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Comments: Response and Concerns with respect to Forest Service Manual 2300, 2350 Proposed Amendments, By Fred AmRhein, Fort Collins, Colorado, January 15, 2024

With Respect to Wilderness Areas:

I have read over the Wilderness Act of 1964 (The Act) and the proposed Forest Service Manual Amendment for 2300/2355 and observe and question the following:

1)The Wilderness Act of 1964 states in SEC 2. (c) DEFINITION OF WILDERNESS that "A Wilderness . . . is hereby recognized . . . [as] untrammeled by man" and is furthermore clarified so that it "(1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable." Furthermore, The Act defines a wilderness as having "outstanding opportunities for solitude or a primitive and unconfined type of recreation." (Emphasis added)

A.The Act asserts that a wilderness is recognized as "untrammeled" which by most definitions implies and means that a place is unrestricted, not confined, not limited by man/people. Certainly, this seems to clearly mean that roads, fences, etc., as well as other items that would restrict or confine movement in a wilderness are prohibited. a.COMMENT: It does not appear to mean that people should be restricted or kept from traversing a wilderness. I don't believe this point is in any way under contention, but it helps to understand that The Act specifically allows for public access.

B.While maintaining an "untrammeled" area, The Act clarifies that a wilderness should however remain clear of the "imprint of man's work" to the extent that it is "substantially unnoticeable."

a.COMMENT: It seems that The Act is recognizing that with the presence of man inside a wilderness there is an allowance for some "imprint" or evidence of some sort of "work" though it should be such that it is minimally noticeable.

i.Small, fixed equipment such as a climbing bolt and hanger, piton, sling, cam, etc., often camouflaged but not necessarily, and of a size usually approximately 2" x 3" for a bolt for instance, often located at a great enough distance from the ground or trail so as to be "substantially unnoticeable," would be an allowed "imprint of man's work."

ii.NOTE: This is not to say that noticeable lines of bolts such as one might find at an established sport climbing area on USFS lands should be encouraged. On the contrary, as is further commented below, these types of "substantially unnoticeable" fixtures should be managed and allowed in such a way that they are overall minimized primarily for the health or safety of a person within the area.

2)The Act in Sec 4. PROHIBITION OF CERTAIN USES (c) details that "except as necessary for the purpose of this Act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no . . . installation within any such [wilderness] area."

a.COMMENT: The FS has evidently determined that a bolt and hanger or any other type of attached climbing gear left in a wilderness area in an emergency is an "installation."

i.I do not think it is since it clearly falls within the category of a "substantially unnoticeable" example of "the imprint of man's work" as detailed previously above in my comments and allowed by The Act.

ii.For comments b-e I am allowing for the interpretation of gear left as an "installation" for discussion purposes only since the FS asserts they are such. I respectfully disagree as already detailed.

b.COMMENT: Perhaps more importantly, the exception to Prohibitions specifically states that wilderness areas should be administered such that when an emergency arises to those within an area then even an "installation" for instance should be allowed.

c.COMMENT: The Act requires such as a part of the "administration" of a wilderness area. Typically, the administration of an area includes stated policy and rules by which an area is administered. Certainly, whoever

administers the area could (and should in my view) clearly state in its policy that a climbing "installation" such as bolts, webbing, pitons, cams, etc., are allowed to be left in emergency situations that involve the health or safety of those within the area.

i. This rationally would exclude the placement of lines of bolts such as is often found at a typical sport climbing area.

d.COMMENT: The "emergency" within the wilderness area as described in The Act must be allowed to be determined by those persons within the wilderness especially for instance when they have entered the wilderness to pursue "solitude" and/or a "primitive" type of recreation. As such, a person cannot necessarily be required or assumed to possess a means to communicate to and/or with an administration/administrator to ascertain whether a situation is an emergency.

i. The person "within" a wilderness area should be allowed to use their judgment as to the emergency and the health and safety of those "within" the area.

ii. Thus, if a person leaves "substantially unnoticeable" fixed gear; bolt, piton, etc., due to their judgment of a situation being an "emergency" concerning "health or safety" they cannot be assessed to have been in violation of The Act and any policy concerning the administration of the area.

e.COMMENT: I personally think that an approach of an administration to the "installation" of fixed climbing gear is best enacted by clear policy per what is excepted and allowed in The Act in an emergency and by communicating and working closely with those recreational organizations (Access Fund, ASCA, local climbing organizations adjacent or related to a wilderness area, outfitters and/or guides, etc) to make sure that the ethic of how wilderness visitors should act in an ethical manner is better than a blanket prohibition of such gear.

f.COMMENT: To be clear, and to repeat as discussed in a. above, I don't really agree that a bolt installed, or fixed gear left for "emergency" purposes in the judgment of a person "within" a wilderness area where communication may not be possible, or even preferable for a "primitive" experience, is actually an "installation" and thus can be prohibited.

i. However, even if judged and determined to legally be such, The Act appears to allow for such in an "emergency."

3) The Act specifically states that wilderness areas should remain "untrammeled," unrestricted and not confined, and since most fixed gear in a wilderness area left is typically a pretty clear example of "the imprint of man's work substantially unnoticeable," by prohibiting such it clearly will restrict people from exploring, traversing, ascending, descending, etc., a wilderness area in some instances.

a.COMMENT: I think that a clearly stated policy, in line with The Act, allowing for such "unnoticeable" works of man should be put in place rather than a prohibition of fixed climbing gear in the wilderness area.

b.COMMENT: Of course, this will be a judgment process and administrators may have to from time-to-time monitor and perhaps address those things that become obviously "noticeable" as determined by a written, publicly debated/determined appropriate protocol.

4) Specific issues with proposed Chapter 2350

GENERAL COMMENTS: Generally speaking, The Act allows for "substantially unnoticeable" items within wilderness areas and acknowledges that people have left their "imprint" upon wilderness areas over time. Thus, the presence and evidence of man's unfettered trammel of such lands is acknowledged. Additionally, The Act calls for sojourns that emphasize "solitude" and a "primitive" experience. As such, it seems to imply that the judgment of those who go on such journeys should be relied upon to make judgments pertaining to health and safety and in how they trammel subject to reasonable, understandable administration, (written and posted) rules, and regulations without need for communication/permission from those outside the area, especially in an emergency.

a. Refer to 2355.32, 1.

i.COMMENT: The proposed language places The Supervisor as the authorizing agent for "placement" or "replacement" of an "installation" per 4(c) of The Act. As detailed above, a wilderness environment is specifically meant for "solitude" and a "primitive" unconfined experience. Ascertaining from a "Supervisor" whether fixed gear is needed or not cannot be anticipated in many cases, nor should it be expected. The judgment of those within the wilderness area is to be relied upon.

ii.COMMENT: Per The Act, "substantially unnoticeable" works of man are acknowledged as existing within the

wilderness area and are in alignment with the "wilderness character." Most wilderness fixed anchors are such items and their placement with the authorization of government agent is unnecessary.

iii.COMMENT: Repeating as previously, fixed gear in the wilderness area is typically a "substantially unnoticeable" work of man and should be administered accordingly to be allowed without authorization preferably by clearly written, publicly reviewed, and overseen written policy.

b.Refer to 2355.32, 1.

i.While The Act refers to "the preservation of their wilderness character" as part of the rationale for creation of such areas in Sec 2, (a), The Act has specific references to help understand what that might mean.

1.COMMENT: Specifically, The Act acknowledges that man has visited and left their marks upon such wilderness areas and can be anticipated to continue to do so but that such "imprint[s]" are "substantially unnoticeable."

2.COMMENT: The Act does not say that such "unnoticeable" items need to be authorized by a Supervisor or other person(s), they should be left to the judgment of those who are within the area for "solitude" and/or a "primitive" experience.

c.Refer to 2355.32, 2.

i.COMMENT: Similar to a. and b. above: Fixed Anchors in wilderness areas are typically "substantially unnoticeable" and should not be addressed or restricted unless they become substantially noticeable as determined by a public process.

d.Refer to 2355.32, 4.

i.COMMENT: Similar to c. above: Authorization for "substantially unnoticeable" items is unnecessary, A simple publicly determined policy for what is meant by "substantially unnoticeable" would be more workable and perhaps enforceable.

ii.COMMENT: The Act very generally refers to "emergencies involving the health and safety of persons within the area" as an exception for certain actions/items (Sec. 4 (c)). And, while such can be subject to "administration" per The Act, written policy for instance, it seems logical since those "within" the area may be there without means of communication for a "primitive" experience, their judgment, not that of a government agent (Supervisor), should be relied upon for whether they leave "substantially unnoticeable" fixed gear.

iii.COMMENT: The Act simply refers to "health and safety of persons within the area" and the addition of "unacceptable risk of injury, death, or wilderness damage" in 2355.32, 4. seems to add restrictions that are not in The Act.

e.Refer to 2355.32, 5.

i.COMMENT: This section again refines and further restricts what The Act says in a simple, concise manner. It's pretty simple, those within the wilderness should determine, based on their judgment of the situation, whether to leave "substantially unnoticeable" evidence such as is usually the case with fixed climbing gear/anchors/equipment.

f.Refer to 2355.32, 6.

i.COMMENT: The Act lists "substantially unnoticeable" not "minimum necessary." The Act allows for such "imprint[s]" of man, meaning that they can stay in existence as most imprints do. And, removing fixed gear could lead to very dangerous situations for those who may follow and expect to look/search/find a noted "substantially unnoticeable" anchor.

g.Refer to 2355.32, 7.

i.COMMENT: Motorized equipment of any sort seems to clearly be prohibited in The Act.

ii.COMMENT: However, "chipping" a foothold or handhold is without definition?

1.For instance, many times natural rock features will break with the slightest of force and thus a handhold or foothold may be created (or destroyed). Such an act could be considered "chipping" by some enforcer? In other instances, a natural feature can withstand a certain force as placed by one climber, but another climber uses it in another manner, and it will "chip" off. Neither of these may be intentional acts but, in some instances, for the safety of those involved then or in the future for instance, it may be that it is best to assist the feature in being freed from the rock surface.

iii.COMMENT: It makes sense to disallow intentional scarring or other noticeable work of rock faces in the wilderness area, but disallowing "chipping" is a very slippery slope with potentially negative unintended consequences for otherwise innocent and, sometimes judged by those there, necessary actions.

iv.NOTE: Prohibiting glue intended for creating handholds and/or footholds makes sense. But keep in mind that many fixed anchors utilize fixatives such as glue, epoxy etc., and should not be prohibited in use for such.

With Respect to areas Outside of Wilderness Areas, 2355.31

GENERAL COMMENT: This section in its entirety is very problematic on many points and should be eliminated just on the face of the difficulties it presents alone.

For instance, it is made clear in 2355.03 7. that FS "personnel are not responsible for the placement or replacement, or assessing or assuring safety, of fixed anchors and fixed equipment on NFS lands" so it seems logical that the FS personnel are not steeped in the process, assessment, or overall effectiveness of fixed anchors and should leave all and any such to the community. Yet, the FS is directed in several places to oversee fixed anchors in detail.

It is also very clear that the FS places all of the "responsibility for assessing the safety of installed fixed anchors and fixed equipment." (2355.03 7.)

I have placed many fixed anchors and each and every placement necessitates an analysis for safety, whether that be how a hole is drilled properly, fixed anchor material choice being appropriate for the context, whether the selection of the bolt is appropriate for the type of rock, whether there are other features of the rock surface that must be taken into account, what the level of difficulty the climb is, whether natural features might be safely used for protection instead of a fixed anchor, etc., etc.

"Safety" is an all-encompassing concept when it comes to a fixed anchor and it cannot be parsed out with respect to what, how or where a placement is situated.

Unfortunately, 2355.31 goes into much detail, some of it almost incomprehensible (see 2355.31 3. especially) that is unnecessary, unwieldy, and almost certainly unenforceable.

For instance, 2355.31 3. directs that the FS is to "Restrict . . . fixed anchors . . . to established climbing opportunities and to approve new climbing opportunities that have been evaluated for . . . impacts."

Quite frankly, the supply of natural rock on FS lands is so great that there would be next to no way for the FS to ever oversee such a requirement.

Furthermore in 2355.31 3., the final, lengthy, cumbersome, and particularly incomprehensible sentence that attempts to limit how fixed anchors are placed to avoid making "the climb easier" flies in the face of 2355.03 7. where ALL responsibility for hardware placement is the responsibility of the climbing (public).

Besides, climbing routes run the gamut of difficulty and the climbing public similarly runs the gamut of ability; "easier" to a higher performing climber who can essentially not use the placed hardware may be exceedingly difficult (in other words not safe?) for a climber of lower ability.

Some other difficulties in 2355 as I see it. There are more problematic sections but it seems somewhat a waste of effort to go into all of the details for the proposal (see Conclusion).

1)Refer to 2355.31, 1.

a.COMMENT: This section seems to allow for a gross prohibition of fixed hardware in any situation based on an "applicable climbing management plan (ACMP)."

i.While 2355.03 13. "Promote[s]]" "collaboration between the Forest Service and climbing organizations" there seems to be a lack of the necessity that an "applicable climbing management plan" must be subject to a public input and oversight process for any area, large or small as delineated on a map. See also 2355.04d 8.; again, not necessarily a publicly overseen and vetted process. See also 2355.04e 4.

ii.While 2355.21 refers to "public input" from "user groups" on an ACMP but does not allow for vetting by individuals who may or may not be part of an identifiable user group or perhaps outside of such a community at large?

2)Refer to 2355.21

a.COMMENTJ: 2355.21 6. What is meant by an "applicable recreation fee" with respect to climbing? How would climbing be any different in terms of hiking a trail in terms of a USFS fee? This should be deleted.

CONCLUSION:

Firstly, I personally think it best for the USFS to rethink its assignment of fixed hardware in the wilderness as an "installation." I conclude that in most wilderness anchor cases that these represent an "imprint of man's work" that is "substantially unnoticeable" so should remain generally unaddressed. Furthermore, many fixed anchors

may and probably lie within the exception for those "imprints" within the wilderness that serve in the cases of "emergencies involving the health and safety of persons within the area." An administration policy in line with "noticeability" would seem in line with The Act, not an across-the-board prohibition or approval/disapproval process that may not be available in an emergency and does not serve "solitude" and a "primitive" experience. Secondly, with respect to regulating fixed hardware/equipment outside of the wilderness, the Forerst Service should not attempt to take this on in the manner that the proposal details. Such a process as proposed is simply untenable, especially as currently written.

Thank you,
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