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First name: Kevin

Last name: Kent

Organization:

Title:

Comments: The National Forest Service's interpretation of of the Wilderness Act to expand the definition of installation as pertaining to fixed anchors for rock climbing and other roped activities is arbitrary and capricious and an abuse of the agency's discretion. The bulk of the proposed regulations seems to stem from the NFS's interpretation of installation as contained in 16 U.S.C. 1133(c). NFS has made no finding in its proposed directive FSM 2355 as to whether it believes the term installation is ambiguous under this statute. Similarly, NFS has made no finding as to whether it believes the proposed directive is mandatory or only discretionary.

A plain reading of 16 U.S.C. 1133(c) does not permit the interpretation of a fixed anchor as an installation. The term installation as used there is used constructively - with "structure" - as well as in a larger list prohibiting large scale activities such as road building, motor vehicle use, and aircraft use. The plain reading of the statute shows that the term installation is meant to encompass large scale works such as buildings, with no prohibition mentioned of smaller scale works such as trails, signage, or crucially, climbing anchors.

Even if the definition of installation is somehow ambiguous, NFS's interpretation of fixed anchors as installations is arbitrary and capricious because it does not consider Congress's intent. When Congress passed the wilderness act, and many subsequent designations of new wilderness, climbing and fixed anchors were already in well known and widespread existence in many of these areas - yet Congress took no action to limit fixed anchor use or impose MRA restrictions for fixed anchors. If Congress intended to restrict fixed anchors, it would have done so by - at a minimum - including language to clarify "installation" includes fixed anchors and other such small impacts. As Congress has made no law to limit such small and de minimis impacts in Wilderness, NFS's interpretation of fixed anchors as installations is arbitrary and capricious.

NFS's interpretation of fixed anchors as installations requiring MRA is legally wrong because such an interpretation would lead to an absurd and unjust outcome. In the 60 years since the Wilderness Act was passed, climbers have been able to use fixed anchors in Wilderness to facilitate climbing. A new regulation now making all such already in situ anchors subject to retrospective MRA would pull the rug out from underneath a user group that has been acting as responsible stewards of Wilderness since its inception.

I strongly and respectfully oppose the NFS's blanket and unsupported assertion that fixed anchors are "installations" within the meaning of 16 U.S.C. 1133(c).