Data Submitted (UTC 11): 1/30/2024 11:21:13 PM
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Comments: In 1964 an Act of Congress designated large swaths of the most scenic parts of public lands within the United States as 'Wilderness.' Climbing, including the use of 'fixed anchors and equipment,' preceded the Wilderness Act by decades, yet, unlike traditional and customary practice (such as that afforded to mineral and water rights in Wilderness areas) when the goal posts are moved and rules/laws are changed, climbing practice did not get 'grandfathered' in. This, despite the fact that climbers were involved in the movement toward wilderness preservation and even today support the spirit of the Wilderness Act.

Since 1964, much additional land has been afforded the designation of 'Wilderness' protection through a variety of sponsors, including former senator (CO) Mark Udall, whose INTENT of what he sponsored, voted for, and passed in congress is summed up nicely in an op/ed:

"Nothing in those bills was intended to restrict sustainable and appropriate Wilderness climbing practices or PROHIBIT the judicious and conditional placement of fixed anchors - many of which existed before the bills' passage. I used fixed anchors to climb in these areas, and I want future climbers to safely experience profound adventures and thereby become Wilderness advocates themselves." (The Hill, 11/11/23)

By arbitrarily designating fixed anchors and equipment as installations, ie "that fixed anchors and fixed equipment are installations for purposes of section 4(c) of the Wilderness Act (16 U.S.C. 1133(c)) (proposed FSM 2355.32, para. 1)," the Forest Service squarely designates them as PROHIBITED under section 4(c). Note that the above quoted link did not link to section 4(c) as one would expect.

Note that there is nothing in the Wilderness Act itself that designates 'fixed anchors and equipment' as 'installations,' indeed it is a NFS interpretation of the Wilderness Act that is CONTRARY to what lawmakers intended (none above)! There is also nothing in the proposed FSM 2355.32, that clearly defines what constitutes 'fixed anchors and equipment,' as such we are left to guess and comment on vague prohibitions and regulations.

While there is an erroneous link to the Wilderness Act (note above) there is no link to "The Joint Explanatory Statement accompanying the 2021 Consolidated Appropriations Act [that] directs the Forest Service to issue general guidance on climbing opportunities on NFS lands." It would have been interesting to verify the actual directive and its NFS interpretation. No doubt future litigation will reveal the actual content and context.

As an avid climber I am also curious how "… the issuance and administration of special use permits are encouraged to enhance visitor access to climbing opportunities ... (proposed FSM 2355.03, para. 9) will work? I live on the Sierra (Nevada) Eastside of California in a small community that is (literally!) completely surrounded by hundreds of thousands of acres of forest service (dare I say PUBLIC!) land, both Wilderness and non-wilderness. Am I going to need a "special use permit" to spend an afternoon climbing at a crag a couple of miles from my house? Is there a fine, banishment, and/or incarceration waiting for me if I don't get that permit? Does "proposed FSM 2355.03, para. 9)" not sound like a complete overreach by a federal agency? This is exactly the type of policy that has the Chevron Doctrine in front of the Supreme Court.

Looking at what has been publicly made available for comment (NFS, Federal Register) one has to wonder why the information is so vague and incomplete? There is no linked, actual text of proposed FSM 2355. The text that is offered, mentions proposed sections 2355.03, 2355.21, and 2355.32, each with incomplete paragraph sections. One has to wonder about the absolute lack of transparency by a public agency that is about to heavyhandedly regulate climbing.