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Comments: To Whom It May Concern:

As a recreational climber and member of Access Fund as well as American Alpine Club, as well as a professional in the environmental policy realm, I am submitting the following comments to voice my concerns for and disapproval of the proposed directives related to climbing management on National Forest System (NFS) lands as proposed on November 17, 2023 (<https://www.federalregister.gov/documents/2023/11/17/2023-25426/forest-service-manual-2300-recreation-wilderness-and-related-resource-management-chapter-2350-trail>).

Congressional Intent and Conflicting Legislation

The Wilderness Act of 1964 (16 U.S.C. 1131 et seq.) established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "wilderness areas" to be "administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness..." (Section 2(a)). When the act was established, recreational climbing was already a recognized use of such lands that would be designated by Congress. Additionally, Congress has continued to designate more federal lands as wilderness areas over time, without the consideration or intent for fixed anchors to be prohibited.

The legislative branch has recently undertaken the task of drafting guidance to address fixed anchors and gear placement as they relate to climbing through the 118th Congress H.R. 1380 Protecting America's Rock Climbing Act and the 117th Congress S. 3266 America's Outdoor Recreation Act. In both bipartisan pieces of legislation, the placement, use, and maintenance of fixed anchors and the use of other equipment necessary for recreational climbing are considered allowable activities in the spirit of the Wilderness Act. Proceeding with the U.S. Forest Service (USFS) directives as proposed while conflicting legislation is underway would be a gross misuse of taxpayers' and the USFS's time and resources because an additional process to correct USFS's current stance to align with legislation would subsequently need to be completed.

Inconsistent Interpretation

USFS directive 2355.32 oversteps its authority to include fixed anchors and fixed equipment under the term installation for the purposes of Section 4(c) of the Wilderness Act. Section 4(c) itself speaks more to a larger disturbance type, specifically naming commercial enterprises, roads, use of motor vehicles, motorized equipment or motorboats, aircraft, and other forms of mechanical transport, and structure or installation within any such area. These examples lead one to believe the intent of the term installation is as it relates to buildings, utilities, or other such development that would have great land disturbance. In fact, the definition of wilderness includes that the imprint of man's work should be substantially unnoticeable. Fixed anchors are more likely to be considered substantially unnoticeable compared to the prohibitions listed in Section 4(c).

If the USFS seeks to arbitrarily set a new precedent for prohibited uses, the agency should consider the broader range of activities that have been historically allowed to occur in wilderness areas, including mining and mineral leasing, and draft consistent guidance for such activities. Conversely, USFS could consider fixed anchors as a special provision under Section 4(d)(5): Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.

Climbing Safety

Fixed anchors are an essential piece of climbers' safety systems. Climbing using fixed anchors often provides the safest and most accessible methods for conducting the activity. Prohibiting fixed anchors would create safety issues by imposing unnecessary obstacles to the regular maintenance of fixed anchors, a responsibility undertaken by the climbing community.

Fixed anchor maintenance needs to be managed in a way that incentivizes safe anchor replacement and does not risk the removal of climbing routes. Any authorization process should not impede those decisions. The proposed minimum requirements analysis (MRA) could prevent timely maintenance activities on established routes and jeopardize climbers' safety in doing so. Further, by extending the MRA process requirements to search and rescue activities, the USFS unnecessarily endangers climbers and rescuers in need of prompt action.

Land Stewardship

Climbers are often stewards of the environment and do not seek to misuse wilderness areas. Climbing is a way in which appreciation for the natural world can be instilled in current and future generations, aligned with the USFS mission. Prohibiting fixed anchors would have the potential to disproportionately limit accessibility to climbing due to the extensive experience and physical condition required for other means of recreational climbing.

Fixed anchors have been used judiciously for more than fifty years, allowing for safe exploration of the wilderness without compromising the intrinsic value of these areas. It would be in keeping with current precedent to continue to allow fixed anchors for recreational climbing and allow existing routes to remain and/or be maintained as needed. Organizations such as Access Fund and American Alpine Club advocate for responsible climbing and stewardship and work to develop relationships with jurisdictional authorities for the continued care of gear and the areas in which they are placed. Climbers and USFS have overlapping goals and needs which should be leveraged to maintain safe access to NFS lands.

Administrative Burden

Applying a prohibition to fixed anchors unless otherwise approved through an MRA would create uncertainty and a patchwork of uneven standards which would be harder for the climbing community to understand and follow and would be equally difficult for the USFS to enforce. The MRA process would also be an administrative burden for the USFS where climbing organizations' good judgment could be used in lieu.

The MRA process as proposed would be time consuming and expensive to undertake by an applicant and would put a strain on USFS staff resources. If each bolt, existing and proposed, required a separate MRA, that could add hundreds of hours of work to USFS for their review instead of dedicating those resources to activities that would better serve the USFS mission.

Additionally, it is uncontested that climbing is a legitimate and appropriate use of wilderness areas and other NFS lands, but the MRA process requires the applicant to explain why the fixed anchor is necessary. This is paradoxical and evidence that the MRA process is not appropriate for the review of fixed anchors. Further, USFS staff do not have requisite expertise in the recreational climbing realm to make a determination as to whether a fixed anchor is, in fact, necessary. This would result in issuance of subjective decisions in an inconsistent manner across wilderness areas and other NSF lands.

The USFS should also consider how broadening the definition of "installation" would affect other recreational activities in wilderness areas and on other NSF lands and any additional workload that would be needed to review MRAs for those activities as well.

Alternative Options

To protect culturally significant areas and resources, a more appropriate approach may be to prohibit fixed anchors in specific locations or restrict maintenance activities during certain times of year through a designation process in consultation with federally recognized or other Indian Tribes as appropriate.

Rather than utilizing an individual permitting system, the USFS should consider general activities authorizations, which would describe conditions under which activities associated with installation and maintenance of fixed anchors would be approved and that applicants would be required to follow. Although the Wilderness Act does not reference a de minimis condition, the USFS could programmatically determine which activities would result in minimal impacts and which activities would result in minimal impacts if certain conditions were in place, similar to the nationwide permit approval process under the U.S. Army Corps of Engineers (USACE) (<https://www.ecfr.gov/current/title-33/chapter-II/part-330>). Under this type of system, "regional" conditions could be determined which might be specific to an administrative unit, ranger district, or other geographical area, for instance. USFS could utilize a 5-year review and reauthorization process, similar to USACE, to keep authorization and conditions up to date. USFS could also require a document akin to a pre-construction notification which would alert USFS to a climbing organization's intent to utilize a general authorization within an upcoming timeframe and state their awareness of any established conditions on such an activity.

Concluding Remarks

Climbing is an activity that tests the body and mind, and it facilitates personal growth. The settings in which climbing takes place help establish or rekindle a bond with nature. Experiencing wilderness is an opportunity everyone should have. By prohibiting fixed anchors, those just breaking into the sport may be discouraged by the lack of the sense of safety.

Please consider appropriately weighing the overwhelmingly positive impacts of fixed anchors on climbers' safety against any potential aesthetic concerns during the guidance development process. Additionally, please consider whether the USFS interpretation of the term "installation" is appropriate compared to other allowable activities, as well as whether the agency has the capacity needed to review MRAs, and if that is the most suitable use of taxpayer resources.

Sincerely,

Erin Wilson