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First name: Keith
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Organization:
Title:
Comments: Dear United States Forest Service,

I am writing in response to your proposed Forest Service Manual 2300 - Recreation, Wilderness, and Related Resource Management, and Chapter 2350 - Trail, River, and Similar Recreation Opportunities direction.
I am a rock and ice climber and I will be directly negatively adversely affected by these regulations should they become final; I will explain the details below.
Why make a comment? I am writing for more than to express myself. I want you to manage climbing differently than how you propose in these Manuals. I have reviewed some of my fellow climber's passionate and caring emails and while they made me smile, I am afraid your only response will be "thanks for your comment".
According to "A Guide to the Rulemaking Process" prepared by the Office of the Federal Register - For an individual to push the USFS to manage differently I must articulate how I will be negatively adversely affected and make a negative, substantive comment regarding whether a rule is:
1)constitutional
2)goes beyond the agency's legal authority
3)made without following the notice-and-comment process required by the ADA or other law
4)arbitrary
5)capricious
6)abuse of agency discretion
7)An agency head can also be sued for failing to act in a timely manner in certain cases.

From LawInsider.com - "Arbitrary and capricious means that there was no principled basis for the academic action or sanction. Arbitrary is defined as something that is determined by judgment or whim and not for any specific reason or rule. Capricious is defined as a judicial decision which is not based on any apparent reason. Absence of a rational connection between the facts found and the choice made."

Direct adverse effect - As the Forest Service provided no data or information on climbing, I need to. There are three primary types of rock climbing on Forest Service lands - traditional (trad), sport, and aid. Both sport and aid are fixed anchor-based sports. Even trad climbers, less than 5% of all climbers (maybe even less than 1%), don't exclusively climb trad; they use fixed anchors at belays or for rappelling off the top of their trad climb. Hence the regulations proposed by the Forest Service will have a direct, negative effect on all climbers in the United States. Even those not climbing on Forest Service lands will be directly affected - as the Forest Service restrictions both in and out of Wilderness, combined with the simultaneous restrictions and closures being implemented by the Park Service will likely reduce the national climbing opportunity in half - and displace those climbers to BLM, state and municipal climbing areas which will become immediately overcrowded with likely significant resource impacts.

Complete lack of information - One of my overarching concerns about this proposed direction is that the Forest Service has not demonstrated it knows anything about the climbing or the climbers who visit Forest Service lands. Based on this lack of data, it is safe to assume the Forest Service lacks knowledge with respect to some basic statistics of climbing that it would need to make an informed decision including:
*Number of climbers annually nationally, by state, and by known climbing area
*Number of routes located on Forest Service lands nationally, by state, and by climbing area
*Number of fixed anchors located on Forest Service lands nationally, by state, and by climbing area
This lack of basic information about the activity the agency wants to manage and the associated hardware the agency wants to restrict/prohibit is inherently arbitrary and capricious. The remedy for this situation is for the USFS should pull back these draft Manuals to take the time to educate itself about the climbing activity and

climbers' expectations and preferences so it can make informed decisions.

2355.32 - Placement, Replacement, and Retention of Fixed Anchors and Fixed Equipment in Congressionally Designated Wilderness
2. Determine whether placement or replacement of fixed anchors and fixed equipment in wilderness is the minimum necessary for administration of the area for Wilderness Act purposes by conducting a Minimum Requirements Analysis.
The Forest Service failed to provide any statistics concerning the number of MRAs they have completed for Designated Wilderness in the last 5 years; this is unfortunate because it likely would have shown a majority only completed a handful in that timeframe. The Forest Service also failed to provide how much the resource specialists (the wildlife biologist, the soil scientist, the forester, etc.) cost to complete their analyses (maybe $25,000 per proposal?) For an under-funded agency like the Forest Service, this policy will effectively end any possibility to increase opportunities for primitive or unconfined climbing recreation because the funding to complete MRAs isn't there today, and it isn't likely to be there in the foreseeable future. This de-facto no-new-bolts policy, along with the default policy below to remove all existing bolts from Wilderness, will effectively displace over 95% of current Wilderness climbers. This direct assault on climbers and their recreational opportunities - based on little to no information - while failing to describe potential impacts and their ramifications - is clearly arbitrary and capricious.

The obvious remedy is to remove the MRA requirement. Another possible partial remedy would be for the USFS to develop a threshold for a maximum number of fixed anchors per wall per year that could be installed without an MRA. I would remind the USFS of the language of the Wilderness Act of 1964 that states that a Wilderness area should generally appear to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable. Camouflaged fixed anchors have a substantially unnoticeable impact on Wilderness areas. They are not visible from ground-level and are generally invisible until they are encountered while climbing a route. They have no significant effect on the Wilderness character and prevent further impact by keeping climbers on specific descent rappel routes on solid rock.

5. 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. In the interim, 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.

When the Forest Service states "may be retained" it is stating the default is to remove all existing fixed anchors and fixed equipment in wilderness which is arbitrary and capricious. The Forest Service failed to provide any information about the number of fixed anchors in Forest Service Wilderness and when they were installed. It is a safe assumption that fixed anchors were already in place at the time of designation, so how can the agency justify declaring the default is to remove all fixed anchors in Wilderness? The agency cannot justify this action; it is arbitrary and capricious. The remedy for this situation is to grandfather in (allow existing) existing fixed anchors. The Forest Service has already set the precedent for pre-existing uses in Wilderness including airstrips, dams, mining, roads, competitive events, etc.

2355.31 - Placement, Replacement, and Retention of Fixed Anchors and Fixed Equipment Outside Wilderness
3. Restrict 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.
In a single sentence, the Forest Service is proposing to upend nearly 100 years of precedent (from allowing fixed anchors virtually anywhere, to a complete prohibition, without any data, justification, or rationale); this is another instance of an arbitrary and capricious action. By design, the Forest Service is a slow-moving, reactive agency. Agency staff refer to "moving the needle" and "turning the Titanic". So finding the next great climbing route or

area is not a good role for any federal agency, including the Forest Service. In addition, the USFS seems to be proposing this draconian action due to natural and cultural resource concerns, but those potential impacts are never described. From both my personal experience and having read a lot of the recreation research literature - there are relatively few climbing walls with significant resource issues. While a few have nesting bats, or an endangered plant species, or rockart - most don't. So while this action is clearly arbitrary and capricious, it is also likely an abuse of agency discretion as the USFS has provided no rationale for why this action would need to be taken.

2355.21 - Climbing Management Plan
1. Include management objectives, the area's desired Recreation Opportunity Spectrum settings (FSM 2310), and scenic character and scenic integrity objectives for climbing opportunities, including any associated facilities. Reduce visual impacts of climbing equipment to the extent possible.
In some situations, focusing on reducing the visual impacts of climbing is appropriate; in other places, it is not. Where non-climbers often visit or pass through climbing areas, most frequently because there is a trail running at the base of a rock face with climbing, it is appropriate to require the hanger and the head of the bolt be painted the color of the rock. However, for a majority of climbing crags (where rock climbers climb) the rock faces are located where no other visitors go. The shiny hangers and bolt heads have no effect because there are no non-climbers to see them. Furthermore, for climbers there is overwhelming value for those hangers and bolts to shine brightly, as they literally dictate the path up the wall the climber needs to take. They are a trail, a beacon, a lifeline. The current Forest Service direction to blindly reduce visual impacts everywhere without consideration to climber safety and the climber's recreational opportunity is arbitrary and capricious. The existing text should be modified to recognize the multiple perceptions of shiny fixed hardware and the need for that hardware to be managed differently in different settings.

2355.03 - Policy
9. When consistent with applicable law and directives, the applicable land management plan, and the applicable climbing management plan, issue and administer recreation special use permits to increase visitor climbing opportunities and enhance visitor education and awareness of low-impact climbing practices (FSM 2721.53; FSH 2709.14, ch. 50 and 80).
The standard text used in this document regarding the issuance of outfitter and guide special use permits is inappropriate, fails to recognize existing climbing culture, and is arbitrary and capricious. The primary flaw of this text is the failure to recognize that most beginner climbing areas are already overwhelmed with private, non-guided beginner climbers. This direction - to hand out guiding permits without a careful analysis of if and where there might be capacity to accommodate additional climbing use - and especially commercial use - is also arbitrary and capricious. This direction is even more insulting when you combine it with the rest of the direction in these manuals that will remove most of the climbing off of Forest Service lands (and Park Service due to parallel decisions) concentrating climbers into their last pockets of opportunity. Issuing additional outfitter and guide permits in this worst case scenario is clearly an abuse of agency direction.

Provide climbing opportunities that emphasize the natural setting of NFS lands

Today climbing already occurs across a spectrum of Forest Service managed lands. Specifically, the Forest Service uses the Recreation Opportunity Spectrum (ROS) in its planning of recreation opportunities. The ROS should be used in this situation as well, with the setting of the climbing being consistent with the ROS of the area. For example, if the climbing area is located in an urban setting (developed campground), then the climbing area will also be located in an urban setting, and the standards should be consistent with that ROS. This situation exists in Big Cottonwood and America Fork Canyons in Utah.

Develop a climbing management plan covering each administrative unit or ranger district that has one or more climbing opportunities, as required and as funding and resources allow (FSM 2355.21).

As the Forest Service has only completed two climbing plans in 130 years (Rumney Rocks, NH and South Platte Ranger District, CO), this requirement is unreasonable, arbitrary, and capricious. This text should begin "Consider developing a climbing management plan…". This direction should be made optional, not mandatory, for the hundreds of Ranger Districts across the country. The monumental amount of work to develop individual climbing plans will reasonably take decades for each Forest and Ranger District to implement.

with the highest level of need (such as high levels of use, use conflicts, or resource degradation).

This direction pushes the USFS to be reactive, and does not allow the agency to act in a proactive approach. For example, if the USFS believes an undeveloped area will soon be developed, the agency could not act proactively to develop policies and plans for this undeveloped area under the current direction. This direction should be altered to allow the District Ranger to prioritize climbing management when, where, and how the authorized officer decides. Along with being arbitrary and capricious, this direction is undermining the authority of the authorized officer.

Climbing or climbing-related activity in wilderness must be restricted or prohibited when its occurrence, continuation, or expansion would adversely impact wilderness character.

The USFS has failed to define what is an adverse impact to wilderness character regarding climbing. To keep this text, the USFS must define what an adverse impact would or could be. In addition, the requirement to significantly restrict or even prohibit climbing because of a potentially minor impact to wilderness character is inappropriate, arbitrary and capricious toward climbers, and is a non-inclusive approach (part of Diversity, Equity, and Inclusion (DEI)).

Restrict or prohibit the placement or replacement of fixed anchors and fixed equipment in wilderness unless specifically authorized based on a case-specific determination that they are the minimum necessary for administration of the area for Wilderness Act purposes (FSM 2355.32).

The restriction or prohibition of replacement of existing fixed anchors, in particular the replacement of failing or failed anchors, is essential to maintain climber safety. Consider the situation where a permanent anchor is about to fail, and that failure is well known in the climbing community (for example, posted on Mountain Project.com). In this situation, if the anchor failed, the climber's death would likely generate a multi-million dollar lawsuit that the Forest Service would lose. The prohibition of replacement of existing fixed anchors will also result in negative impacts to natural resources. In particular, in the situation where the fixed anchor is known to have failed or might fail soon, climbers will be forced to use pitons, slings, and other more resource-impacting anchors (e.g. trees/vegetation) rather than the existing fixed anchors. In addition, the prohibition to replace existing failing fixed anchors will reasonably lead to a significant or complete loss of historic climbing routes. For all of the reasons above, especially for public health and safety - the current direction appears to be increasing risk for climbers, and arbitrary and capricious, and should be withdrawn.