can even inventory them never mind go in the field and remove those deemed illegal, particularly if all fixed anchors are banned. Given that the Pinedale District cannot even run a permit system for a comparatively small area, I don't see how it can regulate climbing anchors across its entire district, which encompasses most of the climbing in the range.

I would add that the "minimum requirement" analysis language presents a particularly tricky and impractical requirement on the Pinedale Ranger District. It would seem to require the District Ranger to go through every peak and route in the range to determine that minimum. Did I mention the current climbing guide is 438 pages? And since it is a wilderness, USFS staff cannot drive or fly in to those climbs. Many are not even accessible by horseback. So how will the data that requirement be gathered, never mind catalogued (or patrolled)? Perhaps the biggest issue with the proposed "minimum requirement" analysis is this: due to the nature of the activity and the actual users it is impossible to actually make a determination. It is also not clear if this analysis would establish a single permitted path on either the climb or descent (much like an official USFS trail) with fixed anchors anywhere else being illegal. Would this be for each and every route up, just the descents, or both?

More importantly, since the Pinedale Ranger District hasn't had the resources to implement a simple permit plan for Island Lake/Titcomb Basin, could it be expected to draft a comprehensive Wilderness Climbing Management Plan, never mind enforce it? Would it also include each Ranger District for each of the two other Wilderness Areas covering the Wind River Range? Would the Wind River Reservation also be included? If not, the Draft would seemingly direct each of three District Rangers to develop their own Climbing Management Plan or analyze each and every each route in the Wind River Range on a case-by-case basis. That would appear to be even more resource and time intensive, so how exactly is that practicable/reasonable?

I will use the following analysis of an existing route to demonstrate the issue with a case-by-case "minimum

requirement" analysis. From Joe Kelsey's guidebook "Climbing and Hiking in the Wind River Mountains", pages 182-83 comes the following description of the North Ridge of Henderson Peak, 13,115 feet in elevation:

North Ridge (II, 4th class) A classic, despite its out-of-the-way location.... Henderson's North Ridge route offers 0.5 mile of solid rock, exposure, route finding challenges, and frequent 3rd class moves.... The occasional moves that might qualify as 5th class are situated just above big ledges.

While it sounds like a simple objective, the reality (which I have seen for myself from the base of the climb while doing nearby American Legion Peak) is that this ridge drops hundreds of feet on either side in near vertical cliffs. The ridge itself, while of solid rock, is broken and complex. Thus despite its seemingly low technical rating (II 4th class), there are very real problems. One could get off route. One could get caught in a storm. One could be unfit or unwell at that altitude. One could drop a key piece of equipment. One could for a variety of reasons run out of time. Any of these scenarios could require an immediate descent via rappel before one has even reached the summit. It is usually quite unwise to use the rappel rope directly around or over a block or horn as that typically results in a stuck (or damaged) rope. Instead, climbers use a sling around the feature. If there is no feature to sling, one must leave what are ordinarily removable protection pieces fixed in place plus a sling, with a minimum best practice of two such pieces per rappel anchor. Rappelling off this route requires several such stations due to the height of the ridge. Would the "minimum requirement" analysis take into account any of this? Since climbers can be expected to use protection-it is 4th class-does the analysis permit the inevitable stuck pieces or would climbers have to risk electrocution from impending lightning to take the time and effort required to remove a stuck piece? Once on the summit would the minimum requirement mean there would only be one acceptable series of fixed rappel anchors (even if they are just slings)? Since there are no routes up or down easier than 4th class one faces a technical descent with the choice of rappelling, down climbing free solo (no ropes, gear or belaying), or down climbing with ropes, protection and gear anchors (not practical in the face of approaching afternoon storms due to the added time vs rappelling not to mention that down climbing is harder than up climbing, especially with wet rock). Would the USFS approve one series of rappel stations as the "minimum"? Or would the USFS approve others (there are three basins and two cols from which one starts to climb)? What rope length would be the "minimum"? One 50 meter rope? 60 or 70 meters? Or two 60 meter ropes? What environmental conditions would the "minimum requirement" be based on? Perfect sunny skies and no threat of lightning? Or a more realistic scenario of afternoon storms? Or even winter conditions? Does the "minimum requirement" factor in a party conducting a self rescue, either using the established descents or an improvised path?

I'm pretty sure this analysis would prove even more impractical or perhaps even ridiculous on the longer and more complicated recreational routes in the range. Say Grade IV, AI 3, 5.7? Even more so on a route that goes at Grade VI, 5.12a. How would that minimum analysis go? Would USFS personnel be expected to climb at that level (or even the actual climb) to determine the "minimum requirement", check compliance or remove fixed anchors deemed more than minimum?

An outright ban on new AND existing fixed anchors would at least on paper result in a de facto ban on anything more than single pitch to a walk-off descent wilderness climbing. I don't see how that would fly with the established and permitted user status.

After all, both the USFS and NPS have official private sector partners that provide climbing guiding services in both wilderness and non wilderness management areas. At a minimum, these guides and clients use fixed anchors to rappel from their objectives. They often use them to ascend. Would a fixed anchor ban factor in the ten year contracts Exum and Jackson Hole Mountain Guides just received in Grand Teton National Park? These official partners are some of the heaviest users of fixed climbing anchors out there!

So I would suggest that a "comprehensive" regulatory scheme is probably best rather than just addressing minimum requirements for "fixed anchors" and especially analysis on a case-by-case basis. That means that at

a minimum climbing management plans should be proffered rather than only fixed anchor specific regulations. I would suggest that it would be far better to look at specific areas that are seeing intensive recreational use across user groups and establishing specific regulation/mitigation schemes for those resources first. With heavily impacted resources like Island Lake that should include climbing and non-climbing uses.

Climbing has evolved into more than a few disciplines. Mountaineering. Alpine climbing. Ice climbing. Ski mountaineering. Alpine rock climbing. Trad climbing. Bouldering. Sport climbing. National policy decisions should reflect more nuanced distinctions between these.

I would suggest that this is indeed a "Draft" and that both agencies involved take comments into consideration, begin another round of consultation with stakeholders and issue another Draft subject to another round of comments. I doubt anything coming out of these versions would survive litigation, never mind lead to excellent action in the field.

Finally, take a deep breath on the whole "fixed anchors" vs wilderness values dilemma. There are all sorts of things that the USFS does in its day to day on the ground operations that on the one hand preserve resource values or recreational uses while on the other might conflict with a minimalist interpretation of wilderness preservation. These include: building steel bridges, flying in gravel, cement and power tools to build the bridges, cutting miles of trail, using chainsaws to fight fires, using snow machines and helicopters to rescue folks, allowing outfitters to run pack stock and large camps, possible livestock grazing or even mining, installing bear boxes and so on. I even know of an instance where a ranch with ditch water rights originating in the Bridger Wilderness was allowed to bring a bulldozer miles past the wilderness boundary to conduct repair work on said ditch and headworks!

Sincerely,

Evangelos Germeles