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Comments: Thank you for the opportunity to comment on the draft FSM 2355 Climbing Opportunities #ORMS-3524 guidance governing the management of climbing activities in wilderness areas in the National Forest System.

There are 4 main problems with the draft guidance:

1. It allows the public to engage in the 4(c) prohibited uses, even though the Wilderness Act clearly allows exceptions to the prohibited uses ONLY if the agency finds them to be the minimum requirement necessary to administer the area for the purpose of the Wilderness Act.
2. The guidance confuses the purpose of the Wilderness Act with the public purposes that wilderness may support.
3. The guidance would contort the use of the recently developed interagency Minimum Requirements Analysis Framework because it would use Step 1 to claim that action is necessary, even though a quality of wilderness character is not degraded or threatened.
4. It implies that allowing the public to install fixed anchors in wilderness will enhance wilderness character while in reality, it will degrade it.

The FS proposed rule has clear and correct statements about climbing including: Climbing is an appropriate use of NFS lands when conducted in accordance with applicable laws, including the Wilderness Act and the specific laws designating wilderness areas in the NFS; climbing opportunities must align with management and protection of natural and cultural resources on NFS lands; and placement and replacement of fixed anchors and fixed equipment are appropriate outside wilderness where those actions are not restricted or prohibited in the climbing management plan.

The proposed rule also correctly states that fixed anchors and fixed equipment are installations for purposes of section 4(c) of the Wilderness Act and that climbing or climbing-related activity in wilderness must be restricted or prohibited when its occurrence, continuation, or expansion would adversely impact wilderness character.

But the FS goes horribly off track when it states in 2355.32 - Placement, Replacement, and Retention of Fixed Anchors and Fixed Equipment in Congressionally Designated Wilderness that Forest Supervisors may authorize the placement or replacement of fixed anchors and fixed equipment in wilderness if they determine it is the minimum necessary for administration of the area for Wilderness Act purposes, including primitive or unconfined recreation and preservation of wilderness character. Examples include allowing climbers to use fixed anchors and fixed equipment in wilderness at climbing opportunities that provide outstanding opportunities for primitive or unconfined recreation; directing climbers toward designated climbing opportunities with fixed anchors and fixed equipment to protect sensitive resources such as cultural resources or nesting bird habitat; and approving fixed anchors and fixed equipment in areas where impacts on the rock face are occurring due to the use of rock hammers to chip hand holds or foot holds into the rock.

The Wilderness Act allows the installation of fixed anchors only if the FS finds through a minimum requirements analysis (MRA) that such an installation by FS personnel was necessary for the administration of the area for the purpose of the Wilderness Act. The Wilderness Act prohibits absolutely the installation of fixed anchors (or any other 4 (C) use) by members of the public. Members of the public do not administer wilderness.

The purpose of the Wilderness Act §2(c) is to "secure for the American people of present and future generations the benefits of an enduring resource of wilderness." To accomplish this, Congress mandated the preservation of the wilderness character of areas it designates as Wilderness in §2 (a) and §4 (b).

The Wilderness Act's strict prohibitions, including its prohibition on installations, cannot be overcome by a desire to facilitate or enhance a particular form of recreation or indeed any of the other public purposes.

The FS confuses the purpose of the Wilderness Act with the public purposes listed in §4 (b): recreational, scenic, educational, conservation, and historical. Sections 2(c) and 4(c) both refer to a singular "purpose" of the Wilderness Act. In addition, the Wilderness Act states that agencies "administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character." The Act tells the FS to continue to administer the wilderness areas for their original establishing purposes, but only so far as they preserve wilderness character. The FS cannot administer a wilderness for a recreational or scenic purposes, e.g., unless it does that in a way that preserves wilderness character.

If climbing will threaten sensitive resources such as cultural resources or nesting bird habitat, the correct course of action is not to allow the public to illegally install fixed anchors to "protect" those resources; the correct course of action is to prohibit climbing in those sensitive areas and thus preserve the natural and undeveloped qualities of wilderness.

And if climbers are using rock hammers to chip hand holds or foot holds into the rock, this is defacement of public lands and should be prohibited, not accommodated by allowing the creation of worse impacts by allowing the illegal installation of fixed anchors!

It is a perverse reading of the Wilderness Act to claim that the authorization of placement or replacement of fixed anchors and fixed equipment in wilderness can ever be found to be the minimum necessary for administration of the area for the purpose of the Wilderness Act and to imply that public installation of fixed anchors could ever improve primitive or unconfined recreation and the preservation of wilderness character.

Adding further misguided, detailed instructions, the FS guidance says that personnel must determine whether placement or replacement of fixed anchors and fixed equipment in wilderness is the minimum necessary for administration of the area for Wilderness Act purposes by conducting a Minimum Requirements Analysis. The determination must include an analysis of whether placement or replacement of fixed anchors and fixed equipment is the minimum necessary to facilitate primitive or unconfined recreation or otherwise preserve wilderness character. The determination must explain how and why the conclusions in the analysis were reached.

The FS recently participated in the inter-agency development and approval of a Minimum Requirements Analysis Framework (MRAF) as a process for analyzing a proposed action in wilderness to comply with the Wilderness Act's minimum requirements provision. Step 1 of the MRAF asks whether a quality of wilderness character is degraded or threatened: "Based on the Issue Statement, are any of the qualities of wilderness character degraded, impaired, or threatened to a degree that it is necessary to analyze potential action otherwise prohibited by Section 4(c) to address the issue?" FS suggests that the lack of a climbing route in wilderness is a degradation or threat to wilderness character. This is an illogical interpretation.

The Wilderness Act does not direct agencies to develop or facilitate outstanding opportunities for primitive and unconfined recreation. Wilderness, by its very existence, provides these opportunities-the agencies need only to preserve wilderness character according to the provisions of the Wilderness Act to safeguard the existing opportunities. If the FS wished to open additional areas of the designated wilderness to climbing, that would not be prohibited by the Wilderness Act as long as the agency continued to preserve the wilderness character of the newly opened areas. But allowing installations prohibited by the Wilderness Act to be placed into the wilderness by members of the public is prohibited.

I am also concerned about the emergency loophole that the FS has built into its draft guidance. The guidance

states that when the Forest Service or other Federal, State, or local governmental personnel determines that placement or replacement of fixed anchors and fixed equipment is necessary to facilitate emergency operations (FSM 2355.3 and 2355.4), the Forest Service will allow the placement or replacement of fixed anchors and fixed equipment for emergency operations by climbers, the Forest Service, or other Federal, State, or local governmental personnel. This policy will encourage, or at the very least, allow visitors to climb a rock face that is beyond their capabilities and allow them to decide on the spot that they need to install a fixed anchor in order to continue their climb safely and thus mitigate a climber-created "emergency." This would be a perversion of the emergency exception to the Wilderness Act

The agencies' primary duty is to preserve wilderness in its natural, undeveloped, untrammelled state, and the Wilderness Act's ban on installations can only be overcome in rare administrative circumstances where the installation is necessary to preserve those qualities of wilderness character.

Again, climbing without permanent fixed anchors is generally compatible with wilderness preservation. But just because certain members of the public want to climb an area that they can't without installing fixed anchors into the wilderness, doesn't mean that agencies need to accommodate that desire. If someone wished to cross a raging river in designated Wilderness at a certain place and demanded that the administering agency install a bridge so that they could safely cross the river there, I would hope the agency would tell that person to cross at a different place along the river that was safe for their level of hiking experience. That person could rage and shout that it would be dangerous to cross the river at that point and demand that it is necessary for the agency to put in a bridge for safety reasons. They could bring multiple Boy Scout troops and national hiking clubs, all demanding to be allowed to cross the river safely at that place. Again, I would hope that the agency would tell all those people and organizations that there are many opportunities to hike elsewhere in wilderness or other forests that either don't require bridges, or already have bridges over rivers.

The agency would not allow any of these people to construct their own bridge across the river, even if they were accredited bridge engineers. It would be inexcusable for the agency to prepare an MRA that purported to show that a bridge is the minimum necessary so that it could allow hikers to cross the river where the hikers preferred (rather than because it is necessary to administer the Wilderness to preserve wilderness character) and then on top of that, to allow the hikers themselves to install the bridge! Administrative exceptions for installations do not extend to the general public seeking to create developed recreational activities in wilderness. Visitors need to ensure that they have the capacity to enjoy wilderness on its own terms; agencies are prohibited from manipulating wilderness to accommodate the abilities of any particular visitors.

Consider another public purpose of the Act. Some members of the public may want the size of a lake or a marsh in wilderness expanded because it would increase the scenic value of the wilderness. It would be absurd for the FS to develop an MRA to determine whether increasing the scenic value (only a public purpose) of a wilderness was the minimum requirement necessary to administer the area for the purpose (according to Sec. 2 (c)) of the Wilderness Act.

If the agency goes down this path, it opens the door to the allowance of all manner of other 4(c) prohibited uses that certain members of the public will claim are necessary for them to engage in their preferred form of recreation in wilderness. Hunters will claim that game carriers should be allowed in remote wilderness as the minimum necessary so they can "safely" remove animal carcasses. Bicyclists will demand they be able to use bicycles as the minimum necessary for them to "safely" access distant parts of the wilderness. The draft FS guidance would allow the agency to prepare an MRA that could determine that game carts and bicycles were the minimum necessary and would then allow the public to use them in wilderness. Other user groups can demand that their scenic and historical desires be accommodated by allowing them to engage in the 4 (c) prohibited uses as well. There is no difference between these sc

This will not end well for wilderness preservation.

Please reconsider this proposal and refuse to allow the public to install fixed anchors in wilderness. It would be a litigation-inviting violation of the Wilderness Act.