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First name: MailLee

Last name: Hung

Organization: Patagonia

Title: Alpine and Climb Category Editor

Comments: Dear United States Forest Service,

Thank you for the opportunity to comment on the newly proposed guidance on managing fixed anchors in Wilderness.

At Patagonia we have long maintained that climbers have an active role to play in conservation. In the "Clean Climbing" essay published in the 1972 Chouinard Equipment Catalog, Yvon Chouinard and Tom Frost stated, "We believe the only way to ensure the climbing experience for ourselves and future generations is to preserve (1) the vertical wilderness, and (2) the adventure inherent in the experience." This assertion laid the foundation for modern climbing ethics and is at the heart of our own philosophy. No adventure is possible without humility before the natural world and prioritizing the dignity of wild spaces before the desire to send. Climbers share a responsibility to show restraint in Wilderness, to respect Indigenous rights, to protect wildlife and to be a voice against threats to the wildness of the places we climb.

It is from this core position that we address your proposed guidance. We are aligned with the proposal's intent, but we don't believe the Minimum Requirements Analysis (MRA) is an appropriate process for assessing fixed anchors. Instead, we advocate for an alternative proposal that supports the Wilderness Act more strictly and describes a more coherent and enforceable policy for fixed anchor management in Wilderness.

This is a critical moment where we could better define types of fixed anchors and appropriate use cases of each within Wilderness; a more appropriate process for managing fixed anchors; and guidance that provides greater autonomy to each Park and Forest Service to administer per the unique needs of the lands they steward. We ask that recreation and Wilderness interests collaborate on a solution that protects Wilderness values while describing a concrete and enforceable guidance for fixed anchors in Wilderness. Our concern with the new proposed guidance is that an MRA is designed only to assess installations made to administer Wilderness, defined as "improvements" to Wilderness. Fixed anchors never fall into this category.

Using a Minimum Requirements Analysis (MRA) to Assess Fixed Anchors is an Inappropriate Process for Permitting Public Activity in Wilderness and Undermines the Wilderness Act

From our understanding, the MRA process is designed to assess whether or not an administrative exception may be made for an installation in Wilderness. There are two fundamental issues with this framing. The first is that the sole purpose of administration in Wilderness is to preserve or improve wilderness character. Making an exception for fixed anchors in this way would mean claiming that fixed anchors, by the fact that they were permitted through an MRA, facilitate the preservation or improvement of wilderness character. This undermines the authority of the Wilderness Act. Primitive recreation is allowed within Wilderness, but Wilderness exists for itself; it is not an administrative act to facilitate recreation. The only way to avoid this issue is to reject all fixed anchors assessed by an MRA, which is also not a position we support as climbers and Wilderness advocates. The issue is not that fixed anchors are never permissible in Wilderness, but that an MRA is an incorrect way to assess whether or not they are appropriate.

The second is that because the MRA process is designed to assess administrative exceptions, it cannot assess the impacts of an installation left by the public, for public use. Issuing a permit to a member of the public does not thereby make the public's actions administrative. Because the MRA process was not developed to assess this kind of installation, it would be particularly unwieldy for this application. Furthermore, by deeming public placement of fixed anchors an administrative exception, it might be possible to claim that the administration that

allowed the exception is now responsible for it. This could add inappropriate administrative liability to land management agencies for fixed anchors allowed through this process.

#### Requiring an MRA to Assess Fixed Anchors is Unrealistic and Undermines Land Management Agency Autonomy

The MRA process is also an unrealistic method for managing fixed anchors in Wilderness. Not only does this guidance outline a malappropriation of the MRA process, requiring all agencies to use this process is unrealistic and undermines their autonomy. This top-down approach to management would be a significant burden to agencies. It would require each of the millions of existing fixed anchors to go through an MRA process-no agency has the time or financial resources to perform such a sweeping requirement.

Beyond existing fixed anchors, the MRA process is especially unwieldy for proposed fixed anchors as well. It is so unlikely that agencies would be able to comply with this requirement that it is more plausible for agencies to either initiate a blanket ban on all fixed anchors to alleviate the bureaucratic burden of assessing them, or to simply ignore them. Neither option is tenable, which means that the process itself must be readdressed.

Mandating the MRA process for fixed anchor management would also hinder land management agencies' ability to make management decisions more appropriate for the varying needs of the Wilderness areas they manage. Yosemite National Park is vastly different from Joshua Tree National Park or Wild Iris in Wyoming. We must trust our land management agencies to make context-specific decisions for the Wilderness areas they manage if we are to allow them to do their job best. Our public lands and national parks are incredibly diverse and varied, and we should be empowering the agencies that know their lands best to manage them rather than forcing them to conform to an overly bureaucratic, top-down form of management that would be ineffective anyway.

#### An Unrealistic Process Loses the Trust of Climbers

The MRA process is so unrealistic that it's possible that climbers will simply ignore the guidance and lose their trust in partnering with the Federal government for the shared purpose of preserving Wilderness. Fixed anchors in this case does not apply only to bolts, but to all climbing gear left behind in Wilderness, regardless of intent or duration. On rare occasion, climbing gear is used to mitigate risk and help climbers return to safety. Self-rescue from a dangerous situation must be possible for climbers. Gear is sometimes also accidentally dropped on a route or walked so far back into a crack that it cannot be retrieved. It is not feasible to imagine climbers successfully applying for an MRA for every Wilderness climbing trip they might potentially leave gear on, which is every Wilderness climbing trip.

Not only would an MRA process applied to fixed anchors be a lose-lose proposition for land management agencies and climbers, the total lack of realism could make climbers feel that any attempt at collaborating with the Federal government on Wilderness preservation is a lost cause. All land management agencies need the buy-in of recreationists to help police behavior. It is necessary to get at least part of the climbing community onside of any proposed guidance if it is to be effectively enforced. This guidance as written could alienate climbers so thoroughly that they would likely ignore the guidance at best and actively flout it at worst.

#### The "De Minimis" Framework is a Better Solution for Managing Fixed Anchors in Wilderness

We recognize that Directors Order 41 needs more concrete guidance for land management agencies, and a more appropriate way to amend and enforce DO 41 would be to allow for agencies to make specific decisions about existing and future fixed anchors based on the context and needs of the Wilderness areas they manage. These decisions could be guided by the "de minimis" principle.

Some things that are not allowed in wilderness are permissible because their impacts are so small. For example, motorized technologies are broadly prohibited within wilderness, but something like the motorized shutter on a

camera is insignificant enough to be allowable. Similarly, a bolted multi-pitch sport climb in wilderness would likely be a significant impact to the wilderness character of an area, whereas a single bolt on an unprotected slab of rock 800' off the ground would not.

#### Land Management Agencies Should be Empowered to Determine their own "De Minimis" Exceptions

The quantity, size, intention and duration of a fixed anchor should all be considered in determining whether it would be "de minimis." Similarly, different Wilderness areas and even zones within Wilderness areas may have different requirements and sensitivities in preserving their wilderness character.

Types of fixed anchors vary widely, from left-behind slings to dropped cams to rappel rings to fixed ropes to bolt ladders. Likewise, some fixed anchors might be "de minimis" in certain Wilderness areas but not in others. An effective guidance for managing fixed anchors in Wilderness is one that allows for an understanding of the different kinds of fixed anchors and their appropriate uses in different Wilderness contexts.

No single Federal guidance can or should be able to adjudicate every fixed anchor in every Wilderness area. Instead, the only way to effectively manage fixed anchors is to empower individual agencies to make management decisions themselves, based on their deep knowledge of the areas they steward and the recreation communities they serve.

#### An Effective Guidance

We fully recognize the need for more concrete guidance on how to manage fixed anchors in Wilderness, and believe that guidance can be achieved through a collaboration between government agencies, recreationist and conservationists using the judicious application of the "de minimis" framework per each Park and Forest Services' unique understanding of the Wilderness lands they manage.

We see the Wilderness Act as a powerful tool for land protection. One thing that is true across all Wilderness areas is that fixed anchors should be used only out of necessity in Wilderness, not comfort, to preserve both the experience of the adventure and the wilderness character of the landscape. Climbers and Wilderness stewards need a management process for fixed anchors that more appropriately defines what fixed anchors are and that clearly protects Wilderness from any kind of development, honoring the capacities and needs of different land management agencies.

Thank you for the work you do to protect and preserve our precious Wilderness areas. We look forward to an updated guidance that extends that work sustainably and effectively.