

Data Submitted (UTC 11): 1/30/2024 3:01:10 PM

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Comments: January 30, 2024

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RE:American Mountain Guides Association Comments to:

*USDA Forest Service: FSM 2355 Climbing Opportunities #ORMS-3524

*National Park Service: Evaluation and Authorization Procedures for Fixed Anchors and Fixed Equipment in National Park Service Wilderness Areas

USDA Forest Service and National Park Service Officials:

The American Mountain Guides Association welcomes the opportunity to provide comments to USDA Forest Service and National Park Service proposed guidance for managing climbing and protecting natural and cultural resources in wilderness areas. Per agency notices, the public is invited to provide input on both agencies' guidance proposals through Tuesday, January 30, 2024.[1] The AMGA has significant concerns about the real-world ramifications of the proposed guidance issued by the National Park Service (NPS) and the USDA Forest Service (USFS) regarding the management of fixed climbing anchors in designated wilderness areas-as well as within non-wilderness USFS lands.

About American Mountain Guides Association

The American Mountain Guides Association (AMGA) is a 501(c)(3) educational non-profit organization that provides training and certification for climbing instructors, mountain guides, and backcountry skiing guides throughout the United States. Founded in 1979, the AMGA has trained over 13,000 climbing and skiing guides who provide outdoor experiences for the public on federal lands. As the American representative to the International Federation of Mountain Guide Associations, the AMGA institutes international standards for the mountain guiding profession in the United States and serves as an educational body for land management agencies, outdoor businesses, clubs, and other recreation stakeholders. Of additional relevance to the guidance proposals, our membership includes outfitters and guides who have been operating on federal lands since the inception of the modern commercial recreation permitting system. We have extensive experience with federal land management systems, climbing management including fixed anchors, and recreation special use permitting.

Introduction

The AMGA is a proud supporter of wilderness and we believe the continued conservation of wilderness is

essential to the health of climbing landscapes and the profession of guided climbing. We agree that overuse can degrade wilderness character and we support policies that provide a reasonable balance between continued access for all members of the public and the protection of wilderness resources.

Many climbs in wilderness areas have occasional fixed anchors-such as a nylon sling wrapped around a tree, a metal piton placed in a crack, or a small bolt affixed to the rock-to allow a climbing party to safely ascend and descend a rock face or a mountain. Guides are highly reliant upon these fixed anchors to provide an enjoyable and safety-oriented experience for the American public. Without fixed anchors in place, many of the "trade routes" that guides have been using for decades would become unreasonably dangerous, or altogether impossible. These trade routes exist in iconic wilderness climbing areas such as Yosemite National Park, CA; Joshua Tree National Park, CA; the Uinta-Wasatch-Cache National Forest, UT; North Cascades National Park, WA; Shoshone National Forest, WY; and dozens of other important wilderness climbing areas on NPS and USFS lands.

The NPS and USFS guidance issued late last year not only propose a new novel interpretation of the Wilderness Act that would prohibit fixed anchors, they go against nearly 60 years of precedent in which the federal land agencies have allowed climbing and the occasional use of fixed anchors for the public to experience public lands and wilderness areas. The proposals would also introduce new safety risks for the American public and climbing guides.

Significant Flaws in the NPS & USFS Wilderness Fixed Anchor Proposals

The NPS and USFS wilderness fixed anchor proposals are problematic for the following general reasons:

1.The proposed NPS/USFS guidance would impose new limits on climbing and guiding practices that have been allowed since the Wilderness Act became law in 1964. In consideration of the longstanding history of climbing in wilderness, the agencies should not prohibit climbing uses that have existed prior to the enactment of the Wilderness Act and that have been allowed since the Wilderness Act became law.

2.The proposed NPS/USFS guidance for managing wilderness climbing anchors is highly impractical and will require extensive analyses and plan development that will be very difficult (or impossible) for land managers to complete.

3.The NPS/USFS proposals mandate lengthy and expensive land use plans and highly subjective minimum requirement analysis (MRA) processes that will be very costly and time consuming. These mandates come with no additional funding. By imposing these mandates without additional funding, these proposals will result in de facto moratoriums on the use and maintenance of wilderness fixed anchors. If history serves as a guide, "management by moratorium" is highly unpopular, unenforceable, and inconsistent with contemporary land management practices.

4.The NPS proposal sets forth conflicting mandates: NPS Director's Order #41 includes a policy whereby the NPS may require prior authorization for existing anchor replacement whereas the new proposed guidance shall require prior authorization for anchor replacement.

5.The NPS/USFS proposed guidance would require an MRA for new anchor placements and existing anchor replacement authorizations; however, the NPS's own "Level 1"[2] policies clearly state that MRAs are not for public actions, but rather for "administrative actions, projects, or programs undertaken by the Service or its agents." [3] This is an important distinction because the placement and maintenance of recreational climbing fixed anchors is not undertaken by the Service or its agents. This point is made clear in Section 6 of the NPS Draft Authorization Procedures. In Section 6, NPS officials are directed to notify the public of the risk associated with fixed anchors by issuing "Warnings or advisories that the NPS does not install climbing bolts." [4] Similarly,

the USFS proposed guidance states that "Forest Service personnel are not responsible for the placement or replacement, or assessing or ensuring the safety, of fixed anchors and fixed equipment on NFS lands. Climbers are responsible for placement and replacement of fixed anchors and fixed equipment when those activities are authorized by a land management plan or climbing management plan. Climbers have personal and exclusive responsibility for assessing the safety of installed fixed anchors and fixed equipment." [5] It is evident the agencies do not intend to place or maintain recreational climbing fixed anchors, and, as such, it would be inconsistent with agency policy to utilize an MRA as the decision tool to authorize a recreational climbing fixed anchor. The agencies must develop a different decision tool for the authorization of recreational climbing fixed anchors. The MRA is not the correct tool.

6. The NPS/USFS proposals are highly unpopular with the climbing community which has historically supported conservation initiatives such as wilderness designations. As written, the proposals will curtail climbing and guiding access to wilderness to such a degree that it may be difficult for climbers to support wilderness designations in the future. This would be an unfortunate outcome that must be avoided by redesigning the guidance with a more balanced approach.

For these reasons, the AMGA strongly urges the NPS and USFS to withdraw the draft guidance. Furthermore, to ensure a productive outcome the agencies should re-envision the process by which the guidance is developed and invite stakeholder involvement into the process. When reading the draft guidance, it is clear the agencies did not adequately consult with the stakeholder community when developing the guidance. For example, bouldering is included in the list of possible climbing uses subject to a fixed anchor permit application; however, bouldering is a form of climbing that does not utilize fixed anchors. Other examples of misinterpretation and a lack of understanding abound. On account of these shortcomings, the guidance development process should be restarted and the agencies should engage a diverse array of stakeholders to ensure all perspectives are sufficiently heard and considered. The agencies should convene a broad group of public stakeholders and federal land management officials into a Federal Advisory Committee to develop effective and durable policies that could be shared across jurisdictions to protect wilderness character and provide for the appropriate management of wilderness climbing.

Specific AMGA Concerns Regarding the Park Service and Forest Service Proposals

The wilderness fixed anchor management proposals by the NPS and USFS raise several specific concerns to the AMGA and American climbing guide community.

First, the proposals would create significant safety issues by forcing local land managers to consider climbing fixed anchors as prohibited, implementing a costly and time-consuming administrative MRA exception process every time a climbing anchor needs to be maintained. The MRA exception process could take months to complete for an individual anchor. With this approach, the agencies fail to recognize that climbing guides need to maintain fixed anchors on an immediate basis to ensure the safety of their clients. A climbing guide cannot wait for a lengthy approval process to be completed when an anchor must be maintained in real time for their climbing team to safely ascend or descend a climb. For example, a common form of fixed anchor is a nylon sling tied around a boulder. Over time, these slings become deteriorated due to sun, wind, heat, and cold exposure. If a guide reaches an anchor and finds a deteriorated nylon sling that is unable to safely secure the climbing team, it is imperative that the guide be able to repair or replace the sling on the spot. For decades, guides have taken professional responsibility for the safety of their clients in vertical climbing terrain, which includes the fundamental need to make sure their climbing team's anchors are secure. The new proposals by the NPS and USFS place an unnecessary administrative obstacle in front of the routine and standard practice of replacing fixed anchors that become weathered and unsafe in unforgiving environments. It is essential that any future agency guidance protects the ability of guides to maintain anchors in the moment in order to provide for the safety of the climbing public. If guides do not have this certainty, they will not be able to assure the safety of the American public on wilderness climbs.

Second, the federal agency proposals threaten the continued existence of appropriate historic climbing routes that have already been allowed and managed by federal land agencies. For example, many wilderness climbing routes on El Capitan in Yosemite National Park rely on a de minimis number of fixed anchors to protect blank sections of rock where removable climbing gear is not available. These fixed anchors are thousands of feet up the wall, occupy a space the size of a half-dollar, and are visible only to the climbers using them. The situation is the same in other wilderness areas such as North Cascades National Park and USFS wilderness in the Wind River and Sierra Nevada Mountains, among other locations. In fact, approximately 90% of the established climbing routes in America's wilderness areas are now threatened by the agency proposals despite their negligible social, environmental, and visual impact. America's climbing history is at risk with these proposals. At a minimum, the federal land agency proposals need to be revised to exempt existing climbing routes that have been previously allowed and have been managed as appropriate wilderness recreation opportunities.

Third, the proposals do not align with current land agency policies and management practices. In 2013, the National Park Service issued Director's Order 41 (DO41), which provides specific management direction for climbing in wilderness. DO41, which AMGA supports, establishes the principle that fixed anchors should be rare in wilderness and prohibits any type of bolt-intensive climbs. DO41 also requires prior authorization for the placement of new fixed anchors in wilderness. As noted above, on the topic of fixed anchor maintenance, DO41 states that maintenance of fixed anchors "may" require prior authorization—a reasonable and practical approach that generally allows for critical maintenance to be performed on site without prior authorization, but which provides the agency with discretion to require prior authorization in specific, unique circumstances. In stark contrast, the current proposals would require prior authorization for the maintenance of all existing fixed anchors in NPS and USFS wilderness areas—a highly unreasonable expectation when considering a guide cannot anticipate the need to maintain a fixed anchor until they are able to inspect the anchor in the field.

DO41 clearly allows for the occasional use and maintenance of fixed anchors in wilderness and requires either programmatic or site-specific authorization for the placement of new fixed anchors. The policy makes it clear that fixed anchors are allowed, yet regulated, and the climbing community, including the AMGA, accepts these standards. These guidelines demonstrate that land managers already have a template to manage climbing effectively and protect the climbing resource, including wilderness character, while providing valuable visitor experiences and supporting local economies. The new proposals by the NPS and USFS are vastly at odds with DO41 and would undo decades of collaborative effort between climbers and the agency.

A Workable Framework for Managing Wilderness Climbing Anchors

In lieu of the NPS and USFS starting this process over (as requested above), we offer the following framework for the management of wilderness fixed climbing anchors to protect wilderness character while also providing for iconic primitive and unconfined climbing opportunities in America's wilderness areas.

Instead of forcing a new legal construct that requires the federal land agencies to consider fixed climbing anchors as prohibited installations under section 4(c) of the Wilderness Act, we recommend the agencies work with the climbing community—including guides—to implement, strengthen and improve existing management policies for protecting wilderness character and providing for appropriate wilderness climbing opportunities.

In working with our partners in the climbing and conservation community, the AMGA has helped to develop the following framework that we believe would be effective and durable for managing wilderness climbing anchors:

1. All policies should adhere to the standards and limiting principles in NPS Director's Order 41, including a) power drills are prohibited, b) new anchors require prior authorization, c) fixed anchors should be rare, and d) bolt-intensive climbs are inappropriate in wilderness.

2.All existing anchors should be "grandfathered-in" unless there exist demonstrable unacceptable conflicts with cultural, natural, or wilderness resources. Any efforts to remove existing anchors should only be conducted through an open public process.

3.Essential in-the-moment safety decisions-such as replacing dangerous existing anchors-should remain with climbers and guides (subject to Director's Order 41 standards). Fixed anchor maintenance and replacement should be allowed without prior authorization unless there are demonstrable unacceptable conflicts with cultural, natural, or other wilderness resources.

4.All wilderness fixed anchor authorization processes should be informed by local land use plans (wilderness plans, climbing plans, forest plans) that outline desired conditions and local sensitivities. The authorization process should involve a decision tool with criteria and processes that are specific to recreational climbing fixed anchors. The tool should not be an MRA. By placing the authorization process and criteria in the hands of local land managers, rather than instituting a nationwide prohibition, land managers will be able to make more informed decisions regarding:

- a.Where anchors should be allowed and authorized programmatically,
- b.Where sensitive resources exist and therefore anchors should be authorized on a case-by-case basis only, and
- c.Where climbing is not allowed and thus no wilderness climbing anchors should be authorized.
- d.When anchor authorization procedures are developed at the local level, land managers will be able to better consider other provisions for visitor use management regarding trails, human waste, climber education, etc.
- e.In the absence of a land use plan assessing wilderness climbing zones, supervisors and superintendents may authorize permits for new fixed anchors consistent with DO41.
- f.Under rare circumstances, land agencies may need to temporarily prohibit the installation of fixed anchors in wilderness. This management action has been commonly referred to as an emergency "moratorium" on the placement or replacement of fixed anchors. Because management by moratorium can cause enforcement and other complications for the agencies, and escalate potential conflicts with stakeholders, it is advised that park units use it only under unique circumstances.

5.A permitting process for new wilderness climbing anchors should require as much specificity as possible with regard to location and type of anchor placement but must recognize that climbers and guides may not know the exact characteristics of the anchor placement until they arrive at the site.

6.All wilderness anchor placements and replacements should be subject to reporting and monitoring so land agencies can apply a management strategy that will be adaptive, site specific and relevant. As acknowledged by the National Park Service, the strategy "should incorporate adaptive management reinforcing the connection between the monitoring of wilderness character and the strategy for adapting management actions to preserve wilderness character." [6]

Concerns with the Forest Service Non-Wilderness Area Guidance

The USFS guidance also proposes some concerning and confusing proposals for the management of climbing in non-wilderness areas. The USFS non-wilderness proposal [7] states that the "[p]lacement and replacement of fixed anchors and fixed equipment are appropriate outside wilderness where their placement and replacement are not restricted or prohibited in the applicable climbing management plan." This language seems to say that outside of USFS wilderness, fixed anchor placements are appropriate unless restricted by a (yet to be developed) climbing management plan-meaning that until a climbing plan expressly restricts anchors, placements and replacements are "appropriate." However, the USFS non-wilderness proposal goes on to say that USFS managers should "[r]estrict the placement and replacement of fixed anchors and fixed equipment to established 'climbing opportunities' and to approved new climbing opportunities that have been evaluated for natural and cultural resource impacts." Unfortunately, "climbing opportunity" is poorly defined as "a user-created or primarily user-created dispersed recreation area on NFS lands with no, minimal, or limited Forest Service

investment or amenities where climbing may be performed."

Taken together these provisions could mean a range of things and the USFS should clarify the following:

*Are fixed anchors appropriate at "climbing opportunities" where a climbing management plan has yet to be developed?

*Is a "climbing opportunity" a location where no anchors have yet been placed, but is any potential climbing area with no USFS investment? How do we define the physical scope of this "opportunity"?

*Does "established" include a place where someone has engaged in bouldering or done a climbing route without fixed anchors?

The non-wilderness USFS proposal goes on to direct land managers to:

"[a]llow placement and replacement of fixed anchors only for purposes of belay, rappel, traverse, resource protection, or aiding in ascent and descent. Do not allow extensive or arbitrary placement and replacement of fixed anchors and fixed equipment without regard to rock features that provide natural opportunities for ascent and descent, such as where fixed anchors and fixed equipment are placed or replaced at a location that is otherwise climbable purely to make the climb easier, as opposed to at a location that is not otherwise climbable to enable a climber's ascent and descent of a climbing route identified in the applicable climbing management plan."

This standard is both confusing and highly subjective and will be nearly impossible to manage and enforce. At a minimum, the USFS should clarify what is meant by "extensive or arbitrary placement and replacement of fixed anchors" and what it means to "make a climb easier" and "not otherwise climbable."

While many of the USFS's proposed elements of a climbing management plan resemble effective climbing plans elsewhere, many of the provisions related to non-wilderness climbing on USFS lands are confusing and could be read multiple ways. The AMGA has significant concerns about these very consequential USFS proposals to manage climbing in non-wilderness areas and should at least clarify the definitions and intent related to these proposals so the public can adequately comment on them.

Recreation Special Uses

The AMGA supports the USFS's proposed provisions related to Recreation Special Uses.[8] Climbing guides provide important services to the public, helping Americans to access and experience public lands, and they provide education on wilderness values, flora and fauna, resource protection, low-impact climbing practices, and other areas of interpretation. Guides are often the first point of contact to the public regarding Leave No Trace principles, local rules and regulations, and resource sensitivities. Through education and interpretation, guides help to cultivate the next generation of public land stewards.

Professionally trained climbing guides are also necessary for the realization of the public purposes of wilderness. Guides help people from all walks of life to benefit from the educational, recreational, and scenic purposes of the Wilderness Act by teaching self-reliance and wilderness ethics, facilitating formative wilderness experiences, and providing access to scenic wilderness landscapes. The assistance provided by guides is particularly important for activities such as climbing that require specialized skills, knowledge, and equipment. Guides also provide wilderness interpretation and promote resource protection, including the protection of wilderness character.

Accordingly, AMGA supports the USFS's proposal to "issue and administer recreation special use permits to increase visitor climbing opportunities and enhance visitor education and awareness of low-impact climbing practices... consistent with applicable law and directives, the applicable land management plan, and the applicable climbing management plan." We look forward to working with the USFS to implement these important

provisions that will further the mission of the agency and support the effective management of climbing on federal lands.

The American Mountain Guides Association is highly concerned with the new NPS and USFS proposals that would cause safety issues, create a complicated and unnecessary administrative process, and establish an expansive unfunded mandate that is unlikely to ever be completed and will take away needed resources from other priorities. Importantly, if guides are no longer able to freely use and maintain existing wilderness fixed anchors, and occasionally place a new fixed anchor through an efficient prior authorization process, the American public would be deprived of the opportunity to experience the unique character of wilderness climbing. Guiding businesses would also face severe economic impacts, which are not to be understated. Many climbing guide services are small businesses that employ local workers in rural communities adjacent to federal lands. If a guide service is forced to cease or limit its operations in wilderness, it could cause irreparable harm to the business, the workers, and the economy of the local community.

In sum, we urge the NPS and USFS to withdraw the draft guidance and restart the process. A more effective future process would involve working directly with stakeholders on policy solutions that focus on protecting wilderness character instead of trying to find an exception-through a mis-placed MRA process-for a new and novel interpretation of the Wilderness Act that determines fixed anchors as prohibited installations. Additionally, the agencies should "grandfather-in" existing anchors without further review unless they directly conflict with other important resource values. To the extent prior authorization of new climbing anchors is required, this should be done programmatically where possible and on a case-by-case basis in sensitive areas. Perhaps most significantly, in-the-moment safety decisions related to the maintenance and repair of existing anchors should remain with climbers and must be allowed without prior authorization.

The American Mountain Guides Association appreciates the longstanding partnership we've had with the NPS and USFS in areas across the country. We look forward to working with NPS and USFS to develop and support climbing and guiding policies that are practical, effective, and protect our country's unparalleled climbing areas. Please feel free to contact me about any matters contacted herein, at matt@amga.com.

Sincerely,

Matt Wade Executive Director
American Mountain Guides Association
www.amga.com

[1] See National Park Service, Draft Reference Manual 41: Wilderness Stewardship, Evaluation and Authorization Procedures for Fixed Anchors and Fixed Equipment in National Park Service Wilderness (Nov. 17, 2023), available at <https://parkplanning.nps.gov/document.cfm?documentID=132387>; U.S. Forest Service, Forest Service Manual 2300 - Recreation, Wilderness, and Related Resource Management Chapter 2350-Trail, River, and Similar Recreation Opportunities (Nov. 17, 2023), available at <https://cara.fs2c.usda.gov/Public/CommentInput?project=ORMS-3524>.

[2] See National Park Service Laws/Regulations/Policies/Guidance, found at <https://www.nps.gov/dscw/laws-policies.htm>.

[3] See NPS Management Policies (2006), 6.3.4.5, found at https://www.nps.gov/subjects/policy/upload/MP_2006.pdf.

[4] See Section 6: Liability Considerations, National Park Service, Draft Reference Manual 41: Wilderness Stewardship, Evaluation and Authorization Procedures for Fixed Anchors and Fixed Equipment in National Park Service Wilderness (Nov. 17, 2023), available at

<https://parkplanning.nps.gov/document.cfm?documentID=132387>, page 9.

[5] See Section 2355.03.7, U.S. Forest Service, Forest Service Manual 2300 - Recreation, Wilderness, and Related Resource Management Chapter 2350-Trail, River, and Similar Recreation Opportunities (Nov. 17, 2023), available at <https://cara.fs2c.usda.gov/Public/CommentInput?project=ORMS-3524>, page 6.

[6] Keeping it Wild in the National Park Service; A user guide to integrating wilderness character into park planning, management and monitoring, NPS, 2014.

[7] See Proposed FSM 2355 Climbing Opportunities #ORMS-3524, 2355.32 - Placement, Replacement, and Retention of Fixed Anchors and Fixed Equipment Outside Wilderness, found at <https://usfs-public.app.box.com/s/3q0ctfro41x26x0brajnn0uazt135lux/file/1362477690875>.

[8] See Proposed FSM 2355 Climbing Opportunities #ORMS-3524, 2355.37 - Recreation Special Uses, found at <https://usfs-public.app.box.com/s/3q0ctfro41x26x0brajnn0uazt135lux/file/1362477690875>.