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Comments: Thank you for the opportunity to comment on the draft FSM chapter regarding climbing opportunities on National Forest System (NFS) lands and for your consideration of this belated comment letter. Given the growing popularity of rock climbing, there is value in developing a comprehensive, responsible, and fair framework for the management of this recreational activity on NFS lands. Such a framework would provide clarity for managers and climbers, minimize potential resource conflicts, and facilitate the continued opportunities for this long-standing and appropriate recreational activity. However, the current draft includes a number of unclear provisions and takes an especially problematic approach to fixed anchors in wilderness areas.

These comments (1) highlight unclear provisions of the draft FSM, and (2) propose an alternative management framework that recognizes, among other important factors:

- * Climbing is a long-standing and appropriate use of NFS lands;
- * The growing popularity of and participation in recreational rock climbing;
- * Responsible stewardship of existing and future climbing resources and the potential for resource impacts, especially in high-use and wilderness areas;
- * The objectives of the Wilderness Act; and
- * Equitable considerations related to established patterns of use.

To help illustrate the framework suggested here, a rough diagram (Figure 1) is attached to this letter to visually display key aspects of this alternative framework.

Provision in Need of Clarification 2355.21 - Climbing Management Plan

This section directs managers to develop climbing management plans for all Congressionally designated wilderness areas ("wilderness") and those climbing areas outside of wilderness "where the District Ranger determines that climbing is causing adverse resource impacts" and makes both wilderness and non-wilderness CMPs subject funding/resource availability.

Issues:

* Given the resource constraints that the agency faces and the number of pressing management issues before it, it is foreseeable that the development of CMPs will not be prioritized for funding. Requiring the development of a CMP as a predicate for numerous climbing-related

decisions and authorizations but not directing resources to their development creates a significant dilemma for continued, safe, and responsible climbing on NFS lands. As such, language should be added in the final FSM that knowledgeable third parties with a connection to the relevant climbing resources may lead or fund the development of a proposed CMPs, which would be subject to final approval by the District Ranger. This would be consistent with the agency's shared stewardship principles and further foster collaboration between the USFS and the public, as encouraged at 2355.4, "Volunteers."

* The process by which a District Ranger would determine that climbing is causing adverse resource impacts is

not specified. An adverse-impact determination is a critical procedural step within the FSM, as it drives the necessity of a CMP for non-wilderness areas, but is not detailed. Clarity should be added to the final FSM that such a determination would be made via an effects analysis conducted under the provisions of the National Environmental Policy Act (NEPA) and 2355.38 #1 modified accordingly as well. Applying the NEPA process to this determination would provide for clear opportunities for public engagement, the requirement to use the best available information, and established guidelines for conducting the effects analysis.

2355.21 #12

This provision prohibits the placement or replacement of fixed anchors in wilderness areas unless specifically authorized via a minimum requirements analysis (MRA),

Issues:

* By presumptively banning all fixed anchor replacement in wilderness, the USFS is ignoring the determination by Congress at the time of its designation of the area as wilderness that rock climbing and the fixed anchors associated with it were consistent with the provisions of the Wilderness Act. As such, the USFS - as an administrative agency - cannot second guess this legislative determination without a clear resource conflict or incompatibility of the fixed anchor with another provision of law. Therefore, fixed anchors existing at the time of wilderness designation should be presumptively authorized and allowed to be replaced and/or maintained in a manner that facilitates their continued safe use. The final FSM to should reflect this.

* Clarity should be added to the final FSM on the applicability of its provisions to areas recommended for wilderness designation under a National Forest or Grasslands land and resource management plan ("forest plan").

2355.31 - Placement, Replacement, and Retention of Fixed Anchors and Fixed Equipment Outside of Wilderness
This section discusses fixed anchors outside of wilderness areas. The principles are sound but could use clarification.

Issues:

* Because CMPs are only required where a District Ranger has made an adverse-impact determination, for clarity, modify #1 to read: "Placement and replacement of fixed anchors and fixed equipment are appropriate outside wilderness where their placement and replacement are not restricted or prohibited in the applicable climbing management plan, if one is required for the area as the result of a determination that climbing is causing adverse resource impacts,

and when they are placed or replaced in locations to reduce adverse resource impacts or to address safety concerns. If an area does not have an applicable CMP, fixed anchors may be replaced in accordance with best community practice to support the development of climbing resources and sustainable recreation opportunities."

* The first sentence of #3 should be deleted as it is already covered by the language in #1 (even without the improvements suggested, above) and its inclusion creates confusion about the necessity of a CMP for the placement and replacement of fixed anchors.

2355.32 - Placement, Replacement, and Retention of Fixed Anchors and Fixed Equipment in Congressionally Designated Wilderness

This section discusses fixed anchors in wilderness areas. This section requires significant modification to align with congressional determinations made on existing fixed anchors at the time of wilderness establishment and to incorporate equitable principles for the safe maintenance of fixed anchors placed subsequent to a wilderness' establishment and the finalization of this FSM.

Issues:

* As previously discussed, here again #1 ignores determinations made by Congress regarding the consistency of fixed anchors existing at the time of wilderness designation with wilderness character. As noted above, this should be rectified in the final FSM by stating that those fixed anchors existing at the time of wilderness designation are presumptively consistent with wilderness character and can be maintained and/or replaced as needed to facilitate their continued safe use, except in circumstances where there is an unavoidable resource conflict or conflict with another statute as determined via an MRA.

* To facilitate visitor safety, #5 should be modified to allow for the maintenance of existing fixed anchors that were installed subsequent to wilderness designation until an MRA is completed for them. Requiring an MRA before allowing any fixed anchor maintenance needlessly endangers the public and encourages significant expenditure of agency resources - which are limited - on fixed anchors that are not posing resource impacts. By flipping this, the agency can prioritize those consequential fixed anchors for an MRA, which improves efficiency for the agency and the climbing public.

* Climbing routes often contain multiple fixed anchors, such as is the case with multi-pitch climbing routes that require multiple fixed anchors at the end of the route's pitches or along a climbing route itself where one or more fixed anchors may be necessary to facilitate ascent of the face in a reasonably safe manner. As such, #2 should be clarified to allow for MRA of routes in their entirety, not merely their constituent components. This would improve efficiency of the MRAs and lead to better decision making by taking in the entire context of a given fixed anchor or set of associated fixed anchors.

2355.37 - Recreation Special Uses

This section discusses the authorization of special use permits for recreational climbing opportunities.

Issue:

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* Clarify to read: "[hellip]and the applicable climbing management plan, if one exists for the area[hellip]" so that permits for commercial recreational climbing opportunities are not unnecessarily constrained by agency resource limitations related the development of CMPs.

A Framework for Sustainable Climbing Management and Resource Stewardship

In consideration of the comments above, this section suggests alternative framework for the management of fixed anchors that aligns with the values identified at the beginning of this letter. This approach emphasizes the time when and context in which a bolt was placed. It divides fixed anchors into several classes and manages them in accordance with the unique considerations of that class. Please see the attached Figure 1 for a rough

visual representation of this approach, which includes consideration of fixed anchors in both wilderness and non-wilderness areas.

Within Congressionally Designated Wilderness

For fixed anchors in areas now managed as wilderness, there should be three classes of fixed anchors:

- * Class 1 - These are existing fixed anchors that were originally installed prior to an area's designation as wilderness.
- * Class 2 - These are existing fixed anchors that were installed subsequent to wilderness designation but prior to the issuance of this final FSM.
- * Class 3 - These are fixed anchors proposed for installation subsequent to the issuance of this final FSM.

For Class 1 fixed anchors, Congress spoke to the compatibility of these anchors with wilderness character when it designated the area as wilderness and it is not the prerogative of an administrative agency to second guess that congressional determination. Therefore, these fixed anchors should be treated with a presumption of compatibility with the wilderness area's administration. These fixed anchors would be allowed to be maintained or replaced in a manner that allows for their continued safe use without prior authorization from the agency. In rare circumstances, there could be exceptions to the presumption where - through a retroactive analysis in accordance with principles of MRA and NEPA, including adequate public engagement - it is determined that the existing fixed anchor is causing severe resource damage or conflicts with another statutory obligation.

For Class 2 fixed anchors, these fixed anchors should be allowed to be maintained or replaced without prior agency authorization pending a retroactive MRA. This will facilitate continued safe recreational use of these fixed anchors and would allow the agency to prioritize its limited resources for MRAs to those fixed anchors where there are genuine concerns about impacts to wilderness character or resources.

For Class 3 fixed anchors, these new fixed anchors would be authorized via the regular MRA process. In areas with known climbing opportunities, the relevant CMP should specify a process by which proposals for Class 3 fixed anchors could be submitted for review and potential approval by the agency.

It is also important to note here that managing visitation levels is the appropriate mechanism for addressing the intensity of recreational activities on public lands when there are concerns about a uses impacts on other resources; it is not appropriate management to remove the presence of the opportunity itself (i.e., removing fixed anchors). The trail isn't removed from the hiker and the river is

not removed from the paddler when there are an unsustainable number of visitors seeking to participate in a given recreational activity. Similar principles of permitting could be applied to climbing opportunities, though caution is urged around the application of permitting systems as these pose a burden on recreationalists that should be limited to only those circumstances where it is clearly warranted.

Within Non-Wilderness Areas

For fixed anchors in areas that are not managed as wilderness, there should also be two classes of anchors:

- * Class A - These are existing fixed anchors installed prior to a District Ranger's identification of a need to conduct an impact determination.
- * Class B - These are fixed anchors proposed for installation subsequent to the development of a CMP.

For fixed anchors in Class A, existing anchors can be maintained and replaced, and new fixed anchors placed without prior agency approval, which is consistent with current practice. However, once the District Ranger identifies a need for an impact determination, there would be a pause in the allowance of new fixed anchor installations pending the outcome of the impact determination process. During this process, existing fixed anchors can be maintained and replaced to allow for continued safe use. If it is determined that climbing is not causing inappropriate resources impacts, then the approach to Class A fixed anchors can be resumed. If it is determined there are impacts, then the development of a CMP would be initiated and the pause on new fixed anchor installations extended through the completion of that process. As during the impact determination process, while the CMP is being developed, existing Class A fixed anchors would be allowed to be maintained and replaced without prior approval.

For fixed anchors in Class B, these would be authorized per the specifications of the area's CMP.

Should an area with climbing opportunities and associated fixed anchors be later designated by Congress as wilderness, then all of the Class A and B anchors would become Class 1 anchors under the wilderness class structure.

Conclusion

Managing fixed anchors in a manner like the class schema presented here will honor the numerous important values related to this issue and help to foster continued support of the National Wilderness Preservation System from the climbing community. In light of the unclear provisions highlighted in this letter and in recognition of the alternative management framework suggested here, the USFS should revise the draft FSM and release an updated draft for a second round of public review and comment. Recognizing the need to get this policy right and taking the appropriate time and process steps to do so is of the utmost importance.

Thank you for your consideration of these comments. Please do not hesitate to reach out with any questions.