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Mr. Semler and Mr. Mali:

The undersigned organizations respectfully submit this comment on the National Park Service¹ (NPS) and U.S. Forest Service² (USFS) proposed guidance on the management of climbing in designated Wilderness. The signatories are submitting this letter in identical form to both agencies.

This document contains the comments of CalWild, Great Old Broads for Wilderness, Washington Wild and the Wilderness Society on the substantive components of the agency guidance proposals published in the Federal Register on November 17, 2023. Our comments on the substantive components appear below.

The signatories to this comment have also partnered with organizations from the climbing community to submit a joint comment recommending that the agencies modify the process for implementing the proposed guidance. Our joint comment with the climbing community recommends that the Departments of the Interior and Agriculture charter a joint Federal Advisory Committee to advise them on the development and implementation of the guidance. That joint comment has been submitted under a separate cover.

Interests of Commenters

CalWild is a nonprofit organization that has been working to protect and restore California's wildest natural landscapes and watersheds since 1976. CalWild has played a significant role in the development and passage of numerous Wilderness bills during these years including the Northern California Coastal Wild Heritage Wilderness Act of 2006, the California Wilderness Act of 1984, and the California Desert Protection Act of 1994, the largest land conservation bill ever to benefit the continental United States, protecting more than 9.6 million acres of desert and establishing Death Valley and Joshua Tree National Parks and the Mojave National Preserve.

Great Old Broads for Wilderness (Broads) is a women-led national grassroots organization that engages in and inspires activism to preserve and protect wilderness and wild lands. Broads was founded in 1989 on the 25th anniversary of the Wilderness Act. Since then, Broads has grown to have more than 8,500 members and supporters and over 40 Broads' volunteer-led chapters in 18 different states. Broads brings grassroots power to America's conservation movement. Broads occupies an important niche at a time when women's leadership is essential. Broads' leadership by older women injects much-needed skill, experience, and commitment to protect

public lands.

Washington Wild is a nonprofit organization that has been working to protect wild lands and waters in Washington State since 1979. Over the last 45 years, Washington Wild has played a leadership role in advocacy for, and passage of, the Washington State Wilderness Act of 1984, the Washington State Parks Wilderness Act of 1988, The Wild Sky Wilderness Act of 2008, The Alpine Lakes Wilderness and Middle Fork Snoqualmie and Pratt Rivers Wild and Scenic River Act of 2014 and other legislative efforts resulting in the designation of nearly 3 million acres of designated Wilderness in Washington State. Washington Wild believes in a collaborative approach, working with Tribes and diverse stakeholders (including mountain bikers, climbers, hunters and anglers and equestrians) to support existing and new Wilderness designations.

The Wilderness Society is a national conservation advocacy organization that focuses on the protection and management of public lands in the United States. Founded in 1935, TWS led the campaign to enact the Wilderness Act in 1964 and has played a key role in establishing permanent protection for 112 million acres of Wilderness in 44 U.S. states. Looking forward, TWS and its 1 million members and supporters are working to protect 30% of U.S. lands by 2030, address the existential challenge of a changing climate, and make public lands more inclusive for all.

Historical Context

The commenters would like to briefly summarize some key aspects of the history of climbing management in designated Wilderness. We believe this history should be taken into consideration by the agencies when they finalize the proposed guidance.

At the outset, we emphasize that we believe strongly in protecting the character of America's designated Wilderness areas. We also believe that protecting Wilderness character requires diligent enforcement of the prohibitions and limitations in Section 4(c) of the Wilderness Act.

At the same time, we think it should be acknowledged that rock climbing is a longstanding and appropriate use of Wilderness. Climbers have been adventuring in Wilderness since before the Wilderness Act was enacted in 1964, and many of the early proponents of the Wilderness Act participated in climbing activities. As public lands advocates, we consider the climbing community to be a strong partner in our collective efforts to protect wild places for future generations. Climbing organizations like Access Fund, American Alpine Club, Washington Climbers Coalition, the Mountaineers and others have supported many Wilderness bills and laws over the past half century.

In implementing the proposed guidance, we also think it is important to acknowledge that fixed climbing anchors have generally been allowed in designated Wilderness since the Wilderness Act became law in 1964. As recently as 2013, the National Park Service issued a policy statement, Director's Order 41, that made no mention of installations and said that a limited number of anchors could be allowed without adversely affecting Wilderness character.

The agencies are now proposing to treat fixed anchors as installations within the meaning of section 4(c) of the Wilderness Act. We acknowledge the agencies' authority to do so. However, we urge the agencies to recognize that treating fixed anchors as installations is a significant departure from past agency policy, and that it could have a significant impact on the rock climbing community.

We also urge the agencies to recognize that the agencies' installation decision is only the first step in determining how to manage fixed anchors in Wilderness. Many subsidiary questions must be answered in order to fill in the outlines of a climbing management framework. In answering these subsidiary questions, we urge the agencies to keep both equitable and practical considerations in mind.

Equitable considerations require the agencies to recognize that climbers have acted in reliance on agency practice that allowed anchors for nearly 60 years. Practical considerations counsel for recognition that climbers often need to make decisions whether to rely on or replace an existing fixed anchor based on safety considerations that arise in the midst of a climb when it is not possible for them to seek prior authorization for their actions.

Keeping these considerations in mind will help to ensure that the decision to treat fixed anchors as installations is implemented in a manner that both preserves Wilderness character and keeps Wilderness accessible for appropriate climbing activities.

Comments on the Proposed Guidance

1. The Status of Existing Anchors

There are currently an unknown number of existing fixed anchors in designated Wilderness areas. Most estimates that have been shared with us put this number in the thousands and perhaps tens of thousands of anchors. If the agencies begin treating anchors as installations, the status of these anchors must be determined.

The NPS proposed guidance makes the following statements about existing fixed anchors:

"Existing fixed anchors may continue to be used. Parks should evaluate all routes with existing fixed anchors when practicable, as funding and resources allow, through either a park, area, or route specific MRA."

NPS Proposed Guidance, section 2, p. 5. An MRA is a Minimum Requirements Analysis, AKA the Minimum Requirements Analysis Framework, which is the analytical tool the agencies have historically used to determine whether non-compliant uses under section 4(c) of the Wilderness Act may nevertheless be permitted in Wilderness.

The USFS guidance makes the following statements about existing fixed anchors:

"Existing fixed anchors and fixed equipment may be retained pending completion of a Minimum Requirements Analysis, as funding and resources allow, to determine whether they are the minimum necessary for administration of the area for Wilderness Act purposes (FSM 2355.32)."

USFS Proposed FSM 2355.03(5), p. 5. The USFS proposed guidance also states:

"Existing fixed anchors and fixed equipment in wilderness may be retained pending completion of a Minimum Requirements Analysis, as funding and resources allow, that determines they are the minimum necessary to facilitate primitive or unconfined recreation or otherwise preserve wilderness character."

USFS Proposed FSM 2355.32(5), p. 15.

We have two concerns about these statements. First, the agencies' statements that existing anchors "may be retained" and "continue to be used" provide inadequate assurances to the climbing community. We recommend that the agencies write the final guidance to provide more assurance that these anchors will remain in place and be available for use at least until an MRA is completed. To provide this assurance, we recommend that the agencies expand upon the draft guidance in the following ways:

1. The agencies should explicitly state that the use of existing anchors is lawful unless and until the agency determines through the MRA process or another process that an anchor must be removed. This would be

comparable to an "open until closed" standard.

2. Agency leadership should prohibit units within the National Park and National Forest Systems from removing fixed anchors existing as of the date the guidance is finalized until those anchors have been analyzed using the MRA process unless an anchor is having immediate and significant impacts on wildlife, natural resources or historical or cultural sites. This is important for climber safety.

Second, the agencies should recognize and acknowledge that planning to complete MRAs "as funding and resources allow" virtually guarantees years of uncertainty regarding the status of existing anchors. Past history strongly suggests that the funding and resources needed for the completion of recreation-related analyses and preparation of the Wilderness planning documents will be difficult for units to secure. Proof of this can be found in the shortage of completed Wilderness management plans at park and forest units throughout the country.

By pledging to complete MRAs as funding and resources allow, the agencies are essentially saying they will get to this when they can. In most instances, this will be a long time. In some instances, it may effectively be never. This will mean that the status of many existing anchors may never be finally determined.

Given the significant change in policy being implemented here, the agencies should prepare and release more than just a vague plan for determining the status of existing anchors. We think the climbing community and the wilderness resource deserves more certainty than that. We recommend that the agencies take the following steps to minimize this uncertainty.

1. Explore whether MRAs could be undertaken and completed at a broader scale than the unit level to resolve the status of existing anchors in a more expedited way. The NPS proposed guidance authorizes the completion of MRAs at no larger than the unit level. The USFS proposed guidance does not specify the scale at which MRAs may be done. The viability of regional or national MRAs should be considered in order to determine the status of existing anchors more quickly.
2. Alternatively, or in parallel, develop and announce a concrete strategy for expediting the completion of unit-level MRAs, either as stand-alone determinations or as part of the development of a climbing management plan or wilderness stewardship plan.
3. In combination with the preceding recommendation, launch a collaboration initiative with the climbing community and other stakeholders through priorities for the completion of fixed anchor MRAs can be collaboratively set. As part of this process, determine which fixed anchor MRAs or other planning document will be completed first.
4. Establish strong notice and comment requirements for management actions regarding fixed anchors and impose the requirements throughout the National Park and National Forest Systems. These requirements should include:
 - a. Guaranteed notice and an opportunity to be heard whenever a fixed anchor MRA is undertaken, or a wilderness or climbing management plan is being developed.
 - b. A general rule of minimum of 60 days advance notice when anchors are to be removed as a result of a fixed anchor MRA determination unless exigent circumstances require shorter notice. The agencies should work with climbers to develop a protocol for effectively disseminating this notification widely throughout the climbing community.

2. Limits on the Replacement of Unsafe Anchors

The agency guidance proposals set standards for when replacement of existing fixed anchors is permissible. We examine these standards below.

Before doing so, we note two things that should be kept in mind when establishing limits on the replacement of existing anchors. First, as we note above, climbers often need to make decisions about the soundness and reliability of an existing fixed anchor when they are in the midst of a climb and it is impossible for them to seek

prior authorization for their actions. We think this fact counsels for providing additional latitude to climbers making field judgments about the replacement of unsafe anchors. We think climbers should generally have the latitude to replace anchors they find in unsafe condition without having to first seek authorization. We discuss unknown replacement limitations more below.

Second, we note that the definition of "installation" in Reference Manual 41 is broad. It includes not just climbing bolts drilled into rocks but anything left behind in the Wilderness. That means it also includes nylon slings that are placed around rocks and trees without modification of any natural features. Because the NPS definition of installation is broad, the limitations on the replacement of anchors apply with equal force to nylon slings and other anchors as they do to nearly permanent bolts placed in holes in the rock.

We do not think the replacement of nylon slings should be held to the same standard as replacement as bolts in rocks. Because of their exposure to the sun and wind, nylon slings are subject to wear and tear and have a shorter usable life than a bolt. This increases the likelihood that a climber will find a nylon sling in an unsafe condition.

In preparing final guidance on the replacement of existing anchors, the agencies should show greater flexibility regarding the replacement of nylon slings and other anchors that have a shorter usable life because of their exposure to the elements.

a. National Park Service Proposed Standards for Replacing Anchors

In establishing policy regarding the replacement of unsafe existing anchors, the guidance proposed by NPS distinguishes between routes that have been evaluated through an MRA and those that have not. Relying on this distinction imposes transparency obligations on NPS.

Under the NPS proposed guidance, if a climber does not know whether a route has been evaluated through an MRA, they will not know the standard that applies to the replacement of unsafe anchors on that route. As such, a climber might replace an anchor under circumstances that the guidance would deem impermissible. In order to ensure that climbers know which standard applies, NPS should make it a practice to inform the public, and in particular the climbing community, of when routes have been evaluated through an MRA process.

On existing routes that have not yet been evaluated, the NPS proposed guidance states that climbers may make emergency replacements of pre-existing fixed anchors if replacement is necessary to exit the climb in the safest and most expeditious manner possible. Presumably, if replacement is not necessary for a safe exit, then that replacement must be evaluated through an MRA before the replacement can be made.

We think this sets a high bar regarding the permissibility of emergency replacements of existing anchors. Under this standard, no replacement can be made unless it is necessary to exit the climb in the safest and most expeditious manner possible. This standard fails to recognize that a climber might encounter an existing anchor whose condition is unsafe but not to the point where it interferes with the climber's ability to exit the climb safely. Climbers should have some latitude to replace unsafe existing anchors without waiting for an MRA regardless of whether their ability to exit the climb depends upon it. We think this would be preferable to requiring a climber to leave an unsafe anchor in place until an MRA can be completed.

With regard to routes that have been evaluated and approved for continued use in Wilderness, the NPS guidance states that replacement of existing bolts on the route may be done without a new MRA unless wilderness character conditions have changed since the initial review. When on a route that has been evaluated through an MRA, it is unclear to us how a climber is to know whether wilderness character conditions surrounding that route have changed since the route's initial MRA review. We urge the NPS to reconsider whether this is a realistic standard for determining whether an unsafe anchor can permissibly be replaced.

b.U.S. Forest Service Proposed Standards for Replacing Anchors

The USFS guidance allows climbers more latitude to replace existing anchors. Prior to the completion of an MRA, "emergency replacements of individual fixed anchors posing a legitimate safety concern may occur unless prescribed otherwise through an approved climbing management plan or equivalent planning document." Proposed FSM 2355.32(5), p. 15. Thus, the USFS standard for emergency replacement is whether the anchor poses a legitimate safety concern. If an anchor poses a legitimate safety concern, it may be replaced unless replacements are prohibited by a planning document. Under the USFS standard, replacements are not limited to situations where the replacement is necessary for a climber to make a safe exit.

This is a more flexible standard for unsafe anchor replacement. However, it also relies on the Forest Service has a responsibility to widely publicize the locations where planning documents have imposed limitations on the replacement of existing anchors. Otherwise, climbers may embark on a route unaware that the replacement of an anchor on that route would violate agency policy.

3.Reliance on the Minimum Requirements Analysis Framework

The proposed guidance relies heavily on the use of the Minimum Requirements Analysis Framework for determining whether specific fixed anchors are permissible under section 4(c) of the Wilderness Act because they are "necessary to meet minimum requirements for the administration of the area for the purpose of" the Act. Wilderness Act, section 4(c), 16 U.S.C. § 1133(c).

The agencies' reliance on this longstanding tool is not surprising. However, we know that the climbing community believes that a different tool should be developed for determining the status of fixed anchors under the Wilderness Act.

Admittedly, the signatories to this comment do not have a fully formed opinion on whether the MRAF should be used or another tool should be developed. However, we believe the agencies should carefully consider the development of a specific fixed anchor determination tool. As noted above, there are many thousands of existing fixed anchors in designated Wilderness on NPS and USFS lands. If the agencies have any hope of determining the status of these anchors in a reasonable time frame, it will need a tool that will enable them to determine this status in a highly efficient way. The existing MRAF is a one-size-fits-all tool that is not customized to the questions raised by fixed anchors in Wilderness. We think it is worth considering whether a more customized tool would do a better job of resolving a larger number of fixed anchor questions on an expedited time frame and at a lower cost to the agencies. This would enable the agencies to provide climbers and managers in the field with more certainty sooner.

For these reasons, we encourage the agencies to consider whether a more effective and efficient tool than the MRAF should be developed to determine the status of fixed anchors under the Wilderness Act.

Conclusion

The undersigned organizations appreciate this opportunity to comment on the National Park Service and U.S. Forest Service proposed guidance on the management of fixed anchors in Wilderness.

Sincerely,

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Endnotes:

1 Evaluation and Authorization Procedures for Fixed Anchors and Fixed Equipment in National Park Service Wilderness Areas, National Park Service, 88 Fed. Reg. 80333 (November 17, 2023).

2 Forest Service Manual 2300- Recreation, Wilderness, and Related Resource Management, Chapter 2350-Trail, River, and Similar Recreation Opportunities, Section 2355-Climbing Opportunities, U.S.D.A. Forest Service, 88 Fed. Reg. 80269 (November 17, 2023).