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Comments: The National Outdoor Leadership School (NOLS) appreciates the opportunity to provide comments on the proposed guidance for evaluation and authorization procedures for fixed anchors and fixed equipment on National Park Service and USDA Forest Service administered lands. We understand that the public comment period is open through the end of the day on January 30, 2024 (EST). NOLS has significant concerns regarding the proposed guidance as written by both agencies.

The National Outdoor Leadership School (NOLS)

NOLS is a nonprofit global wilderness school that seeks to help our students develop their backcountry skills and leadership skills to step forward and lead others in the backcountry and the frontcountry. Our mission is to be the leading source and teacher of wilderness skills and leadership that serves both people and the environment. NOLS was founded in 1965 by renown mountaineer, Paul Petzoldt, and we have been teaching mountaineering in congressionally designated Wilderness since that first course. Additionally, NOLS is a founding member of Leave No Trace Inc. Our students are evaluated daily on their Leave No Trace skills and receive a written evaluation on their performance in environmental studies at the end of their course. Our environmental studies curriculum includes classes on land management agencies, prominent environmental legislation (e.g., Wilderness Act, Endangered Species Act, Clean Water Act, Clean Air Act, etc.), natural history, and human history. Wilderness tops our list of values and is truly at the heart of NOLS Expedition courses. We have several hundred thousand graduates around the planet, many of whom work for federal land management agencies, conservation organizations, outdoor education departments, and guide services. NOLS' mission and values are well aligned with federal land management agencies in general, and with the values associated with congressionally designated Wilderness in particular.

Climbing in Wilderness

Climbing and mountaineering in the wildlands of this country predate the passage of the Wilderness Act. Both the proposed guidance offered by the National Park Service and the USDA Forest Service recognize that climbing is an important and historically relevant activity in many Wilderness areas. Occasionally, climbers have employed fixed anchors to help safeguard themselves, other members of their climbing parties, and future climbers following in their footsteps. However, this proposed new guidance recommends a much more restrictive interpretation of the Wilderness Act than has been followed since the passage of that act and appears contrary to 60 years of precedent. This proposed new guidance, if implemented as written, is likely to result in a significant increase in risk management concerns in Wilderness areas across the country.

NOLS agrees that some management of fixed anchors is warranted in Wilderness areas. However, we believe that the rule changes in the proposed guidance are overly restrictive, overly bureaucratic, unrealistic with respect to actual implementation, and create the potential for increased hazard to the climbing public.

Issues with National Park Service and USDA Forest Service Guidance on Fixed Anchors

1. Precedent. To date, there is 60 years of fixed anchor use behind climbing in Wilderness. To our knowledge, conflict over these fixed anchors has been minimal and their use has been largely self-regulated by the climbing public. Therefore, blanket, nationwide restrictions on the use of fixed anchors does not appear warranted by the situation on the ground.

2. Unrealistically bureaucratic. Both the National Park Service and the USDA Forest Service proposed guidance

requires that proposals for new fixed anchors or replacement of fixed anchors be subject to a minimum requirement analysis (MRA). To our knowledge this requirement is not attached to any additional funding or staffing. It has been our experience that such processes when conducted by land management agencies can stretch on for years, even when there is staffing and funding to cover the expense. Therefore, this proposed guidance would result in a de facto ban on new fixed anchors and a ban on the replacement of hazardous fixed anchors.

3. Unrealistically bureaucratic. To our knowledge, the structure of the MRA that would govern fixed anchors or fixed anchor replacement does not yet exist. This appears to be another factor that would further impede and delay the implementation of this guidance, further impacting the potential backlog of fixed anchors requiring analysis and replacement.

4. Unrealistically bureaucratic. To our knowledge, MRA's are for administrative actions and not actions taken by the public. This seems to imply that the land management agency would be taking over responsibility for the placement of new fixed anchors and the replacement of aging fixed anchors or that an additional rule change will be necessary on the part of the Park Service and USDA Forest Service to empower members of the public with these responsibilities.

5. Absent stakeholder involvement. To our knowledge this proposed guidance was released with no, or at least limited, initial input from stakeholders or other members of the public. There are any number of examples from the past where proposals released by the government without public input suffer public criticism due to what in hindsight often appear to obvious but unintended consequences. This appears to be one of those instances.

6. Increased risk to the climbing public. Fixed anchors degrade over time. Nylon slings degrade with exposure to UV radiation, wind, snow, and rain. Pitons shift and loosen due to the freeze-thaw effects caused by water and ice and expansion/contraction of the metal with the seasons. Older expansion bolts weaken through rust due to the use of different metals in the bolt and the hanger. They may also weaken as a result of water infiltration and the freeze-thaw effect. Fixed anchors that were initially quite robust may fail when exposed to relatively light loads (e.g., body weight). Many of these factors can be mitigated by the climber in the moment to safeguard themselves and their team. However, the proposed guidance would significantly hinder the climber from doing this legally. Per the proposed guidance, months or years could pass before this fixed anchor would be replaced, if at all. Unsuspecting members of the climbing public may still access this climbing route during this period of time with potentially catastrophic results.

7. USDA Forest Service non-Wilderness proposed guidance on fixed anchors is confusing. For example:

a. "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." This could be interpreted to mean that, in the absence of a climbing management plan, it is a fixed anchor free-for-all until a climbing management plan gets written.

b. "Allow placement and replacement of fixed anchors only for purposes of belay, rappel, traverse, resource protection, or aiding in ascent and descent. Do not allow extensive or arbitrary placement and replacement of fixed anchors and fixed equipment without regard to rock features that provide natural opportunities for ascent and descent, such as where fixed anchors and fixed equipment are placed or replaced at a location that is otherwise climbable purely to make the climb easier, as opposed to at a location that is not otherwise climbable to enable a climber's ascent and descent of a climbing route identified in the applicable climbing management plan." The terms "extensive or arbitrary", "make the climb easier", and "not otherwise climbable" appear to be undefined and could be subject to a wide range of interpretation depending on the individual or agency.

NOLS is in alignment with the American Mountain Guide Association's (AMGA) suggested framework for

managing Wilderness climbing anchors.

NOLS believes that addressing the topic of fixed anchors in Wilderness requires considering a variety of issues and perspectives and consultation with relevant stakeholders and members of the public. The framework laid out by the AMGA below gives land managers and climbers and members of the public a mechanism to manage existing fixed anchors and consider new ones where appropriate.

1. All policies should adhere to the standards and limiting principles in NPS Director's Order 41, including a) power drills are prohibited, b) new anchors require prior authorization, c) fixed anchors should be rare, and d) bolt-intensive climbs are inappropriate in wilderness.
2. All existing anchors should be "grandfathered-in" unless there exist demonstrable unacceptable conflicts with cultural, natural, or wilderness resources. Any efforts to remove existing anchors should only be conducted through an open public process.
3. Essential in-the-moment safety decisions[mdash]such as replacing dangerous existing anchors[mdash] should remain with climbers and guides (subject to Director's Order 41 standards). Fixed anchor maintenance and replacement should be allowed without prior authorization unless there are demonstrable unacceptable conflicts with cultural, natural, or other wilderness resources.
4. All wilderness fixed anchor authorization processes should be informed by local land use plans (wilderness plans, climbing plans, forest plans) that outline desired conditions and local sensitivities. The authorization process should involve a decision tool with criteria and processes that are specific to recreational climbing fixed anchors. The tool should not be an MRA. By placing the authorization process and criteria in the hands of local land managers, rather than instituting a nationwide prohibition, land managers will be able to make more informed decisions regarding:
 - a. Where anchors should be allowed and authorized programmatically,
 - b. Where sensitive resources exist and therefore anchors should be authorized on a case-by-case basis only, and
 - c. Where climbing is not allowed and thus no wilderness climbing anchors should be authorized.
 - d. When anchor authorization procedures are developed at the local level, land managers will be able to better consider other provisions for visitor use management regarding trails, human waste, climber education, etc.
 - e. In the absence of a land use plan assessing wilderness climbing zones, supervisors and superintendents may authorize permits for new fixed anchors consistent with DO41.
 - f. Under rare circumstances, land agencies may need to temporarily prohibit the installation of fixed anchors in wilderness. This management action has been commonly referred to as an emergency "moratorium" on the placement or replacement of fixed anchors. Because management by moratorium can cause enforcement and other complications for the agencies, and escalate potential conflicts with stakeholders, it is advised that park units use it only under unique circumstances.
5. A permitting process for new wilderness climbing anchors should require as much specificity as possible with regard to location and type of anchor placement but must recognize that climbers and guides may not know the exact characteristics of the anchor placement until they arrive at the site.
6. All wilderness anchor placements and replacements should be subject to reporting and monitoring so land

agencies can apply a management strategy that will be adaptive, site specific and relevant. As acknowledged by the National Park Service, the strategy "should incorporate adaptive management reinforcing the connection between the monitoring of wilderness character and the strategy for adapting management actions to preserve wilderness character."

NOLS is proud of its service to the public and proud of its relationship with the National Park Service and the USDA Forest Service.

NOLS holds on the order of 50 recreational permits with federal land management agencies to run our courses and prides itself on maintaining positive relationships with those field offices, parks, and forests across the country. NOLS embraces the concept of partnership between permittees and land managers. As a non-profit outdoor education school, we are in the business of fostering the development of competent and conscientious backcountry leaders. This was Paul Petzoldt's goal when he started the school, to train young people to lead their friends and family into remote wild country. And then to take those leadership skills and apply them to their lives outside of wild country. NOLS believes that sharing wild places with people is valuable to us as a society and as a species.

Mountaineering and climbing are truly spectacular ways to share this country with the public. However, these environments are unforgiving. Human error and equipment failure can result in catastrophic outcomes. NOLS spends a lot of time and effort on training our staff and our students in the skills necessary to travel in this environment. NOLS is attentive to the quality of the equipment that we bring into the mountains to prevent equipment failure. Historically, we have told our staff and students that if they need to leave a piece of equipment behind in order to safeguard their ascent or descent, that is what they should do. Numerous times on mountaineering or rock climbing courses, I have personally told our students that, "If you are waving the red flag of safety and need to leave a piece of equipment to get you and your team down safely, I will stand behind you in that decision." This proposed guidance from the National Park Service and the USDA Forest Service threatens to make my advice untenable. Climbers will be faced with the choice of violating this guidance or making riskier decisions.

NOLS advises the National Park Service and the USDA Forest Service to abandon this draft guidance and begin this process over again. The proposed guidance, as written, paints with too broad a brush with respect to the management of all fixed anchors. Per this proposal, a fixed anchor may include, but is not limited to, bolts, pitons, slings, fixed ropes, and ice screws. The proposed guidance appears to be overly bureaucratic on its face requiring MRA's for the evaluation of each fixed anchor new or old. Forest Service ranger stations and Park Service offices do not seem to have additional staff waiting for new reports to write. It has been my experience that it can take a month or more to schedule a meeting with a permit administrator. It has taken me over a year to find out whether a simple permit application has been approved or declined. There have been times when permit administrators simply go silent and do not respond to any form of correspondence for months at a time. I do not foresee how conducting an MRA on all the fixed anchors in Wilderness, existing and proposed, will become anything but a bureaucratic black hole. The result is likely to be that people will continue to use anchors that further deteriorate with the passage of time with possible catastrophic results, or the climbing community adopts a clandestine approach to adding and replacing fixed anchors irrespective of this proposed guidance. The instructional and guiding communities are particularly vulnerable with respect to this proposed guidance. In order to maintain our permits in satisfactory standing, we need to follow the rules. If we find ourselves descending a route where the rappel anchor is inadequate, we will be placed in a really uncomfortable position: break the rule or risk the lives of ourselves and our students/clients. That is not a choice I want my staff to face.

Thank you for your time and consideration