



August 4, 2022

Black Canyon of the Gunnison NP-Curecanti NRA
Attention: Superintendent Deanna Greco
102 Elk Creek
Gunnison, CO 81230

Submitted via email: cure_info@nps.gov and the NPS comment portal:
<https://parkplanning.nps.gov/document.cfm?parkID=33&projectID=106111&documentID=121570>

RE: DRAFT Black Canyon of the Gunnison National Park Wilderness and Backcountry Management Plan

Black Canyon of the Gunnison National Park Planning Team:

The Access Fund, American Alpine Club, Gunnison Valley Climbers, and Boulder Climbing Community (the Climbing Organizations) welcome this opportunity to comment on the Draft Wilderness and Backcountry Management Plan (Draft Plan) alternatives for the Black Canyon of the Gunnison National Park (Black Canyon NP) and the Curecanti National Recreation Area (NRA). Collectively, many of our members regularly climb and camp at the Black Canyon, and we believe that this Draft Plan generally provides a strong management proposal that establishes a framework for protecting wilderness character at the Black Canyon while also preserving internationally-significant wilderness climbing opportunities. However, we have significant concerns regarding Black Canyon NP's interpretation that fixed climbing anchors are banned "installations" under the Wilderness Act is unprecedented and will have significant climbing access implications for the public.¹ With these comments the Climbing Organizations suggest a few significant changes to the proposal that will protect wilderness resources while also preserving the unique climbing opportunities in the Black Canyon.

The Access Fund

The Access Fund is a national advocacy organization and accredited land trust whose mission keeps climbing areas open and conserves the climbing environment. A 501c(3) nonprofit and accredited land trust representing millions of climbers nationwide in all forms of climbing—rock climbing, ice climbing, mountaineering, and bouldering—the Access Fund is a US climbing

¹Draft Wilderness and Backcountry Management Plan and Environmental Assessment. 2022. P. 14.

advocacy organization with over 20,000 members and over 123 local affiliates. Colorado is one of our largest member states. For more information about the Access Fund, visit www.accessfund.org.

The American Alpine Club

The American Alpine Club (“AAC”) is a 501(c)(3) non-profit organization based in Golden, Colorado with over 25,000 members nationally. Founded in 1902 to support the research and exploration of mountainous regions, the AAC remains committed to supporting the climbing and human-powered outdoor recreation communities over a century later. Grounded in community and place, the AAC’s mission is to share and support our passion for climbing and respect for the places we climb. Through education, community gatherings, stewardship, policy, advocacy, and scientific research, the AAC strives to build a united community of competent climbers and healthy climbing landscapes.

Gunnison Valley Climbers

Gunnison Valley Climbers (GVC) promotes the sustainability of the Gunnison Valley's climbing resources through safety, stewardship, and education. Gunnison Valley Climbers’ mission is to properly steward the Gunnison Valley's local climbing resources while adhering to the ethics established by the area’s pioneers. Gunnison Valley Climbers’ vision for the future is one that keeps local climbing areas safe with updated, modern hardware, sustainable trails, and maintaining a healthy relationship with local land managers. In addition to caring for local resources, GVC aims to be a part of the larger conversation surrounding public lands advocacy and to be a leader in the conservation movement. GVC supports keeping public lands in public hands, increasing awareness around diversity and inclusion in the outdoors, and simply encouraging more individuals to experience climbing in a safe and responsible manner.

Boulder Climbing Community

The BCC (Boulder Climbing Community) is a Front Range based community organization that cares for local climbing resources. The BCC has over 1200 members; 1 in 25 area residents identify as climbers, surely one of the highest concentrations of climbers in the country. The BCC has 5 main programs to further their mission: Trail, Waste Management Program: Wag Bags and Port-a-Potties, Anchor Replacement, Eagle Monitoring and Advocacy. Annually BCC replaces 600+ bolts, completes 32 weeks of trail work, monitors Golden eagles, and advocates for local climber interests. Further, the BCC mitigates human waste by providing over 3,000 wag bags and installing porta-potties at popular climbing areas. In 2021, the BCC utilized over 7500 volunteer hours, valued at \$212,000, to execute their mission.

Black Canyon Climbing

The Black Canyon of the Gunnison is one of the country's most significant rock climbing locations and has an international reputation as one of America's most adventurous wilderness climbing areas. Big wall climbs were established here in the early 1960s by pioneers such as Layton Kor including the Painted Wall, Colorado's "tallest cliff." Through the decades several long free-climbing and big wall classics were established in the Black Canyon including The Cruise, Air Voyage, Hallucination Wall, Astro Dog, Atlantis, and many others.² Some of these classic routes have required the placement of an occasional fixed climbing anchor. The Black Canyon is also the site of many difficult and cutting edge traditional free climbs known as much for their boldness as difficulty. Nonetheless many of the Black Canyon's unique climbing routes rely to some degree on the use and maintenance of fixed anchors. The Black Canyon offers a unique climbing experience and is considered by many as the epitome of long, traditional, backcountry wilderness climbing. The Black Canyon's wilderness climbing opportunities and dramatic setting make the Black Canyon one of the most unique and important climbing areas in the US and internationally.

COMMENTS

The Climbing Organizations provide the following specific comments and recommendations to help fulfill the goals of the Draft Plan. The Climbing Organizations applaud the Black Canyon National Park's effort in this Draft Plan to achieve the appropriate management balance between protecting wilderness character and providing for the world class primitive recreation available at Black Canyon National Park. The Park staff does a wonderful job educating and managing visitor use at Black Canyon. We truly value the partnership we have developed with the Park staff over many years. Our comments regard 1) fixed anchor authorization, 2) wilderness zone boundaries, 3) visitor use capacity and 4) raptor management.

Climbing and the Black Canyon of the Gunnison Wilderness Area

The Black Canyon is a world-class multi-pitch climbing area where climbers occasionally need to use fixed anchors for ascent and descent. The Climbing Organizations supports the majority of the Draft Plan's Climbing Management Plan (CMP) components, such as ensuring the preservation of wilderness character, promoting "clean climbing techniques" properly administering requests for fixed anchor authorizations that support primitive recreation, and providing information and guidance for educating climbers visiting Black Canyon National Park and Curecanti NRA.³ Our most significant recommendation pertains to how the Draft Plan would consider wilderness fixed anchor authorizations, specifically that Black Canyon planners

²See <http://www.mountainproject.com/v/black-canyon/105744397>

³Draft Wilderness and Backcountry Management Plan and Environmental Assessment. 2022. P.42.

would impose a new legal definition of fixed anchor that essentially prohibits these essential tools under the Wilderness Act without an exception that changes the presumption for how these tools are managed. This new interpretation would change many decades of policy and practice in the National Park Service and significantly alter visitor use patterns at the Black Canyon and any park that adopts a similar legal interpretation.

Wilderness Fixed Anchors

Federal land managers define fixed anchors as climbing equipment (e.g., bolts, pitons, or slings) left in place to facilitate ascent or descent of technical terrain.⁴ These anchors are a critical component of a climber’s safety system, allowing a person in high-risk and remote terrain to utilize a rope to prevent a fall that could otherwise be fatal. Fixed anchors are typically placed by the first ascensionists on technical ascents and descents (rappels) where removable anchor placements are not viable. Fixed anchors are an irreplaceable and fundamental part of the climbing toolkit without which the many of Black Canyon’s climbing opportunities would be impossible.

Fixed anchors are essential tools for climbing and mountaineering and allow for the American public to safely experience some of the most beautiful and awe-inspiring vertical terrain, including at the Black Canyon of the Gunnison. Congress passed the Wilderness Act to preserve opportunities for, rather than limit, unconfined and primitive recreational experiences such as rock climbing and mountaineering. Recognition of the value of these opportunities can be found in the plain language of the Act itself. Section 2(c) of the Act defines wilderness, in part, as an area that offers opportunities for “a primitive and unconfined type of recreation.” Climbers have supported, advocated for, and enjoyed wilderness areas since the enactment of the Wilderness Act in 1964 specifically because Congress carefully incorporated dispersed recreation into the very definition of wilderness and the mandates that apply to the administration of those areas for the American public. Climbers venture into wild places because of the specific and special experience wilderness offers for solitude and primitive recreation, and climbing is an activity that epitomizes an unconfined type of recreation. In addition, under section 4(b) of the Act, “wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.”⁵ Rock climbing and mountaineering fall squarely within this statutory language, and climbers have historically explored this terrain—and used fixed anchors—well before the Wilderness Act was passed in 1964.

The Draft Plan requires that “new or replacement fixed anchors or equipment for climbing may be authorized in the inner canyon primitive wilderness subzone, subject to a minimum

⁴32 Federal Register, Vol. 64, No 209, Department of Agriculture, 36 CFR Chapter II, Forest Service, Negotiated Rulemaking Advisory Committee; Fixed Anchors in Wilderness, at: <http://www.gpo.gov/fdsys/pkg/FR-1999-10-29/pdf/99-28219.pdf>.

⁵16 U.S.C. § 1131(a).

requirements analysis but not in the inner canyon pristine wilderness subzone.”⁶ Furthermore the Draft Plan’s CMP requires that “[r]equests for placing new fixed anchors or equipment or replacing old fixed anchors or equipment in wilderness requires a written application from the requestor (e.g., climbing party) and a written authorization or special use permit from the National Park Service.”⁷ While the Climbing Organizations support some form of authorization for new wilderness fixed anchor placements, we disagree with the requirement that such authorization be tied to a “minimum requirement analysis” (MRA) because an MRA is only required by law whenever land managers are considering a use prohibited by Section 4(c) of the Wilderness Act of 1964. By creating this new prohibition presumption, park planners will be much more likely to reject new anchor applications and reverse policy and practice by dozens of national parks and other federal wilderness land units across the country.

Significantly, park planners do not need to create this new novel legal interpretation in order to effectively manage climbing and protect wilderness character at the Black Canyon.

The Draft Plan states:

[T]he occasional placement of a fixed anchor or fixed equipment for belay, rappel, or protection purposes does not necessarily impair the future enjoyment of wilderness, nor violate the Wilderness Act provided its placement is in accordance with the NPS Director’s Order 41, which requires authorization to do so, and Reference Manual 41 (NPS 2022) which outlines the authorization process. However, climbing practices with the least adverse impact on wilderness character would always be the preferred choice.⁸

The National Park Service’s own policies do not deem wilderness fixed anchors as banned installations, but rather support the notion that the occasional use of fixed anchors support one of the purposes of the Wilderness Act.⁹

It should also be noted that a coalition of organizations provided recommendations to NPS on the implementation of Director’s Order #41 (DO41) after it was issued in 2013. The coalition included Access Fund, The Wilderness Society, American Mountain Guides Association, National Parks Conservation Association, and the American Alpine Club. NPS, nor the coalition, ever regarded fixed anchors as prohibited installations or recommended the use of MRA to authorize fixed anchors.

In fact, the NPS Climbing Management conference in Tucson, AZ in April 2018 focused on developing practical guidance for implementation of DO41. The successful event was attended

⁶Draft Wilderness and Backcountry Management Plan and Environmental Assessment. 2022. P. 36.

⁷Draft Wilderness and Backcountry Management Plan and Environmental Assessment. 2022. P. 36.

⁸Draft Wilderness and Backcountry Management Plan and Environmental Assessment. 2022. P. 45.

⁹NPS Director’s Order #41, Section 7.2, 2013

by the coalition, NPS staff from many NPS units including Devils Tower, Black Canyon of the Gunnison, Denali, Yosemite, Grand Canyon, New River Gorge, Canyonlands, Mt. Rainier, North Cascades, and Sequoia and Kings Canyon. Officials from the U.S. Forest Service and Bureau of Land Management were also in attendance. More information on that event is available [here](#).¹⁰ NPS never once stated that it regarded fixed anchors as prohibited installations or proposed MRA for fixed anchor authorization during the conference or in any followup discussion. NPS provided the coalition with a draft of a Reference Manual #41 (RM41) supplement that provided advanced guidance for the implementation of DO#41. NPS requested feedback from the coalition, and the coalition submitted a memorandum to NPS on 7/13/2018 (see Appendix 1). The RM41 supplement draft did not recommend MRA for recreational climbers, nor regard fixed anchors as prohibited installations. Unfortunately, the NPS Chief of Wilderness never forwarded the work of the coalition and the RM41 supplement to the NPS Director for public review. Instead, without any public input or process, NPS reinterpreted the Wilderness Act, ignoring the tenets of DO41 and over 50 years of precedent, and is now applying that interpretation to the Draft Plan.

The Draft Plan does not state that fixed anchors are prohibited installations according to section 4(c) of the Wilderness Act; however, the Chief of Wilderness, Roger Semler, did state twice during the July 13, 2022 public meeting that the Draft Plan is based on a new NPS determination that fixed anchors shall be considered prohibited installations according to the Wilderness Act. If the Draft Plan is in fact based on this novel interpretation of the Wilderness Act, then Black Canyon of the Gunnison National Park will need to redo the scoping process for the Draft Plan so that the public understands why and how NPS made the determination that serves as the baseline assumption for the climbing section of the Draft Plan.

We request the NPS include the administrative record for DO41 in the record for this decision. This should include all comments, response to comments, explanations of the decision, drafts, and public notices. Access Fund employed the Freedom of Information Act to request information on how and why NPS determined that fixed anchors be considered prohibited installations, but NPS has not been willing to share this critical information and has left the public wondering why NPS is not explaining the fundamental underpinnings of its new Wilderness Act interpretation (see Appendix 1). We submitted substantial comments on this same topic for the Joshua Tree National Park's Climbing Management plan earlier in 2022 (Appendix 1).

¹⁰ See <https://www.accessfund.org/news-and-events/news/access-fund-partners-with-nps-on-climbing-management-training>

Minimum Requirement Analyses are the Wrong Process for Wilderness Fixed Anchor Authorizations

It is critical to note that we do not oppose appropriate regulations and restrictions on fixed anchors in wilderness. We strongly support the guidelines laid out in DO41. DO41 clearly states that authorization is necessary for new fixed anchors, and RM41, Managing Climbing Activities in Wilderness (2013), explains that the type of authorization may range from programmatic to case-by-case depending on the site-specific characteristics of a wilderness climbing resource. These guiding management policies for fixed wilderness climbing anchors are silent on the need for MRAs, except for search and rescue operations conducted by agency personnel.

Director's Order #41 does not state that an MRA should be conducted for each new fixed anchor placement, but instead states that "proposals for the placement of fixed anchors or fixed equipment for the administrative purpose of facilitating future rescue operations must be evaluated through a MRA."¹¹ Importantly, DO41 does not suggest that an MRA is necessary for the use or maintenance of fixed anchors by the climbing public for climbing safety. While we support an authorization process for the placement of new fixed anchors in wilderness, a Minimum Requirements Analysis (MRA) is not the right management tool for this review and approval process.

First, the MRA is utilized by the agency when a proposed use is prohibited under Section 4(c) of the Wilderness Act; whereas climbing is a classic and original example of a recreational and historic use that is protected under section 4(b) but subject to management and regulation to protect wilderness resources.

Second, the exceptions process in Section 4(c) applies to those actions that are otherwise prohibited but have been found necessary for the "administration of the area for the purposes of the Act." The MRA and the criteria therein are therefore crafted to apply only to *administrative uses* otherwise prohibited by Section 4(c). For example, MRA can be an appropriate analysis to determine whether fixed anchors are necessary for the administration of search and rescue operations or scientific research permitted by the agency. In those cases, the land manager is responsible for the placement and safety of any fixed anchors that are necessary for the administration of the wilderness. However, neither the statutory language on prohibitions nor the criteria applicable in the MRA review process are intended or designed to be applied to *recreational activities* that are legitimate and appropriate for wilderness visitors.

The Climbing Organizations support the principle that the NPS is not responsible for the placement, use, or maintenance of fixed anchors used for recreational climbing. Thus, an MRA is not the appropriate regulatory tool to use in managing these recreational visitor activities. If, on

¹¹NPS Director's Order #41, Section 7.2, 2013

the other hand, NPS does propose to take responsibility for a fixed anchor for an administrative purpose, then it could review that action through the use of an MRA. Indeed, this is exactly what happens under the current management system: the MRA is used to review only *administrative* uses of fixed anchors in wilderness by the land manager.

We believe that a programmatic authorization for placing fixed anchors is in alignment with DO41, and is well-suited to the climbing style, visitor-use levels, and visitor flow patterns at Black Canyon. In addition, climbers' ability to replace existing fixed anchors must be as unencumbered as possible. Aging fixed anchors can be a safety concern and any climber willing to put in the effort to replace old, unsafe fixed anchors should not be burdened with applying and waiting for a permit prior to beginning this important service. We suggest climbers be required to self-report back to the NPS any replacement work done in the Park.

Establishing the minimum amount of regulation that would effectively achieve the desired result for managing an area as wilderness is a fundamental principle for managing visitor activities in wilderness.¹² This principle is recognized in wilderness management practices as the “minimum regulatory tool.”¹³ Wilderness fixed anchor management should provide provisions (programmatically or case-by-case basis) to allow climbers some level of control, while in a wilderness setting, to make decisions regarding fixed anchor placements where no other options are available. Such policies allow climbers to make legal, critical decisions regarding personal safety in unforgiving conditions often experienced in rugged wilderness. Only a very small minority of climbers partake in wilderness-based first ascents that involve the placement of fixed anchors; however, the ability of climbers to place a *de minimus* number of wilderness fixed anchors is a privilege worth protecting because it embodies “outstanding opportunities for solitude or a primitive and unconfined type of recreation”¹⁴ associated with the purest forms of wilderness exploration.

New Climbing Routes

New Route Authorization

The Draft Plan conflates new route development with the placement of new fixed anchors. It is unclear if pre-authorization is needed for a new route that does not require fixed anchors.

¹²Hendee, J. C., Stankey, G. H., & Lucas, R. C. (1990). *Wilderness Management*. Golden, CO: North American Press.

¹³National Wilderness Steering Committee (2006). Guidance White Paper #3, *Minimum Requirements Decision Process*. National Park Service.

¹⁴Wilderness Act of 1964, Pub. L. 88-577, § Sec. 2(c)(2).

The Draft Plan states:

“Definition: For the scope of this document, a new route shall be deemed any route ascending previously unclimbed terrain.”¹⁵

We recommend this definition of a new route under the the section ‘Development of New Routes’¹⁶ be revised:

Definition: For the scope of this document, a new route shall be deemed any route ascending previously unclimbed terrain *that requires the placement of new fixed anchors*.

This revised definition of a “new route” would further clarify that authorization is needed to place fixed anchors. It is important for climbers to have the ability to explore and climb new routes in a traditional style without additional administrative burden. This form of climbing is in line with wilderness values and embodies the spirit of primitive and unconfined recreation. Indeed, some climbing of previously-unclimbed terrain, whether on top rope or not, is often necessary to even determine whether a new route is worth pursuing. Climbers should discuss their plans with a climbing ranger prior to their climb. Climbers who establish a new traditional route without use of fixed anchors should submit a topo map to park staff within 30 days.

New Route Annual Limit in the Black Canyon

The Draft Plan establishes an “indicating standard” of less than 7 new climbing routes annually within the inner canyon wilderness primitive subzone and the continued authorization of new fixed protection anchors is dependent on a number of factors including a concentration of climbing routes less than four per linear mile of the canyon rim.¹⁷ The Black Canyon has over fifty years of new route development history, with the most prolific development occurring in the 1960s, 1970s and 1980s. Thus, the proposed annual standard of 7 routes per year is based on limited data and sets an arbitrary number and should not be implemented. It is unclear if this route limit includes new routes that do not require fixed anchors. This proposed limit conflates new routes with the placement of fixed anchors. The Draft Plan proposes implementing daily climber quotas for each unique climbing zone.¹⁸ These daily climber quotas effectively control for the experience of solitude and improve climber safety, so it is unclear how the addition of new routes would impact these factors if the number of climbers allowed each day is controlled. The Draft Plan also proposes implementing authorization of new routes. If an authorization process is implemented, this allows the park the ability to manage the number of routes developed in a year. It is unclear what the annual new route limit would accomplish given the

¹⁵Draft Wilderness and Backcountry Management Plan and Environmental Assessment. 2022. P. 49.

¹⁶Draft Wilderness and Backcountry Management Plan and Environmental Assessment. 2022. P. 49.

¹⁷Draft Wilderness and Backcountry Management Plan and Environmental Assessment. 2022. P. 68.

¹⁸Draft Wilderness and Backcountry Management Plan and Environmental Assessment. 2022. P. 105.

limiting standards associated with daily climber quotas and new route authorization, and we suggest that the annual new route limit be removed from the plan.

Programmatic Fixed Anchor Authorizations

The Climbing Organizations believe that a programmatic management process for new fixed anchors should be adopted by Park planners with no annual standards for number of fixed anchors or number of routes established.

The Black Canyon NP should model their fixed anchor authorization process on the successful programmatic authorization processes used in Rocky Mountain and Zion National Parks where a much higher volume of climbing occurs in designated wilderness yet managers impose less restrictions on the placement of new fixed anchors and the replacement of existing anchors. Rather, under these successful plans resource indicators are monitored to determine whether any impacts are caused by fixed anchor use, and if so whether restrictions are necessary. The Black Canyon NP should consult the practice at Zion National Park¹⁹ to identify and monitor relevant resource indicators and standards, and develop management options for fixed anchors as needed.

Zion National Park's fixed anchor policy is as follows:

Bolts should be considered the tool of last resort by visitors who are creating anchors. As mentioned above climbers, canyoneers, and others creating anchors will be encouraged to use natural colored anchor material (slings and hangers). The park will continue to monitor bolting in the backcountry.²⁰

Rocky Mountain National Park also employs an effective fixed anchor policy in its Backcountry/Wilderness Plan as follows:

The use of removable and fixed anchors, as well as other climbing equipment, is appropriate in wilderness. However, fixed anchors must be placed judiciously and closely managed in order to prevent the degradation of wilderness resources and character. Where anchor points are necessary for climber safety, the use of removable equipment is desired and highly recommended. Fixed anchors should not be placed merely for convenience or to make an otherwise "unclimbable" route climbable.²¹

¹⁹See

<http://www.nps.gov/zion/parkmgmt/zion-backcountry-management-plan-and-environmental-assessment-available-for-review.htm>

²⁰See

<http://www.nps.gov/zion/parkmgmt/zion-backcountry-management-plan-and-environmental-assessment-available-for-review.htm>

²¹See Rocky Mountain National Park's Backcountry/Wilderness Management Plan at 2-40, http://www.nps.gov/romo/parkmgmt/upload/alternatives_2.pdf.

Replacement of Fixed Anchors

Likewise, the Draft Plan's proposal for the replacement of existing fixed anchors is problematic.

The Draft Plan states that:

To support climbing safety ethics in wilderness and backcountry lands, NPS staff would continue to be responsible to determine the safety of fixed equipment and when to replace unsafe anchors... To replace old or unsafe fixed equipment, the requestor (e.g., climbing party) would need to obtain written authorization from the National Park Service before replacing an anchor/equipment or maintaining the existing climbing route. Similar to the process outlined for placing new fixed equipment.²²

The replacement of fixed anchors should be allowed without the hindrance of a permit. Climbers may encounter a fixed anchor that needs replacement while they are on route and should be allowed to replace equipment as needed for their own safety and safety of other climbers. Climbers should report all replacement work to the NPS and adhere to current hardware standards. The replacement of anchors should not be the sole burden of NPS staff as climbers likely will climb routes more frequently than NPS staff. Any climber that has the expertise, time and desire to replace an old fixed anchor should be allowed to do so as a public service and not be burdened with administrative processes.

Administrative Burden

It is also worth noting the administrative burden the proposed permit requirements and use of the MRA process to place or replace fixed anchors will impose on the Park. The NPS may not have the resources and expertise to ensure the implementation of its proposal which, to be effective, must include a full inventory of wilderness fixed anchors, and a case-by-case evaluation of each fixed anchor-protected route in wilderness for suitability. Similarly the NPS may lack the resources to monitor all the anchors in the park and determine the safety of each fixed anchor especially when it is impossible to unequivocally assess the condition of a fixed anchor without removing the hardware to evaluate the condition of the inner components. The NPS may lack adequate staffing and funding to comply with the National Environmental Policy Act and other federal laws, such as the National Historic Preservation Act, much less the new required MRA process. These are just a few of the more apparent logistical and practical questions NPS will need to consider under the current proposal, and which, if left unaddressed, will likely be major roadblocks to achieving the goals of this new CMP and Draft Plan.

²²Draft Wilderness and Backcountry Management Plan and Environmental Assessment. 2022. P. 48.

Lack of Range of Alternatives

The Draft Plan only provides an analysis of the no action alternative and the preferred alternative. The Draft Plan fails to identify any other alternatives for consideration and essentially eliminates other practical options (for quotas, authorizations, zones, etc.) from public review.

The Draft Plan states:

[o]ther management strategies and actions under these alternatives do not have the potential to significantly affect the human environment and therefore are not described in this [EA].²³

It is not clear what NPS is attempting to explain here. The NPS is obligated under NEPA to consider all reasonable alternatives and explain, to the extent that there are other reasonable alternatives that it chooses not to study further, why those alternatives do not meet the purpose and need for the action or are technically feasible. There are a number of management strategies not addressed by either the no action alternative or the preferred alternative. The Climbing Organizations recommend that park planners consider additional alternatives that explore fixed anchor management alternatives beyond requiring all climbers go through the MRA process prior to placing or replacing a fixed anchor. Additional alternatives could also explore different visitor capacity strategies which we elaborate on in our visitor capacity section below. An example of an alternative would be exploring programmatic authorization for placing and replacing fixed anchors, alternative visitor capacity quotas and wilderness subzones.

Wilderness Subzone Boundaries

The precise boundaries between the Black Canyon's primitive and pristine wilderness subzones proposed in the Draft Plan are difficult to distinguish from the limited detail available in the Draft Plan. Providing more definitive boundary descriptions (including better maps along with verbal descriptions) for the primitive and pristine wilderness zones would clarify the matter for climbers and Park staff alike, while also raising awareness of the Park's sensitivities and increasing compliance with new rules. We request a detailed written description similar to the statement below be included in the Plan.

The western-most boundary of the inner canyon primitive wilderness subzone includes the Southern Arête rock climbing route. The eastern boundary of the inner canyon pristine wilderness subzone is immediately west and downriver of the Southern Arête rock climbing route. The Southern Arête is the westernmost arête of the Painted Wall. All

²³Draft Wilderness and Backcountry Management Plan and Environmental Assessment. 2022. P. 173.

rock walls west or downriver of the Southern Arête are considered to be in the inner canyon pristine wilderness subzone.²⁴

Efforts should be made by the NPS to ensure that the primitive/pristine wilderness subzone boundary does not intersect or include established rock climbs within the Black Canyon. Existing routes with fixed anchors should not be included in the pristine wilderness zone. The specific location of the boundary has significant implications for climbers who would be banned from climbing in the pristine zone.

Inner Canyon Pristine Wilderness Climbing and Fixed Anchor Ban

It is unclear in the Draft Plan why technical climbing and fixed anchors are not allowed in the Inner Canyon Pristine Wilderness Subzone.²⁵

The Draft Plan states:

Generally, the distinction is that areas within pristine subzones feature a wild, rugged, untamed landscape and are isolated and especially challenging to access because of the geography and terrain. These distinctions necessitate subtle differences in management. Therefore, different desired conditions have been described for each proposed subzone. Although areas that fall within pristine subzones tend to be wilder and more isolated, the preservation and protection of wilderness character is vitally important within both primitive wilderness and pristine wilderness subzones.²⁶

Desired conditions for each zone are outlined in the draft Plan.

Inner Canyon Primitive Wilderness Subzone.

The desired conditions described for this subzone would be unspoiled and uncrowded. There are opportunities for solitude and reduced recreational facilities to improve primitive and unconfined recreation, self-reliance, and natural qualities.

Inner Canyon Pristine Wilderness Subzone.

The desired conditions described for this subzone are untamed, isolated, pure, and free. Visitors would need to be independent and skilled to safely access the subzone, and the area would foster people's connection to wild places. The subzone is kept wild and untrammelled. There are opportunities for solitude and primitive, unconfined recreation; those individuals who enter and view from overlooks are inspired to value wild places.²⁷

²⁴Personal communication with Ken Stahlnecker, Chief of Resource Stewardship and Science, Black Canyon of the Gunnison National Park, March 16, 2016.

²⁵Draft Wilderness and Backcountry Management Plan and Environmental Assessment. 2022. P.36.

²⁶Draft Wilderness and Backcountry Management Plan and Environmental Assessment. 2022. P.25.

²⁷Draft Wilderness and Backcountry Management Plan and Environmental Assessment. 2022. P.25.

The Draft Plan then goes on to state that:

The primary difference in the management of the inner canyon pristine wilderness subzone and the inner canyon primitive wilderness subzone would be the management of overnight use and climbing....New or replacement fixed anchors or equipment for climbing may be authorized in the inner canyon primitive wilderness subzone, subject to a minimum requirements analysis but not in the inner canyon pristine wilderness subzone.²⁸

Technical rock climbing is permitted in areas of Black Canyon of the Gunnison National Park primitive wilderness subzone and is prohibited in the pristine wilderness subzone and may be prohibited in areas that are temporarily closed to access due to resource impacts.²⁹

Beyond the minor differences in desired conditions it is unclear how traditional climbing without fixed anchors and the use of fixed anchors in the pristine wilderness zone would impact wilderness conditions differently than in the primitive wilderness subzone. The desired conditions drafted for both the pristine and primitive wilderness subzones are in alignment with wilderness climbing values. Furthermore the only recreational activity limited in the pristine wilderness zone is climbing, no other recreational activity is limited or banned in the pristine subzone. We acknowledge that the rock quality is of poorer quality and in general climbers do not climb or develop routes in the proposed pristine wilderness subzone, regardless we encourage the NPS to clarify why one zone is appropriate for technical climbing and limited fixed anchor use and the adjacent pristine zone is not. As currently written this management decision is unclear. In the Draft Plan there is one ice climbing route that is listed in the pristine wilderness subzone, please clarify if ice climbing is considered technical climbing. We recommend that technical climbing that does not require the use of fixed hardware such as traditional climbing, ice climbing, and general exploration of the pristine wilderness subzone be allowed without the use of fixed anchors.

User Quotas/Visitor Capacity

The Draft Plan proposes visitor capacity numbers for the most prominent climbing locations:

- Cruise Gully: use levels are to be maintained at 20 people in one day (PIOD)
- Chillumstone Gully (Blackjack access): up to four PIOD

²⁸Draft Wilderness and Backcountry Management Plan and Environmental Assessment. 2022. P. 36.

²⁹Draft Wilderness and Backcountry Management Plan and Environmental Assessment. 2022. P. 160.

- Pinyon Draw (AKA SOB Gully): use levels are to be maintained at 23 PIOD³⁰

The Cruise Gully climbing zone in particular is a popular climbing destination.

The Draft Plan states:

Current use levels, 15–30 climbers per day on peak weekend days, are maintaining the wild, natural, and rugged desired conditions for the inner canyon primitive wilderness subzone. Opportunities for solitude are key to the visitor experience, consistent with wilderness character for this area, and inform the amount of use this route can accommodate, in addition to limited space on the wall and safety concerns associated with climbing. Therefore, use levels are to be maintained at 20 PIOD.** The associated strategies are required to implement the visitor capacity.³¹

We suggest the visitor capacity standard for climbers in all the climbing zones be changed from individual people in one day to climbing parties in one day as most people climbing have a partner. We recommend the visitor capacity in Cruise Gully be changed from 20 PIOD to 15-20 climbing parties in one day. The Cruise Gully provides access to many of the most popular and sought-after climbing routes in the Black Canyon. It is unclear what data was used to assess level of solitude and safety when determining these new climber use numbers. The proposed PIOD/visitor use numbers seem similar to the numbers established for day hikers and campers. The hiker capacity numbers are based on the amount of space available for camping and recreation once a hiker has reached the canyon floor.

Climber use patterns differ from hikers; we support the Draft Plan separating climber use numbers from day use and overnight hikers. A climbing party may hike just a portion of the way down the canyon to access a climbing route and then begin their ascent. Time spent on the ground and on the floor of the canyon is limited. Currently at the North Rim climbers self-register at the ranger station and mark on a whiteboard what route they are climbing and how many are in their party. This system should also be added to the South Rim. This registration system should be continued and is very effective at ensuring an individual climb does not get overcrowded. The majority of climbers do not choose to wait behind another party or multiple parties all day while climbing and will elect to change their plans or climbing route if the first route they chose already has parties on it. Climbers will naturally self regulate to maintain solitude and safety while climbing in the Black Canyon. We recommend additional information be provided on how these new visitor capacity numbers were decided. The visitor use data provided in the Draft Plan only goes through 2018. New data has been collected by park rangers and should be added to the plan as well as incorporated into visitor use models to provide

³⁰Draft Wilderness and Backcountry Management Plan and Environmental Assessment. 2022. P. 105.

³¹Draft Wilderness and Backcountry Management Plan and Environmental Assessment. 2022. P. 105.

an accurate and up to date view of current visitor use. Finally we recommend that these visitor capacity quotas be applied over 12 hour periods instead of 24 hour periods, this is not clearly stated in the Draft Plan.

Raptor Management

The Draft Plan states that seasonal raptor closures will be in place from March 15-July 15 every year. In the Black Canyon and the Curecanti National Recreation Area the Park currently bases closure areas on a 0.5 mile buffer extending from a known nest site. This method of using set closure dates and static buffer lines is an antiquated management technique. The modern science-based model for managing raptor nests and recreation includes active monitoring of the nest throughout the nesting season to determine when the chicks have fledged. Closure and opening dates should be based on regular monitoring of the nest. The areas closed around the nest should be based on a viewshed analysis rather than a blanket 0.5 mile closure. This modern raptor management methodology is used in several other National Park units including Yosemite National Park, Zion National Park and North Cascades National Park. The climbing community has also successfully assisted the NPS in monitoring of nesting raptors in these parks. We are ready and willing to work with the Park to establish a volunteer monitoring program to assist the Park in collecting seasonal data.

Access Fund's handbook on raptor management was recently published.³² The handbook is the result of years of effort to compile every relevant article related to managing recreation, specifically climbing, in raptor habitat, and it includes a 20-page reference list in Appendix A (a living document that is linked to the handbook). The handbook was reviewed and edited by Hawkwatch, USFWS, and NC Wildlife Resources Commission. It represents the latest knowledge base and mitigation models for protecting raptors. We suggest that the park utilize the most current, science-based models for protecting nesting raptors.

Education

Education is a constant need in popular destinations like Black Canyon, both in terms of LNT principles to prevent resource impacts, and also in terms of climbing best practices to avoid social impacts as well as search and rescue incidents. Black Canyon already provides useful educational resources to climbers and we appreciate and support the park's efforts in creating these opportunities. We are more than willing to contribute time and energy to additional educational efforts the park may wish to explore. Between our local and national resources, we are well-equipped to partner with the park and find innovative solutions to ensure users are

³²Access Fund Raptor Management Handbook:
<https://www.accessfund.org/open-gate-blog/access-fund-releases-comprehensive-climbing-raptor-management-handbook>

well-equipped with the knowledge and skills they need to recreate sustainably, safely, and with respect for cultural resources.

Justice, Equity, Diversity, and Inclusion (JEDI)

Access Fund urges the NPS to work with the local community to advance inclusive and equitable access to Black Canyon. It is well documented that people of color often use outdoors spaces at lower rates than their white peers. In addition, people from other marginalized communities, such as the LGBTQ and differently abled communities, can face additional challenges to getting out on public lands. Access Fund has staff dedicated to JEDI issues, and is more than willing to offer our time and resources to assist the NPS in applying JEDI principles to the Black Canyon area. In addition we are supportive of the NPS working with the climbing community to change inappropriate and offensive common names that are not endorsed by the NPS. We are willing to support efforts to increase awareness of inappropriate and offensive names and consider replacement names where needed.

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CONCLUSION

The Climbing Organizations applaud the Black Canyon National Park's effort in this Draft Plan to achieve the appropriate management balance between protecting wilderness character and providing for the world class primitive recreation available at Black Canyon National Park. Most fundamentally we urge you to not overturn decades of policy and practice by determining wilderness fixed anchors as banned installations under the Wilderness Act, and instead use the many effective tools already at your disposal to manage climbing and preserve wilderness character. The Climbing Organizations stand ready to assist in that effort. Thank you for your invaluable work on this important planning project. Please contact us with any questions or concerns raised in this letter (erik@accessfund.org).

Best Regards,



Erik Murdock, Access Fund VP of Policy and Government Affairs



Taylor Luneau, American Alpine Club Policy Director



Peter Horgan, Gunnison Valley Climbers Executive Director



Kate Beezley, Boulder Climbing Community Executive Director

cc:

Chris Winter, Access Fund Executive Director

Appendix 1

Memo to NPS on RM#41 Supplement

Access Fund FOIA Request

Access Fund Joshua Tree National Park CMP Scoping Comments

Wilderness Coalition Letter on NPS Wilderness Interpretation of Fixed Anchors

Climbing Coalition Letter Wilderness Interpretation of Fixed Anchors



Memorandum

DATE: 7/13/2018

TO: Roger Semler, Bob Ratcliffe and Ray O'Neil

FROM: DO#41 Coalition

RE: Revised NPS Reference Manual #41

The DO#41 Coalition, formed in 2015, includes Access Fund, American Alpine Club, American Mountain Guides Association, National Parks Conservation Association, and The Wilderness Society. The groups are collectively interested in improving the implementation of the 2013 NPS Directors Order #41, Section 7.2, *Climbing*. The DO#41 Coalition supports an appropriate process and balanced evaluation for determining the best form of wilderness climbing management rather than a specific outcome or particular prescription.

The NPS Climbing Management Network shared a partial draft of revised Reference Manual #41 (RM#41) during the Wilderness Climbing Management Training event held April 3-5, 2018 in Tucson, AZ (Appendix A). The DO#41 Coalition has reviewed the partial draft RM#41 and offers the following comments to the NPS Climbing Management Network. These comments are intended to promote the balanced principles of successful wilderness climbing management and ultimately improve the revised RM#41.

Please note that the following comments are in reference to the partial draft RM#41 which may already be reconciled in later drafts developed by the NPS Climbing Management Network. Some of the comments recommend changes to language and format of the partial draft (comments 1-4) and other comments recommend additional concepts that were not included in the partial draft (comments 5-7).

1. *Fixed Anchor Impacts and Benefits*

Rock climbing fixed anchors should be rare in wilderness, but appropriately placed fixed anchors can benefit wilderness character. For example, fixed anchors help to improve wilderness character by preventing impacts to natural and cultural resources, increasing solitude, enhancing visitor flow, and

improving safety. RM#41 should mention these benefits alongside the section on Impacts to Wilderness Character. A comprehensive evaluation of whether a fixed anchor is appropriate should consider both impacts and benefits.

We recommend that RM#41 acknowledge early on that DO#41 states, “[t]he occasional placement of a fixed anchor for belay, rappel, or protection purposes does not necessarily impair the future enjoyment of wilderness or violate the Wilderness Act.” We recommend moving the last bullet in Section 1: Background, to the top of the bulleted list. This is important because the *Background* section should clearly indicate that fixed anchors in wilderness are appropriate under certain conditions.

2. Order of Sections and Evaluation Questions

The order of the sections and subsections in RM#41 not only implies the importance of each section, but also guides the assessment through a hierarchy of evaluative questions. Section 2, *Factors to Consider*, should list the factors in a logical sequence starting with the highest-level evaluation. For instance, Subsection 2.2, *Park Regulations and Management*, could be listed first and Subsection 2.3, *Impacts to Wilderness Character*, listed second. This proposed order of subsections would direct an evaluation team to first consider the existing policy and then evaluate how the proposed climbing route or fixed anchors would interface with Wilderness Character. For example, they would first compile any available visitor use statistics and models, recreation resource inventories, and natural/cultural resource data to inform the decision-making process. Once this essential Wilderness Character data is compiled, the evaluation team will be better prepared to consider the questions listed in Subsection 2.1, *Park Climbing History, Tradition and Use Levels* and then subsection 2.4, *Public Safety*.

3. New Terminology

Reference Manual #41 is intended to clarify the terms presented in DO#41 (e.g., “rare” and “occasional”) rather than introducing new terminology that might confuse the decision-making process. The coalition believes that introducing terms such as “minimal” (section 2.1) is confusing unless specifically used to help define key terminology.

4. *Site Specificity*

Our coalition appreciates that the draft RM#41 Section 2, *Factors to Consider*, notes that “it will provide service-wide consistency to the authorization process while still allowing for decision-making on a park specific basis.” We believe that it should also note that wilderness climbing resources vary considerably in terms of context and scale. Therefore, site specific interpretations of “rare” and “occasional” should be considered on a gradational scale depending on the specific climbing and wilderness resources. We suggest quantifying the intensity, type and duration of potential wilderness character impacts, based on the collective scientific evaluation of all applicable natural, cultural and social wilderness attributes.¹ This type of evaluation can help land managers understand how the terms “rare” and “occasional” can be interpreted in relation to a unique, site-specific wilderness resource.

5. *Role of Science*

The draft RM#41 is noticeably devoid of references to social science. It is imperative that an evaluation team compile and reference any available studies on the human dimension of wilderness management. These studies can include natural and recreation resource impact analyses, visitor flow models, and encounter/crowding indicators and standards. It is important that decisions are supported by available data and align with similar wilderness and recreation management decisions.

6. *Superintendents’ Compendiums*

Directors Order #41 provides guidelines for NPS superintendents to evaluate fixed anchor proposals if planning documents do not include sufficient wilderness climbing policy. Superintendents can use Superintendents’ Compendiums to establish short-term policy for climbing management that is not intended as permanent policy. Reference Manual #41 should note that Superintendents Compendiums need to be re-assessed each year so that temporary, stop gap measures do not become institutionalized as permanent policy without thorough analysis and formal opportunities for public input.

¹ David N. Cole and Peter B. Landres, 1996, *Threats to Wilderness Ecosystems: Impacts and Research Needs, Ecological Applications*, Vol. 6, No. 1, pp. 168-184.

7. Public Notice

Reference Manual #41 should note that NPS managers shall provide notice to the climbing community before climbing management actions are taken. Changes to climbing resources (e.g., moving or removing fixed anchors) can result in negative impacts to the wilderness resource and potentially serious safety issues if climbers are unaware of these changes. Additionally, public notice promotes involvement from stakeholders and fosters good relationships between park managers and climbers. For these reasons, we recommend Reference Manual #41 include language that directs NPS managers to provide notice to the climbing community unless circumstances (e.g., search and resource operation) make prior notice impractical.

* * *

The DO#41 Coalition hopes that that the NPS Climbing Management Network finds these comments useful and can apply the ideas in this memorandum to improve the revised RM#41.

The DO#41 Coalition appreciates the opportunity to be included in this process to improve the implementation of the NPS wilderness climbing management guidelines listed in DO#41. We are grateful that the NPS assembled an internal Climbing Management Network and organized the 2018 Wilderness Climbing Management Training event in Tucson, AZ. We are confident that the collaborative process to refine wilderness climbing management will result in better wilderness recreation experiences, protected wilderness resources, and enhanced communications between wilderness stakeholders and land managers.

Appendix A

REFERENCE MANUAL # 41: WILDERNESS STEWARDSHIP

AUTHORIZATION PROCESS FOR FIXED ANCHORS IN WILDERNESS

Purpose

The purpose of this document is to provide Level 3 policy guidance regarding the authorization process for the placement, replacement, or removal of fixed anchors in wilderness. This guidance is supplemental to Director's Order #41 Wilderness Stewardship, Section 7.2 Climbing. This document is organized with the following sections:

1. Background
2. Factors to Consider
3. Authorization Process and Authority
4. Definitions
5. Authorization Criteria Examples
6. Recommendation and Approval for Inclusion in Reference Manual #41
7. Appendix # 1: Fixed Anchor Authorization Process Table

Section 1: Background

The National Park Service recognizes that climbing is a legitimate and appropriate use of wilderness and that is a traditional and highly coveted recreational opportunity in many of our National Parks. In 2013, the National Park Service adopted Director's Order #41, Section 7.2 Climbing, to help park managers make informed decisions regarding management of climbing activities in National Park Service wilderness, including the placement and/or removal of fixed anchors. The policy includes the following statements that are fundamental to managing climbing activities in wilderness:

- Fixed anchors or fixed equipment should be rare in wilderness.
- Establishment of bolt-intensive face climbs is considered incompatible with wilderness preservation and management due to the concentration of human activity which they support and the types and levels of impacts associated with such routes.
- Authorization will be required for the placement of new fixed anchors or fixed equipment.
- Authorization may be required for the replacement or removal of existing fixed anchors or fixed equipment.
- Authorization may be issued programmatically within the Wilderness Stewardship Plan or other activity-level plan, or specifically on a case-by-case basis, such as through a permit system.
- Prior to the completion of the park's Wilderness Stewardship Plan or other activity-level plan, the park superintendent may approve new fixed anchors or fixed equipment on a case-by-case basis."
- The occasional placement of a fixed anchor for belay, rappel, or protection purposes does not necessarily impair the future enjoyment of wilderness or violate the Wilderness Act.

When making decisions regarding wilderness climbing management, it is important to consider fundamental policy statements along with the full context of Section 7.2 Climbing.

Section 2: Factors to Consider

The following factors have been identified to help park managers evaluate requests regarding the placement, replacement, or removal of fixed anchors in a wilderness area. This is not intended to be used as a checklist. Factors to be considered will vary from park to park or from zone to zone within a park. These factors may be included in a decision document that articulates a rational connection between the specific details in a request and the final decision. Furthermore, it will provide service-wide consistency to the authorization process while still allowing for decision-making on a park specific basis.

2.1 Park Climbing History, Tradition, and Use Levels: Fixed anchor placement, replacement, or removal requests should consider the following factors related to climbing history, traditions, and use levels:

- Would the addition of these new fixed anchors be consistent with traditional use of the Wilderness area (i.e. has climbing previously occurred in the Wilderness area? What are the traditional climbing methods that have been used in this area?) . Note: traditional climbing is defined in the Definitions Section.
- Is the addition of the proposed fixed anchors likely to result in an increase in use and/or concentration of use on the route(s) or area specified in the proposal?
- Does the proposal introduce fixed anchors into an area of Wilderness where there are currently no fixed anchors?
- On routes that lack features to accommodate removable equipment, is the proposed fixed anchor placement(s) necessary, minimal and dispersed?
- Would the addition of new fixed anchors, as proposed, be consistent with the density of fixed anchors on other established routes in the Wilderness area?
- Does the proposal constitute an occasional and dispersed fixed anchor placement(s) that facilitates the completion of a climb that is otherwise protected by removable equipment (i.e. to protect discontinuous crack systems)?
- Would the new route or new fixed anchor placement(s) clearly establish an independent line of ascent or descent, at a suitable distance from existing routes?
- Is there a trend towards proliferation of fixed anchors or new routes in the area?
- Does the climbing history of the park influence the decision?

2.2. Park Regulations and Management: Fixed anchor placement, replacement, or removal requests should consider the following factors related to existing policies, regulations, and management decisions and direction:

- Is there an existing park/unit management plan that provides decision making guidance in regards to climbing or other recreational uses? Is there interim guidance that addresses climbing?
- Is the proposed activity subject to regulations established in the Superintendent's Compendium (36 CFR 1.5 (f) Superintendent's compendium)?
- Are there site specific or seasonal restrictions or closures in the area?

2.3 Impacts to Wilderness Character: Fixed anchor placement, replacement, or removal requests should consider the potential impacts to the following qualities of wilderness character of the area and address how potentially negative impacts can be mitigated:

- **Untrammeled Quality (Wilderness is essentially free from the intentional actions of modern human control and manipulation):**
 - Does the request involve actions that intentionally manipulate the biophysical environment or community of life?

- **Natural Quality (Wilderness ecological systems are substantially free from the effects of modern human civilization):**
 - Does the proposed action have the potential for impacts to natural resources (i.e. plants, animals air and water, and ecological processes), including impacts on or near the route itself?
 - What are the potential impacts to the natural quality on the approach, on the descent, at the base of the climb, at staging or camping areas near the climb?

- **Undeveloped Quality (Wilderness retains its primeval character and influence, and is essentially without permanent improvement or modern human occupation):**
 - Does the proposed action involve the presence of non-recreational structures, installations, and developments?
 - Does the proposed action involve the use of motor vehicles, motorized equipment, or mechanical transport?

- **Opportunities for Solitude or Primitive and Unconfined Recreation (Wilderness provides outstanding opportunities for solitude or primitive and unconfined recreation):**
 - Does the proposed action involve facilities that decrease self-reliant recreation?
 - Does the proposed action involve sights and sounds of human activity inside or outside wilderness?
 - Does the proposed action have the potential to affect visitor experiences for both climbers and non-climbers? What are the potential user conflicts?
 - Will the proposed fixed anchor placement(s) be substantially unnoticeable and have a minimal impact on non-climbing wilderness visitors?
 - Do existing visitor use levels influence the decision (including spatial and temporal)?
 - Does remoteness of the proposed route influence the decision?
 - Does the proposed action have the potential to increase or decrease the cumulative impacts of climbing in the wilderness area?
 - Does the proposed action have the potential to increase public use levels on the approach, on the descent, or at the base of the climb, with the addition of the proposed fixed anchors?
 - What are the potential impacts on the approach, on the descent, and at the base of the climb?

- **Other Features of Value (Wilderness preserves other features that are of scientific, educational, scenic, or historical value):**
 - Does the proposed action have the potential to cause deterioration or loss of integral cultural features (e.g. pictographs, petroglyphs, archeologic artifacts, historic structures, sacred or religious sites, etc.)?
 - Does the proposed action have the potential have the potential to impact scenic values or view-sheds?
 - Does the proposed action have the potential have the potential to impact geological or paleontological features?

2.4 Public Safety: Fixed anchor placement, replacement, and removal requests should consider the following factors and related to human health and safety:

- Does the geology (rock type, stability, etc.) of the proposed route influence the decision?
- Does the age or condition of existing fixed anchors on the route influence the decision?
- What, if any, unique safety considerations on the proposed route influence the decision?
- Does the proposed action have the potential to create unique or challenging Search and Rescue response concerns?

NATIONAL PARK SERVICE AUTHORIZATION PROCESS: FIXED ANCHORS IN WILDERNESS

Authorization Process See footnote (1) for Compliance Guidance	Authorization Method	Scope of Authorization	Regulatory Authority (3)	Enforcement Authority (4)	Special Use Permit Fees (5)
Programmatic Authorization: Integrated into Management Plan ➤ Climbing Management Plan ➤ Wilderness Stewardship Plan w/ climbing integrated ➤ Visitor Use Management Plan w/ climbing integrated ➤ Other Management Plan w/ climbing integrated	Programmatic: No permit required	Park-wide, unlimited	N/A	N/A	N/A
		Park-wide, limited, conditional, or situational	36 CFR 1.5 (a) (2)	Park Compendium 36 CFR 1.5 (f)	N/A
		Zone, unlimited			
		Zone, limited, conditional or situational			
Programmatic: Special Use Permit required (2)	Programmatic: Special Use Permit required (2)	Park-wide, unlimited	36 CFR 1.5 (a) (2)	Park Compendium 36 CFR 1.5 (f)	Application/Cost Recovery fee recommended
		Park-wide, limited, conditional, or situational	N/A	N/A	N/A
		Zone, unlimited			
		Zone, limited, conditional or situational			
Interim Guidance or Strategy: No Management Plan	Programmatic: No written or official authorization required Programmatic: No permit required	Applicable to replacement fixed anchors only	N/A	N/A	N/A
		Park-wide, unlimited	N/A	N/A	N/A
		Park-wide, limited, conditional, or situational			
		Zone, unlimited			
Programmatic: Special Use Permit Required	Programmatic: Special Use Permit Required	Zone, limited, conditional or situational	36 CFR 1.5 (a) (2)	Park Compendium 36 CFR 1.5 (f)	Application/Cost Recovery fee recommended
		Park-wide, unlimited	N/A	N/A	N/A
		Park-wide, limited, conditional, or situational			
		Zone, unlimited			
Programmatic: Special Use Permit Required	Programmatic: Special Use Permit Required	Zone, limited, conditional or situational	36 CFR 1.5 (a) (2)	Park Compendium 36 CFR 1.5 (f)	Application/Cost Recovery fee recommended
		Park-wide, unlimited	N/A	N/A	N/A
		Park-wide, limited, conditional, or situational			
		Zone, unlimited			

NATIONAL PARK SERVICE AUTHORIZATION PROCESS: FIXED ANCHORS IN WILDERNESS

Authorization Process See footnote (1) for Compliance Guidance	Authorization Method	Scope of Authorization	Regulatory Authority (3)	Enforcement Authority (4)	Special Use Permit Fees (5)
Case-by-case Authorization: Independent of Management Plan	Special Use Permit required (2)	Park-wide, unlimited Park-wide, limited, conditional, or situational Zone or management unit, unlimited Zone or management unit, limited, conditional or situational	36 CFR 1.5 (a) (2)	Park Compendium 36 CFR 1.5 (f)	Application/Cost Recovery fee recommended
Management Decision: Allowing replacement fixed anchors, not associated with a management plan	No written authorization required	Applicable to replacement fixed anchors only, park-wide or zone	N/A	N/A	N/A

Footnotes:

- (1) NEPA compliance may be completed through an Environmental Assessment, Environmental Impact Statement, or Categorical Exclusion (when no significant environmental consequences are anticipated). A Minimum Requirements Analysis (MRA) should be completed when there are potential impacts to one or more of the qualities of wilderness character (i.e. untrammeled, natural, undeveloped, outstanding opportunities for solitude or primitive and unconfined recreation, other features of value).
- (2) NPS Special Use Permits application and permit forms (including standards terms and conditions) may be downloaded through the following link: <https://sites.google.com/a/nps.gov/in2-special-park-uses/home>.
- (3) 36 CFR 1.5 (a) (2) allows a Park Superintendent to designate areas for a specific activity, or impose conditions or restrictions on a use or activity.
- (4) 36 CFR 1.5 (f) states "Violating a closure, designation, use or activity restriction or condition, schedule of visiting hours, or public use limit is prohibited."
- (5) 54 USC 103104 authorizes application and cost recovery fees for all permits. NPS policy recommends charging for cost recovery unless a specific decision to waive the fee is made by the Park Superintendent. The application fee is considered the down payment on cost recovery and in some cases the application fee is all the permittee is required to pay because it was set to cover all the park's costs. There is no standard, pre-set application fee that applies to all parks. Each park calculates their individual costs.

United States Department of the Interior

NATIONAL PARK SERVICE
12795 W. Alameda Parkway
P.O. Box 25287
Denver, Colorado 80225-0287

July 15, 2022

A7221 (2550)

Erik Murdock
Access Fund
4720 Walnut Street #200
Boulder, CO 80301

Dear Mr. Murdock:

Reference: DOI-NPS-2022-004945

Subject: Freedom of Information Act (FOIA) Request

This letter is in reference to the FOIA request you filed on July 13, 2022, in which you requested:

...documentation and/or communications involving the National Park Service (NPS) related to the development and adoption in 2013 of Director's Order #41: Wilderness Stewardship ("the Order"), the associated version of NPS Reference Manual #41 ("the Manual"), and specifically §3 of that document, NPS Wilderness Definitions ("the Definitions"). Access Fund especially requests any materials concerning the process leading to the adoption of the Order, the Manual, and the Definitions.

Your request has been received and has been assigned tracking number DOI-NPS-2022-004945. All future correspondence relating to this request should reference this tracking number.

Expedited Processing Denial

You have asked for expedited processing of your FOIA request. The Department's FOIA regulations state that a bureau will provide expedited processing when a requester demonstrates a compelling need for the records by explaining in detail how the request meets one or both of the criteria below and certifying the explanation is true and correct to the best of the requester's knowledge and belief. In accordance with [43 C.F.R. § 2.20](#) the criteria for granting expedited processing are as follows:

- (1) Failure to expedite the request could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or
- (2) There is an urgency to inform the public about an actual or alleged government activity and the request is made by a person primarily engaged in disseminating information. (The requested information must be the type of information that has particular value that will be lost if not disseminated quickly; this ordinarily refers to a breaking news story

that concerns a matter of public exigency. Information of historical interest only or information sought for litigation or commercial activities would not qualify, nor would a news media deadline unrelated to breaking news.)

In support of your request for expedited processing you wrote:

Our Interest in this FOIA request is to make additional information related to the critical topic of fixed anchor management available to the climbing and general public, and to further understand (and contribute feedback to) proposed management strategies related to the same, in this case regarding fixed anchor management in Joshua Tree National Park (JTNP). This information will support the public's interest in the proper management of public lands, and in particular the management of fixed climbing anchors in NPS Wilderness areas and areas managed as Wilderness. We respectfully ask that this FOIA request be expedited. A prompt response is necessary for us to adequately understand and to comment on the NPS's JTNP Draft Climbing Management Plan and Environmental Assessment (expected to be released for public comment fall/winter 2022/2023). We have purposefully streamlined this request to minimize bureaucratic burden and allow for an expedited response.

However, your expedited processing request does not address either of these criteria. Accordingly, your request for expedited processing therefore has been denied.

Fee Waiver Request

You have also asked us to waive the fees for processing your request. Our FOIA regulations ([43 C.F.R. § 2.45\(a\)](#)) state that bureaus will waive, or partially waive, fees if disclosure of all or part of the information is:

- (1) In the public interest because it is likely to contribute significantly to public understanding of government operations or activities, and
- (2) Not primarily in your commercial interest.

Our FOIA regulations ([43 C.F.R. § 2.48](#)) also provide specific criteria that are used to determine whether these two requirements are met. After reviewing the information provided, your fee waiver request has been granted.

Pursuant to regulation, 43 CFR 2.47 the following person is responsible for these decisions:

Charis Wilson
NPS FOIA Officer

Additionally, the following attorney was consulted during the preparation of this response:

Jason Waanders, Attorney-Advisor, Office of the Solicitor
U.S. Department of the Interior, Washington, D.C.

You have the right to appeal this denial of your fee waiver request and request for expedited processing.

Appeal Rights

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this communication denying your request for a fee waiver. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday. Additionally, appeals submitted via the FOIAOnline form will NOT be accepted for processing and will be deleted without further review or communication.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe this response is in error. You must also include with your appeal copies of all correspondence between you and the National Park Service concerning your FOIA request, including your original FOIA request and this response. Failure to include with your appeal all correspondence between you and the National Park Service will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339
Fax: (202) 208-6677
Email: FOIA.Appeals@sol.doi.gov

Processing Track

In accordance with 43 C.F.R. § 2.15 the National Park Service processes requests on a first-in, first-out basis within several processing tracks. Your request has been placed in the complex track. Currently there are 32 requests ahead of this request in the complex processing queue.

Our determination is due by August 10, 2022. If you do not receive our response by then, you may file an appeal by writing to:

Freedom of Information Act Appeals Officer
Office of the Solicitor
U.S. Department of the Interior
1849 C Street, NW
MS-6556-MIB,
Washington, D.C. 20240

foia.appeals@sol.doi.gov

You may submit a failure-to-respond appeal anytime between the date above and the date we issue our final response. The appeal should be marked, both on the envelope and the face of the appeal letter, with the legend "FREEDOM OF INFORMATION APPEAL." Your appeal should be accompanied by a copy of your original request and copies of all correspondence between yourself and the National Park Service related to this request, along with any information you have which leads you to believe our decision is in error. Please note appeals received after 5 p.m. EST will be considered to have been received as of the following day. Appeals submitted via the FOIAonline form will NOT be accepted for processing and will be deleted without further review or communication.

Also, as part of the 2007 OPEN Government Act FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation.

You may contact OGIS in any of the following ways:

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Please do not hesitate to contact me with any further questions or concerns. I can be reached via e-mail at npsfoia@nps.gov.

Sincerely,

Charis Wilson
NPS FOIA Officer



March 11, 2022

Superintendent David Smith
Joshua Tree National Park
74485 National Park Drive
Twentynine Palms, CA 92277-3597

Submitted online at: <https://parkplanning.nps.gov/commentForm.cfm?documentID=117603>
Emailed to: david_smith@nps.gov and jotr_planning@nps.gov

RE: Comments on Joshua Tree National Park Climbing Management Plan Scoping

Superintendent Smith and Climbing Management Planning Team,

The Wilderness Society, Access Fund, CalWild, National Parks Conservation Association, Outdoor Alliance, American Alpine Club, American Mountain Guides Association, The Mountaineers and Friends of Joshua Tree appreciate this opportunity to provide comments during the scoping period for the proposed Joshua Tree National Park (JTNP) Climbing Management Plan (CMP). We have worked in a coalition for many years to find common ground on smart management policies that protect wilderness characteristics, natural resources and cultural values while also allowing opportunities for climbers and mountaineers to experience the solitude and beauty of wilderness areas across the country.

JTNP attracts visitors from around the world to experience the fragile desert landscape. The world-class climbing opportunities at JTNP attract more than 500,000 climbers per year and provide a unique opportunity for primitive and unconfined recreation in JTNP's Wilderness. Climbers challenge themselves on a wide spectrum of climbing routes that offer a variety of climbing styles, difficulty levels, and settings. Climbing—including the use of fixed anchors—is a historic use at JTNP and predates the first JTNP Wilderness designation in 1976. The undersigned organizations support climbing, in and outside designated wilderness, as an acceptable and appropriate use at JTNP.

Comments

Our organizations are particularly concerned with JTNP's new interpretation of the Wilderness Act that defines fixed anchors as installations. Fixed anchors, critical climbing tools used to facilitate safe ascent or descent of technical, vertical terrain, are fundamental to rock climbing. Defining fixed anchors as installations would create a presumption that they are prohibited in wilderness. This presumption will make it difficult to secure permission to maintain existing anchors and place new anchors to protect climbing routes and may also result in widespread removal of existing anchors from wilderness areas. The combined effect of these actions would be to significantly reduce climbing opportunities in wilderness and will make it much more difficult for climbers and other recreationists to support wilderness designations.

We believe this new interpretation is unnecessary. The National Park Service (NPS) already has the tools it needs to effectively manage climbing in wilderness and to develop climbing management plans that effectively protect wilderness character. Director's Order #41 (DO#41), Section 7.2, outlines clear management guidance for regulating fixed anchors in designated wilderness. DO#41 does not treat fixed anchors as prohibited installations, nor does it require a Minimum Requirement Analysis (MRA) for recreational climbing fixed anchors (although it does require MRA for administrative purposes such as search and rescue). We believe that JTNP should use DO#41 and the other management tools available under its existing authorities to manage wilderness climbing. This approach is preferable to asserting a new interpretation of the Wilderness Act that was not informed by public process and does not align with current federal policy^[1] and practice.

To be clear, we support the regulation of climbing in wilderness areas. In fact, over two decades ago the Access Fund, Friends of Joshua Tree, The Wilderness Society, and National Parks Conservation Association submitted a joint comment on the 2000 JTNP Backcountry and Wilderness Management Plan. We jointly supported management policies, similar to DO#41, that included an authorization process for new fixed anchors, restrictions that prevent damage to natural and cultural resources, and the replacement of antiquated fixed anchors without excessive administrative burden. This joint comment letter also supported a holistic approach to climbing management that does not rely on prohibiting fixed anchors as installations.

Since then, our organizations and the NPS have continued to work together in good faith to determine the best methods for managing climbing in wilderness. We made strong progress since the approval of DO#41 in 2013 and collaborated on recommendations for the Reference Manual #41 supplement (pending). Throughout our numerous discussions and conferences, none of our organizations, nor the NPS, regarded fixed anchors as prohibited installations. This included the 2017 NPS Climbing Management Conference in Tucson, AZ attended by NPS climbing and wilderness policy experts from across the country.

The national-level policy formation process that resulted in DO#41 included extensive stakeholder input, public notice and comment, and subsequent collaboration. We do not think the agency should cast this collaborative work aside and change course in the context of a single management decision made by a single unit of the National Park Service. This is not an effective way to manage primitive and unconfined recreation within the National Wilderness Preservation System.

We do not support a reinterpretation of the Wilderness Act that treats fixed anchors as installations. Instead, we support smart, effective climbing management strategies that address the entire climbing activity, from parking areas and access trails to staging areas and the summits of climbing routes, in a manner consistent with the Wilderness Act and accepted wilderness management principles.^[2] This has been the approach taken by not only the NPS, but other federal land management agencies responsible for administering the 110 million acres of wilderness nationwide.

Instead of reinterpreting the Wilderness Act, the National Park Service should focus on implementing the tenets of DO#41 as it was adopted in 2013. We collectively stand by ready to assist in that effort. To implement DO#41, each park unit that manages climbing should prepare a site-specific climbing management plan. In preparing its plan, each unit should identify climbing routes that threaten wilderness characteristics. This process for evaluating whether climbing routes are incompatible with wilderness values should follow the DO#41 guidance.

JTNP's proposal represents a significant deviation from DO#41. The key part of the Director's Order is this statement: "The establishment of bolt-intensive face climbs is considered incompatible with wilderness preservation and management due to the concentration of human activity which they support, and the types and levels of impacts associated with such routes."^[3] Thus, DO#41 focuses on the impacts of high use levels, the types of impacts those use levels cause, and the resulting effects on wilderness character. This approach focuses management solutions on the measurable and objective impacts of climbing routes on wilderness character. This approach is preferable to a blanket determination that fixed anchors are installations.

At a practical level, the proposed reinterpretation of the Wilderness Act will cause significant confusion and consume significant agency resources at a time when land managers are struggling to cope with staffing shortages, resource limitations, climate change and other threats to wilderness values. Under the approach proposed by Joshua Tree National Park, existing fixed anchors would be treated as presumptively prohibited. Land managers would then need to locate, catalog, and assess all of these fixed anchors to determine whether to allow them to remain in place. This would be an insurmountable task.

The proposed reinterpretation would also adversely impact climbers in significant ways. For example, this new policy could limit climbers' ability to replace and update existing anchors that are aging and outdated and do not provide adequate safety for climbers. This would have the effect of restricting climber access to many of the most iconic climbs in Joshua Tree National

Park and other park units across the country, cause significant uncertainty for guides who have historically relied on such anchors, and send the message that climbers are not welcome in wilderness.

Our organizations are also concerned that JTNP's proposed CMP will deter climbers from supporting critical conservation initiatives and alienate climbers from their wilderness roots. Many of the greatest conservation gains during the 21st century have been a direct result of the collaboration between the human-powered outdoor recreation and conservation communities. The climbing community was integral to the development and passage of the Wilderness Act of 1964 as well as the protection of wilderness areas and other protected landscapes for more than a half century. The proposed JTNP climbing management policy will affect the public's opinion of the need for conservation and have a negative and direct impact on the future of America's public lands.

It bears repeating that this coalition supports the prohibition on the use of power drills in wilderness, mandatory authorization (per DO#41) for the placement of fixed anchors, and management of other aspects of recreational use like trails and human waste management. We believe the agency would do more to protect wilderness character by focusing its limited resources on these management issues rather than reviewing every existing fixed anchor within wilderness.

We hope that JTNP will reconsider its proposal to treat fixed anchors as prohibited installations, and instead determine the best path forward is to manage recreational climbing in accordance with Director's Order 41, and to protect wilderness character utilizing the many policy tools available today.

Sincerely,



Paul Sanford, The Wilderness Society National Director Recreation Policy



Chris Winter, Access Fund Executive Director



Linda Castro, CalWild Assistant Policy Director



Chris Clarke, National Parks Conservation Association Ruth Hammett Associate Director,
California Desert Program



John Lauretig, Friends of Joshua Tree President



Louis Geltman, Outdoor Alliance Policy Director



Betsy Robblee, The Mountaineers Conservation and Advocacy Director



Taylor Luneau, American Alpine Club Policy Manager



Matt Wade, American Mountain Guides Association Deputy Director

^[1] 2013 NPS Director's Order #41, Section 7.2, Climbing

^[2] 2008, Hendee, J.C. and Dawson, C.P., Wilderness Management: Stewardship and Protection of Resources and Values, International Wilderness Foundation, Boulder, CO.

^[3] 2013 NPS Director's Order #41, Section 7.2, Climbing.



March 11, 2022

Superintendent David Smith
Joshua Tree National Park
74485 National Park Drive
Twentynine Palms, CA 92277-3597

Submitted online at: <https://parkplanning.nps.gov/commentForm.cfm?documentID=117603>
Emailed to: jotr_planning@nps.gov

RE: Comments on Joshua Tree National Park Climbing Management Plan Scoping

Superintendent Smith and Joshua Tree National Park Planners:

Friends of Joshua Tree and Access Fund appreciate this opportunity to provide comments during the scoping period for the Climbing Management Plan (CMP) now underway at Joshua Tree National Park (“JTNP” or “Park”). JTNP is a world-class climbing area with a rich history that attracts visitors from all over the world. JTNP also has a complex array of needs and stakeholders. This CMP will be critical in managing the many challenges and opportunities the Park faces, both existing and evolving, as climbing becomes ever more popular across the country and within the Park. We look forward to working with park planners on finding solutions to climbing management issues that steward the environment, enhance the visitor experience, preserve access, and protect Indigenous cultural and sacred sites.

Friends of Joshua Tree

Friends of Joshua Tree (FOJT) is a non-profit organization dedicated to preserving the historical tradition of climbing in Joshua Tree National Park. Friends of Joshua Tree advocates, communicates, and encourages ethical and environmentally sound climbing practices, and works to shape park policy on climbing and climbing-related issues. Toward that end, Friends of Joshua Tree acts as the liaison between the climbing community and the National Park Service.

Access Fund

Access Fund is a national advocacy organization whose mission is to lead and inspire the climbing community toward sustainable access and conservation of the climbing environment.

A 501(c)(3) nonprofit and accredited land trust representing millions of climbers nationwide in all forms of climbing - rock climbing, ice climbing, mountaineering, and bouldering—the Access Fund is a US climbing advocacy organization with over 20,000 members and 130 local affiliates. Access Fund provides climbing management expertise, stewardship, project-specific funding, and educational outreach. California is one of Access Fund’s largest member states and many of our members climb regularly within JTNP. For more information about Access Fund, visit www.accessfund.org.

Pending requests under the Freedom of Information Act

FOJT has submitted a FOIA request to the NPS for purposes of better understanding the Park’s position on several issues important to the planning process, and Access Fund has submitted a FOIA request to the Department of the Interior’s Office of the Solicitor to better understand the legal positions from which the NPS appears to be operating. To date, there has not been a substantive response to either request. Because we believe that responses to our FOIA requests are critical to adequately participating in the NPS’s planning process, we reserve the right to supplement this comment letter pending complete responses to our requests.

Comments

FOJT and Access Fund support efforts by JTNP to manage access for climbing and other forms of outdoor recreation to ensure that it is sustainable and protects natural and cultural resources of the Park. We also believe strongly that JTNP must be managed to allow for and support climbing as a form of primitive and unconfined recreation, allowing climbers to safely experience the vertical environment of Joshua Tree, which requires, in certain circumstances, the use and maintenance of fixed anchors. Climbing and the associated time spent outside in nature have a host of well documented benefits for the American public—benefits to our physical, mental, and spiritual health, benefits to local rural recreational economies, and benefits to conservation and stewardship as people grow more connected to the land around them. Thus, we support the Park’s efforts to balance sustainable access for climbers and the protection of natural and cultural resources through this CMP. However, FOJT and Access Fund are deeply concerned that JTNP appears to have changed its interpretation of the Wilderness Act under which it will characterize fixed anchors in wilderness as “installations” that are “prohibited uses” under the Wilderness Act.

We oppose this changed legal interpretation under the Wilderness Act for a number of very important reasons:

- JTNP’s new interpretation conflicts with national NPS Wilderness climbing policy, in particular Director’s Order #41 (DO41), decades of practice in JTNP and other park units around the country, and existing climbing management policy from other federal land management agencies.

- This new interpretation conflicts with the Wilderness Act itself and fails to uphold all the purposes of the Wilderness Act, which mandate that the NPS administer wilderness for the use and enjoyment of the American public, including the opportunity to enjoy and experience wilderness through primitive and unconfined types of recreation like climbing and mountaineering as well as historic uses, which include the use of fixed anchors in backcountry areas to facilitate exploration and enjoyment of the vertical environment.
- As a practical matter, this changed interpretation will jeopardize climber safety within wilderness, creating confusion as to the status of fixed anchors in wilderness, and the ability for climbers to safely use, maintain, and replace those anchors. This changed policy will cause a series of cascading effects on the ground, to land managers and the climbing community around the country, the guide services who facilitate access to these incredible places for the American public, and for the local communities who depend upon human powered outdoor recreation to support their local economies.
- Joshua Tree National Park's novel position on fixed anchors in wilderness reflects a change in the NPS's official position and is arbitrary and capricious and unlawful under the Administrative Procedure Act.

The following sections will expand on these key points. It is critical to note that **we do not oppose appropriate regulations and restrictions on fixed anchors in wilderness**. We strongly support the guidelines laid out in DO41. We support JTNP's ability to manage fixed anchor placement in the wilderness, including the prohibition of bolt-intensive climbs that are likely to result in unacceptably high levels of use and measurable impacts to JTNP resources and social conditions.¹ As stated before, JTNP has all the necessary authority and discretion under the NPS Organic Act and its previous interpretation of the Wilderness Act to manage climbing effectively to protect the park resources, including wilderness character, and to provide for an appropriate visitor experience. We stand ready to provide expertise, support, and resources to assist JTNP in this effort.

However, we cannot support JTNP's new interpretation of fixed anchors as "installations," and therefore presumptively prohibited in wilderness. Such an interpretation is an extremely serious threat to climbing access, not just in JTNP but nationwide. In addition to the potential ill effects on climbing management, a determination that fixed anchors are prohibited uses in wilderness will harm the human-powered recreation community's ability to support future wilderness designations and conservation initiatives. This unfortunate situation would represent a distinct departure from the climbing community's long-standing support and advocacy for the goals and aspirations of the Wilderness Act.

We hope to continue to work with JTNP planners to reach a shared understanding of the legal context around fixed anchors in wilderness that appropriately balances necessary regulation and limitation with the recognition of the appropriateness and permissibility of fixed anchor use and maintenance in wilderness areas.

¹ NPS Director's Order #41: Wilderness Stewardship, Section 7.2, 2013

Fixed Anchors

Federal land managers define fixed anchors as climbing equipment (e.g., bolts, pitons, or slings) left in place to facilitate ascent or descent of technical terrain.² These anchors are a critical component of a climber's safety system, allowing a person in high-risk and remote terrain to utilize a rope to prevent a fall that could otherwise be fatal. Fixed anchors are typically placed by the first ascensionists on technical ascents and descents (rappels) where removable anchor placements are not viable. Fixed anchors are an irreplaceable and fundamental part of the climbing toolkit without which the majority of Joshua Tree's climbing opportunities would be impossible.

Without fixed anchors, some of the most iconic and awe-inspiring terrain within America's wilderness system, such as El Capitan in Yosemite and the Astrodomes in Joshua Tree, would be inaccessible for all practical purposes by the American public. Simply put, the vast majority of climbers will stop climbing at areas where fixed anchors are proscriptively prohibited by land managers and thus unavailable for public access. Guides, outfitters, and other small businesses will lose out on the opportunity to facilitate access to these places, and local communities adjacent to wilderness areas will see impacts to the recreation-based jobs and rural economies they have been nurturing for decades. And these new policies will significantly lessen the support of climbers and others in the recreation community for conservation initiatives such as wilderness designations.

The Wilderness Act and Climbing

Access Fund, FOJT, and virtually the entire climbing community are strong supporters of designated wilderness. This includes a commitment to all of the mandates contained within the Wilderness Act, whether environmental, cultural, or recreational.

In crafting the Wilderness Act, Congress defined wilderness areas by referencing both their "primeval character and influence" and their recreational values, stating that wilderness areas are those places within our federal public lands where "man himself is a visitor who does not remain" and that have "outstanding opportunities for solitude or a primitive and unconfined type of recreation."³ Congress further mandated that wilderness areas "shall be devoted to the public purposes of recreation, scenic, scientific, educational, conservation and historic uses."⁴ The Wilderness Act requires that the NPS and other land management agencies "administer such area(s) for such other purposes for which it may have been established as also to preserve its wilderness character."⁵ The overarching objective of Congress in the Wilderness Act was to set

² Federal Register, Vol. 64, No 209, Department of Agriculture, 36 CFR Chapter II, Forest Service, Negotiated Rulemaking Advisory Committee; Fixed Anchors in Wilderness, at: <http://www.gpo.gov/fdsys/pkg/FR-1999-10-29/pdf/99-28219.pdf>

³ 16 U.S.C. § 1131(c)(3).

⁴ *Id.* at 1133(b).

⁵ *Id.*

up a system of protected landscapes for the “use and enjoyment of the American people in such manner as will be unimpaired for future use and enjoyment as wilderness...”⁶

Climbers have supported, advocated for, and enjoyed wilderness areas since the enactment of the Wilderness Act in 1964 specifically because Congress carefully incorporated dispersed recreation into the very definition of wilderness and the mandates that apply to the administration of those areas for the American public. Climbers venture into wild places because of the specific and special experience wilderness offers for solitude and primitive recreation, and climbing is an activity that epitomizes an unconfined type of recreation. From summiting the Diamond on Longs Peak to scaling El Capitan, technical climbing is mandatory to experience some of the most iconic wilderness recreational opportunities in the nation. Climbers have explored the far reaches of America’s National Wilderness Preservation System as recognized by DO41 in the statement that “[t]he NPS recognizes that climbing is a legitimate and appropriate use of wilderness.”⁷ Those experiences in wild places and vertical environments have inspired generations of climbers and mountaineers to become advocates for wilderness and the protection of fragile landscapes that meet the definition of wilderness as established by Congress.

As discussed above, fixed anchors are critical tools for climbers to safely experience primitive and unconfined recreation,⁸ especially in places like JTNP where opportunities for removable protection are often limited. They have been used in the United States for over a hundred years. For example, bolts were first used in the US for climbing in the 1930’s by wilderness advocate and Sierra Club executive director David Brower.⁹ Prior to David Brower’s notable first ascents, John Muir’s 1875 first ascent of Yosemite National Park’s Half Dome formation involved primitive fixed anchors (iron pegs in drilled holes) and John Salathe’s 1946 first ascent of Yosemite National Park’s Lost Arrow Spire utilized steel pitons forged from a Model T Ford axle.¹⁰ Climbing in wilderness (including fixed anchor use) long predates the 1964 Act itself, as evidenced by numerous fixed anchor-protected ascents in Joshua Tree National Park (1976 Wilderness designation), Yosemite National Park (1984 Wilderness designation), Rocky Mountain National Park (2009 Wilderness designation), Red Rock National Conservation Area (2002 Wilderness designation) and many other historic climbing areas that were climbed prior to their designations as wilderness areas. Today’s leading climber-conservationists continue to rely on fixed anchors to access the country’s world-class wilderness climbing.

⁶ 16 U.S.C. § 1131(a).

⁷ NPS Director’s Order #41, Section 7.2, 2013

⁸

https://d1w9vyym276tvm.cloudfront.net/assets/pdf/AF-AAC_FixedAnchorPolicy_20150428.pdf?mtime=20200711221300&focal=none

⁹ <https://www.adventure-journal.com/2016/05/historical-badass-climber-david-brower/>

¹⁰ *A History of Climbing Management in the National Park Service, and a few of the climbing milestones along the way*, Compiled by Maura Longden, NPS Climbing Management Specialist, 2015

JTNP contained climbing routes with fixed anchors prior to being designated as wilderness.¹¹ Almost 600,000 acres of the park were designated as wilderness in 1976, and Congress was aware that the lands it was designating as wilderness included existing climbing routes with fixed anchors. The NPS in managing the park has consistently allowed wide-spread fixed anchor use both before and after wilderness designation. To our knowledge, the NPS has never attempted to stop climbers from placing fixed anchors after wilderness designation based on the premise that fixed anchors are prohibited “installations” under the Wilderness Act. In short, climbing supported by fixed anchor use is a long-standing traditional and historical use of designated wilderness at JTNP that both Congress and the NPS have recognized.

The Regulation of Fixed Anchors in Wilderness

Federal agencies have and continue to regulate fixed anchors in wilderness throughout the country under the Wilderness Act and their governing organic acts. As discussed later, agencies have been successfully regulating fixed anchors in wilderness without taking the position that they are “installations” under the Wilderness Act and therefore a “prohibited use.”¹² This is entirely consistent with Congressional intent, both in enacting the Wilderness Act and in subsequent legislation designating wilderness areas on lands with climbing resources. There is nothing in the Wilderness Act or its legislative history to suggest an intent to prohibit fixed anchors in any way.

Instead, Congress called out primitive and unconfined recreation as a fundamental purpose and use of wilderness areas and included recreational values in the very definition of wilderness areas to be protected. JTNP’s prior climbing management plans reflected this intent, as neither the 1993 Joshua Tree CMP¹³ nor the 2000 Joshua Tree Backcountry Management Plan¹⁴ specifically considered fixed anchors prohibited “installations” that necessitate a Minimum Requirements Analysis for their use, for placement or replacement. We address these points in more detail below.

Wilderness Fixed Anchor Legislation

As mentioned, there is nothing in the Wilderness Act nor its legislative history supporting the view that Congress intended fixed anchors to be a “prohibited use,” and Congress’s awareness at the time that fixed-anchor dependent climbing was occurring on wilderness quality lands suggests the opposite. Since the Wilderness Act was enacted, Congress has at least twice

¹¹ Wolfe, J., & Dominick, B. (1976). A Climber's Guide to Joshua Tree National Monument. Desert Rats Uninhibited Publication.

¹² 16 U.S.C. § 1133(c).

¹³ <http://npshistory.com/publications/jotr/climbing-mp-1993.pdf> . We acknowledge that in the NEPA document for the 1993 plan, the NPS in responses to comments suggested that fixed anchors may be viewed as “installations” under the Wilderness Act; however, this was not adopted and has never served as a premise for regulating fixed anchors in the park.

¹⁴ https://pubs.etic.nps.gov/eTIC/INTE-LACL/JOTR_156_138300_0001_of_0342.pdf .

passed legislation confirming that fixed anchors are an allowable use—not a “prohibited use”—in wilderness.

In 1999, in response to a Sawtooth National Forest Service decision in Idaho suggesting that fixed anchors should be banned in Wilderness because they are prohibited “installations”,¹⁵ Congress added a rider to an appropriations bill that expressly rescinded the decision and directed the Forest Service to develop a fixed anchor management policy through rulemaking.¹⁶ Congress would not have directed the Forest Service to do so if it shared the view that fixed anchors are prohibited “installations” under the Wilderness Act.

As recently as 2019, Congress addressed this issue in The John D. Dingell Jr. Conservation, Management, and Recreation Act of 2019.¹⁷ This act designated new wilderness areas and additions to existing wilderness across the country, some of which provide outstanding climbing opportunities and have been used for years by the American public for this purpose, including the use and maintenance of fixed anchors. In this act, Congress stated:

*Nothing in this part prohibits recreational rock climbing activities in the wilderness areas, such as the placement, use, and maintenance of fixed anchors, including any fixed anchor established before the date of the enactment of this Act.*¹⁸

This makes clear Congress’s understanding that the placement, use, and maintenance of fixed anchors are not presumptively “prohibited” activities under the Wilderness Act. In the Dingell Act, Congress used the same language relating to “prohibitions” found in Section 4(c) of the Wilderness Act (Prohibition of Certain Uses), which further underscores this point.¹⁹ It is worth noting that the fixed anchor language in the Dingell Act was developed in collaboration with, and approved by, conservation organizations including The Wilderness Society.

NPS Wilderness Climbing Policy

As highlighted at the outset of this letter, JTNP’s new interpretation of fixed anchors as “installations” conflicts with long-standing interpretation and treatment of fixed anchors in wilderness as set forth in DO41, as well as long-standing practice in the Park and other park units that have implemented DO41. DO41 was subject to a full public notice and comment process, and is currently the highest level of wilderness climbing policy available to the NPS.

¹⁵ *A History of Climbing Management in the National Park Service, and a few of the climbing milestones along the way*, Compiled by Maura Longden, NPS Climbing Management Specialist, 2015.

¹⁶ S. 2237 — 105th Congress: Department of the Interior and Related Agencies Appropriations Act, 1999.

¹⁷ <https://www.congress.gov/bill/116th-congress/senate-bill/47/text>

¹⁸ Public Law 116-9, Sec. 1232(b).

¹⁹ See also Sammartino, Michael. To Bolt or Not to Bolt, a Framework for Common Sense Climbing Regulation, ABA Journal (Aug. 24, 2020) (“Accordingly, categorical prohibitions on fixed anchors in designated or potential Wilderness areas contravenes the express intent of Congress to establish permissive climbing policies and is inconstant with both BLM and NPS fixed anchor regulations.”).

Section 7.2 of DO41 provides nationwide directives for managing climbing in wilderness. It is important to note that DO41 does not define fixed anchors as “installations,” does not include the term “installation” anywhere in Section 7.2, and does not regard fixed anchors as fundamentally prohibited in wilderness. In addition to recognizing “that climbing is a legitimate and appropriate use of wilderness,” DO41 acknowledges that fixed anchors are critical tools for climbing in stating “[t]he occasional placement of a fixed anchor for belay, rappel, or protection purposes does not necessarily impair the future enjoyment of wilderness or violate the Wilderness Act.” If the Director had viewed fixed anchors as prohibited “installations,” certainly he would have said so rather than acknowledging, as an overriding premise, that fixed anchors are acceptable in wilderness.

DO41 also states that “[t]he establishment of bolt-intensive face climbs is considered incompatible with wilderness preservation and management *due to the concentration of human activity which they support, and the types and levels of impacts associated with such routes.*” (Italics added.) This section clearly indicates that bolt intensive routes are incompatible with wilderness “due” to the use-levels and social or environmental impacts they might attract—not that the bolts (fixed anchors) are presumptively prohibited as “installations.”

DO41’s premise that fixed anchor use is a recognized and allowable use in wilderness, and not a “prohibited use,” is underscored by its discussion of when a Minimum Requirements Analysis is necessary. As the NPS is aware, a MRA is required to approve any “prohibited use” or specifically any “installation” in wilderness. Yet Section 7.2 of the DO41 only states that a MRA is necessary for “[p]roposals for the placement of fixed anchors or fixed equipment for the *administrative purpose of facilitating future rescue operations.*” (Italics added.) DO41 does not suggest that an MRA is necessary for the use or maintenance of fixed anchors by the climbing public as necessary for climbing safety. Thus, it is clear that the Director did not intend for park units to treat fixed anchors as a “prohibited use.”

Instead of faithfully implementing Section 7.2, JTNP appears to focus on Section 6.4 of DO41 which deals specifically with the MRA requirement. While Section 6.4 does discuss administrative exceptions to allow installations in wilderness, it says nothing whatsoever about climbing or fixed anchors. The provisions of Section 7.2 were developed to apply specifically to climbing and fixed anchors and thus the general provisions of Section 6.4 cannot be reasonably read to somehow override Section 7.2.

Since DO41 was approved in 2013 and up until very recently, JTNP has not been managing fixed anchors as “installations.”²⁰ Indeed, the Park has conceded that it is proposing to change its interpretation of the Wilderness Act and its management practices.²¹ In particular, since

²⁰ Currently JTNP requires a MRA for use of a power drill in the wilderness to replace fixed anchors. Replacement, removal or placement of fixed anchors with a hand drill requires a Special Use Permit as of 2/22/2022. <https://www.nps.gov/jotr/learn/management/superintendents-compendium.htm>

²¹ See <https://www.youtube.com/watch?v=ZsFSWgp3jQs> starting at 14:30.

DO41 was issued JTNP has not relied on the premise that fixed anchors are a “prohibited use” in wilderness to prevent fixed anchors from being placed.

In addition, since DO41 was issued, a broad-based coalition of climbing organizations (Access Fund, American Mountain Guides Association, and American Alpine Club) and conservation organizations (The Wilderness Society and National Parks Conservation Association) have worked to develop guidelines for implementation of Section 7.2 and supporting the conditional use of fixed anchors in wilderness. This coalition was critical in hosting a NPS workshop on climbing in wilderness in 2017. During this workshop neither the NPS representatives nor any non-profit organizations supported the assertion that fixed anchors are prohibited in wilderness.²² One of the goals for this NPS workshop was to develop additional implementation guidance for Section 7.2 of DO41 in the form of a Reference Manual Supplement.

It is worth noting at this juncture that DO41’s implicit understanding that fixed anchors are not a “prohibited use” is consistent with previous federal agency policy pronouncements. For example, in 2007 the Bureau of Land Management (BLM) issued national-level wilderness climbing guidance, Instruction Memorandum (IM) 2007-084,²³ which considers climbing an appropriate wilderness activity and fixed anchors legal in wilderness. The policy acknowledges that “[a] manager may require visitors to get a permit or other authorization to replace or remove an existing permanent fixed anchor or place a new permanent fixed anchor.” But it does not declare fixed anchors to be “installations” that must be authorized pursuant to a Minimum Requirements Analysis. As we understand it, although IM 2007-084 includes language providing an expiration date, the BLM currently manages fixed anchors consistent with IM 2007-084 throughout the country.

Finally, in the scoping materials, JTNP refers to a definition of “installation” as contained in NPS Wilderness Policy. “Installation” is supposedly defined as “anything made by humans that is not intended for human occupation and is left unattended or left behind when the installer leaves the wilderness.” Joshua Tree National Park may not rely on this definition of the statutory term “installation” in concluding that fixed anchors are prohibited uses.

First, it does not appear that this supposed definition of “installation” has been subject to public notice and comment, and it therefore lacks the force and effect of law.

Second, the supposed definition conflicts with the plain meaning of the language used by Congress. This definition could apply to a bubble gum wrapper, a hiking pole left unattended by mistake, a penny tossed into a pond by a child, a trap left behind for one or two days by a hunter, or a fly lost to a sunken log by a fly fisherman. If Congress had intended to implement such a broad and sweeping prohibition, it would simply have said that in the statute. Instead, by using the much more specific term “installation,” Congress plainly intended to prohibit a

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<https://www.accessfund.org/news-and-events/news/access-fund-partners-with-nps-on-climbing-management-training>.

²³ <https://www.blm.gov/policy/im-2007-084>

category of uses that is far narrower than “anything made by humans.” The definition used here by NPS is wholly detached from the usual meaning of the term “installation.” Moreover, NPS isn’t regulating bubble gum wrappers, unattended hiking poles, pennys, traps, or abandoned fishing gear as “installations” under the Wilderness Act—further evidence that this definition is overbroad and being applied in an arbitrary and selective manner.

Third, this definition conflicts with the context provided by other provisions of the Wilderness Act. Section 4 of the Wilderness Act is entitled “Use of Wilderness Areas” and subsection (b) states “Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historic uses.”²⁴ These are declared to be the “Public Purposes of Wilderness Areas.” Subsection (c) then declares “prohibited uses” - things like permanent roads, motor vehicles, landing of aircraft, structures, and installations.²⁵

In its overbroad definition of the term “installation,” JTNP has made no effort to account for the protections afforded to recreational and historic uses in Section 4(b) of the Act. Here, JTNP acknowledges that climbing and mountaineering are legitimate, historic uses of wilderness areas, and fixed anchors have always been an essential tool for climbers and mountaineers to safely navigate these areas. The record is clear that climbing, mountaineering, and the use of fixed anchors predate the Wilderness Act and, as to Joshua Tree, predate the designation of these areas as wilderness.²⁶ Those are “public purposes” that are protected under Section 4(b) of the Act. Yet, the overly broad definition of “installation” used here by JTNP declares the use of fixed anchors - and by extension much of the climbing and mountaineering that takes place in wilderness - as prohibited under Section 4(c). In this way, this definition renders the statute internally inconsistent and defeats the intent of Congress as reflected in Section 4(b) of the Act to protect recreational and historic uses including climbing and mountaineering as public purposes of wilderness areas.

Fourth, this very broad definition of installation is completely out of character with the very specific exceptions that come before it in the same list in Section 4(c)—all of which touch on commercial, motorized, or mechanized activities or something constructed like a structure. To define an installation as any man-made item left unattended is simply not consistent with how Congress carefully and narrowly crafted the list of prohibited uses.

In sum, DO41 does not define fixed anchors as “installations” and it views fixed anchors as generally acceptable in wilderness. This contrasts fundamentally with JTNP’s new interpretation of the Wilderness Act that fixed anchors are prohibited as “installations” and may only be allowed through the MRA process.

²⁴ 16 U.S.C. § 1333(b).

²⁵ *Id.* at § 1333(c).

²⁶ Wolfe, J., & Dominick, B. (1976). *A Climber's Guide to Joshua Tree National Monument*. Desert Rats Uninhibited Publication.

We note that Access Fund and the climbing community have been discussing fixed anchor regulation with federal agencies for decades. We appreciated the opportunity to provide public comment on DO41, have worked diligently to recommend reasonable practices for the implementation of DO41, and have focused on ensuring that the understanding and application of DO41 is consistent across the country. We believe that the NPS has ample authority under the NPS Organic Act and DO41 to regulate fixed anchor use without the need to adopt a new, contentious interpretation of the Wilderness Act. For these reasons, we strongly oppose JTNP departing from our heretofore shared understanding of DO41. The appropriateness of fixed anchor use in NPS wilderness was resolved in 2013 when DO41 was issued after robust public involvement.

Any attempt to revisit DO41 must take place at a national level with appropriate stakeholder engagement and input, rather than implementing a sea change in wilderness climbing management via a site-specific CMP developed by a discrete park unit. In addition, if JTNP persists in its new legal view, the NPS is under a heightened obligation under the Administrative Procedure Act to set forth a rational basis for this change in position. Moreover, such an important change in legal position in addition to the impact of the sweeping management actions that would follow (e.g., the potential removal of existing routes that “fail” an MRA process) would require an Environmental Impact Statement, as discussed further below.

Federal Land Management Agency Precedent and MRAs

To our knowledge, nowhere in any existing law, policy, or climbing management plan has a federal land management agency defined fixed anchors as prohibited “installations.” For example:

- The climbing policies issued by Yosemite National Park²⁷ and Rocky Mountain National Park²⁸ allow programmatic authorizations for the placement of fixed anchors in wilderness without any suggestion that fixed anchors are “installations.” Those premier climbing areas depend on fixed anchors to facilitate unconfined recreation and promote high quality wilderness experiences.
- The Forest Service has three active CMPs at the Pike,²⁹ Mark Twain,³⁰ and White Mountain³¹ National Forests. None of those Forest Service CMPs consider fixed anchors prohibited in wilderness, and all allow for conditional use and placement of fixed anchors.

²⁷ https://www.nps.gov/yose/planyourvisit/climbing_regulations.htm

²⁸

<https://www.nps.gov/romo/planyourvisit/climbing.htm#:~:text=Climbing%20opportunities%20range%20from%20bouldering,a%20bivouac%20permit%20is%20required.>

²⁹ <https://drive.google.com/drive/u/0/search?q=pike>

³⁰ <https://drive.google.com/drive/u/0/folders/1NVkdee3k7dhsqre5eBWF8eIAn2wr4rrP>

³¹ <https://drive.google.com/drive/u/0/search?q=white%20mountain%20cmp>

- Several USFS Forest Plans and Wilderness Plans also address climbing activities, including those for the Inyo,³² Carson, Nantahala-Pisgah,³³ and Cibola³⁴ National Forests, and none consider fixed anchors prohibited “installations”.

In sum, we are not aware of any federal land manager anywhere in the country that is currently regulating fixed anchors as prohibited installations. In addition, there are currently no wilderness areas where MRAs are used as a means of evaluating or permitting fixed anchors placed by users for recreational purposes. To our knowledge, the only application of the MRA tool specific to fixed anchor use in wilderness has occurred where a land management agency proposes to place a fixed anchor for administrative purposes, consistent with the language discussed above in section 7.2 of DO41.³⁵ For example, Rocky Mountain National Park used an MRA to permit the placement of fixed anchors (by park staff) for use in search and rescue operations (i.e., an administrative operation). The fact that no federal land management agencies have used or currently use MRAs to permit fixed anchors in wilderness is a clear indication that these agencies do not consider fixed anchors as “installations” under DO41 or other applicable laws and policies.

The Proposed Matrix “Category of Leadable Climbs” is Flawed

JTNP proposes to identify “bolt-intensive” routes as referenced in DO41 by using an analytical matrix entitled “Category of Leadable Climbs.”³⁶ As we understand it, this would be applied to every single route with one or more fixed anchors within Park wilderness. Using the matrix, any route classified as “Sport” would be deemed inappropriate in Wilderness and not approved or, if existing, removed. Any route classified as “Traditionally Bolted” or “Traditional” (both of which may have fixed anchors, according to the matrix), may also not be approved, or if existing, removed, if further MRA assessments showed unacceptable impact to wilderness character or other resources. This matrix is fundamentally flawed and would jeopardize climber safety.

JTNP’s attempt to define “bolt intensive” is problematic for several reasons. The matrix provides two “defining characteristics” to distinguish “Sport” and “Traditionally Bolted” routes, namely (i) the degree to which removable protection can be used to supplement existing bolts and (ii) bolt spacing. The matrix couches both these factors largely in terms of climber safety, *not* visual impact—or other impacts to wilderness character—which might bear on whether a route is compatible with wilderness. JTNP fails to explain how removable protection and bolt spacing may affect wilderness character. The Wilderness Act’s touchstone regarding recreation is whether the activity is primitive and unconfined, not whether it risks injury or death. Climbing enabled by fixed anchors is primitive and unconfined recreation, and whether a route is safer

³² https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd664404.pdf

³³ https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd987300.pdf

³⁴ https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd948219.pdf

³⁵ We are also aware that MRAs have been used by NPS administrators to allow the use of power drills to facilitate the replacement of existing fixed anchors in limited circumstances.

³⁶ Found at “climbing style categories” link at <https://storymaps.arcgis.com/stories/1659c1767cea4f53b202abb014224847>

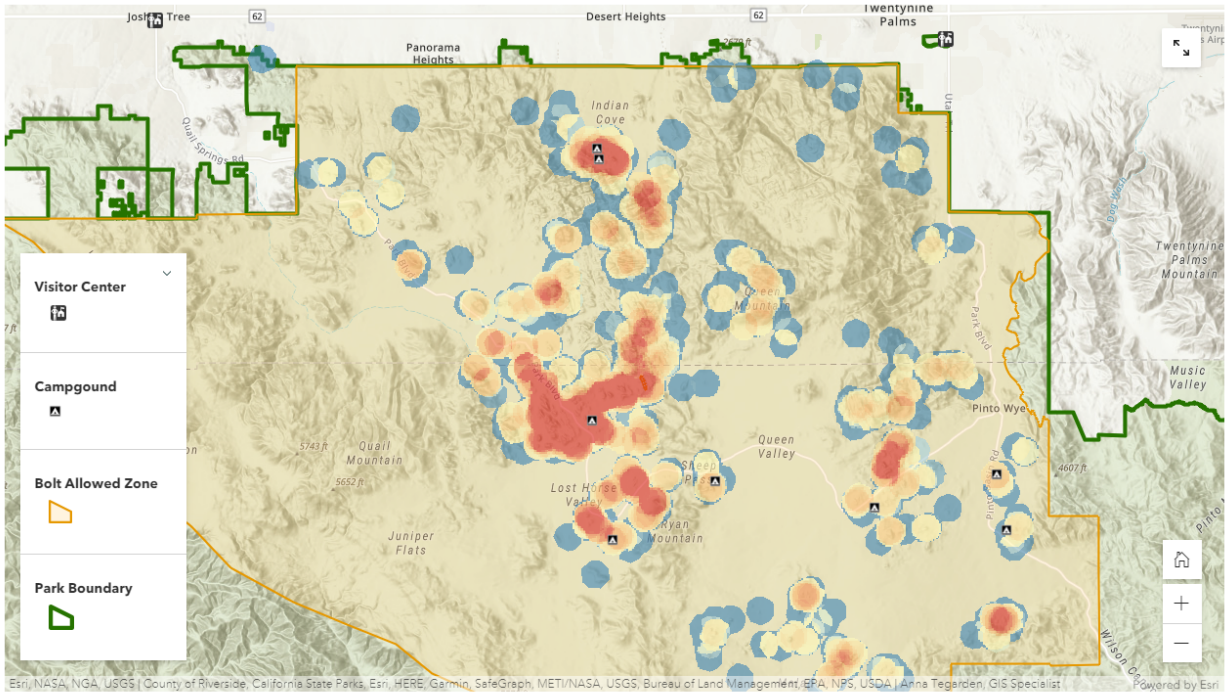
than another route because of the opportunity to place removable protection or the frequency of fixed anchors is irrelevant to effectuating Congress' intent to provide primitive and unconfined recreation.

The matrix is misguided because DO41 requires the NPS to focus on the activity that would occur or is occurring on a bolt-intensive route and the impacts of that activity on wilderness character. Again, Section 7.2 is clear that “[t]he establishment of bolt-intensive face climbs is considered incompatible with wilderness preservation and management *due to the concentration of human activity which they support, and the types and levels of impacts associated with such routes.*” (Italics added). Therefore, whether a bolt-intensive route is inappropriate in wilderness does not depend on the existence of the bolts themselves, but on the route's use level and resulting impacts. The proposed matrix has nothing to do with evaluating use level and potential impacts. Instead, it provides “defining characteristics” to categorize routes based solely on a route's opportunities for protection and climber experience related to safety. Nothing in DO41 or any other NPS guidance of which we are aware supports the use of such an analysis.

To implement DO41, the NPS should make the admittedly subjective call that the route is “bolt intensive,” and the NPS must then assess the route's use or potential use and evaluate that use's impact on wilderness characteristics and other resources to decide whether to approve the route and its associated fixed anchors. We acknowledge that DO41 establishes a policy presumption that “bolt intensive” routes are inappropriate in wilderness, but the focus of land managers should not be on establishing criteria or an analytical process to assess whether a route is “bolt intensive.” Again, the focus must rather be on existing or anticipated use and the impacts of that use.

In fact, JTNP presents a probabilistic model for climbing route destination choice in its CMP story map³⁷ that can be used for this purpose, although as we explain further below we think a better probabilistic model is available. The description in the story map narrative states that the predictive model is “based on four characteristics: 1) accessibility (distance to parking), 2) route difficulty, 3) popularity (star) rating, and 4) climbing style.” Climbing style refers to the type of climbing protection on the route. This is similar to what is described in the proposed “Category of Leadable Climbs” matrix, but ostensibly is designed to be merely one of several predictive factors to assess use level rather than an additional independent analytical protocol based on factors that have nothing to do with resource impact. Below is a graphic, called “Heat Map of climbing activity,” the NPS has provided demonstrating the use of this model.

³⁷ <https://storymaps.arcgis.com/stories/1659c1767cea4f53b202abb014224847>



Joshua Tree National Park - Heat Map of Climbing Activity

As this graphic demonstrates, the model can be used to show and to predict the general flow pattern of climbers. Such a model can be used to help assess potential resource impacts, and ultimately to identify whether management action (such as denial of an application for new fixed anchors) is necessary to protect wilderness characteristics and other resources. As such, the “Categories of Leadable Climbs” matrix is superfluous.

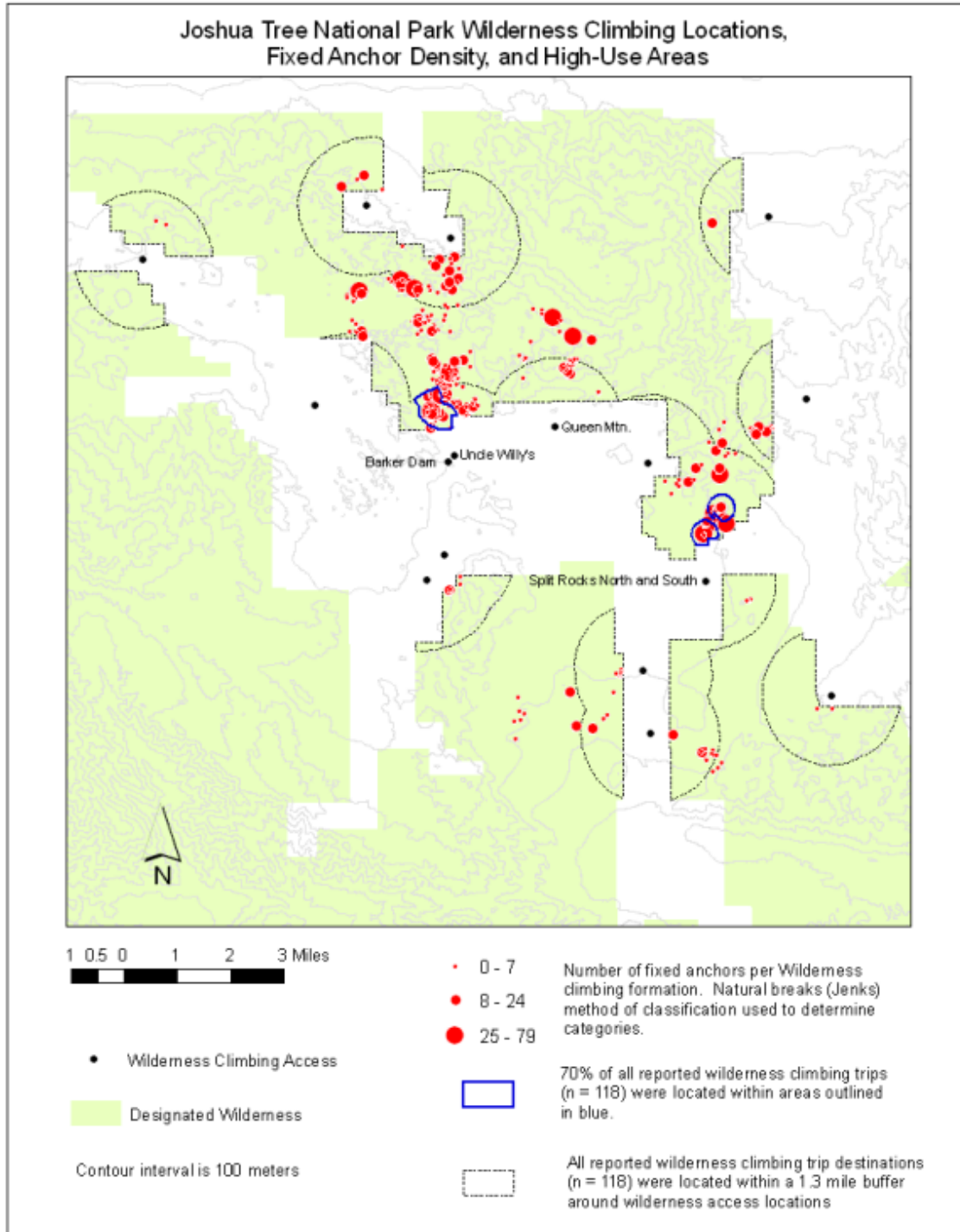
This graphic also demonstrates that fixed anchor intensity is not a critical driver of climber use, consistent with the direction in DO41 to focus on use levels and impacts rather than simply fixed anchor frequency.

This question is thoroughly examined in the JTNP report and associated 2010 dissertation titled “Perspectives on Rock Climbing Fixed Anchors Through the Lens of the Wilderness Act: Social, Legal and Environmental Implications at Joshua Tree National Park, California.”³⁸ The research clearly indicates that some bolt-intensive climbs attract high levels of use (and potential impacts to wilderness characteristics) and others attract low-levels of use (and no measurable impacts). The reasons for the difference are rooted in the destination choice model that applies the well-substantiated significant factors that determine how a climber chooses a destination - distance from trailhead, quality of route, and difficulty of route.

We think a more useful probabilistic model than that shown in the story map (based on the research just cited) is displayed below, which is in alignment with DO41 and based on the same variables and empirical evidence. This model displays the zones of high-use (climbers choose

³⁸ https://repository.arizona.edu/bitstream/handle/10150/194151/azu_etd_10974_sip1_m.pdf?sequence=1

those destinations more frequently) alongside the density of fixed anchors in the wilderness. This model is extremely useful for understanding where incompatible, bolt-intensive climbing routes might be located due to the “concentration of human activity which they support, and the types and levels of impacts associated with such routes.”³⁹



³⁹ NPS Director's Order #41, Section 7.2, 2013

The current understanding of climber flow patterns in JTNP Wilderness, combined with a near-comprehensive inventory of climbing routes, allows JTNP planners to consider well-informed, and less burdensome, management models for mitigating the impacts of inappropriate, bolt-intensive climbing. To comply with the Wilderness Act, JTNP should determine zones that correspond to use-levels in order to focus management efforts on high-use (and high impact) areas where bolt-intensive climbs are associated with measurable impacts to wilderness characteristics.

Further Implications of the JTNP Wilderness Fixed Anchor Proposal

Should JTNP premise the CMP on its new legal interpretation treating fixed anchors as prohibited “installations” in wilderness and regulate fixed anchor use based on the “Categories of Leadable Climbs” matrix, there will be numerous consequential implications not only for climbing, but also for safety, the administrative burden on the Park itself, and nationwide standards for wilderness management. We present some examples below.

Safety

Under the “Categories of Leadable Climbs” matrix, as explained at the scoping meeting on February 8, 2022, JTNP staff made clear that sparsely bolted, runout routes, which present a greater risk to climbers, are acceptable and less likely to be removed, but that more modern routes, with fixed anchors placed such that falls are unlikely to lead to injury or death, are generally unacceptable in wilderness and will likely be subject to removal.⁴⁰

The Wilderness Act was implemented by Congress to protect primitive and unconfined recreation for the benefit of the American people. This does not mean that wilderness recreation must be dangerous or risky. Primitive and unconfined recreation may well involve taking on and managing risk, but it does not require that the recreating public assume any specific level of risk to their safety in order to have a unique wilderness experience.

There are numerous bolt-protected routes deep in the JTNP backcountry that provide outstanding wilderness climbing experiences because of their remoteness and remarkable natural setting—not because they are runout and dangerous. The Wilderness Act does not direct or otherwise authorize JTNP to manage fixed anchors based on the level of risk posed to the climber—or the number of fixed anchors on any particular route. The Act authorizes JTNP to manage recreational uses to protect wilderness character. There is no need for a climb to be death-defying or especially risky for it to be consistent with the Wilderness Act.

At the same meeting, JTNP planners proposed that bolt-intensive routes deemed unacceptable in wilderness would be denied permits for fixed anchor replacement even though JTNP may not

⁴⁰ See <https://www.youtube.com/watch?v=ZsFSWgp3jQs>, 48:12-50:50.

remove those routes.⁴¹ This is a dangerous and very misguided approach to managing such routes. Leaving fixed anchors to slowly become life-threatening hazards is a baffling and hazardous way of regulating wilderness climbing, especially because JTNP may have allowed those routes to be developed or maintained previously. If a route is truly and justifiably unacceptable in wilderness (if, for example, it threatens sensitive cultural and natural resources and/or attracts unacceptable use-levels), the route should be closed to the public or removed rather than preventing the bolts from ever being replaced. JTNP should not use the risk of unsafe climbing conditions as a way to regulate fixed anchors in wilderness. We do not support any proposal that threatens the safety of climbers or serves as a significant obstacle to good samaritan climbers who volunteer to replace antiquated or unsafe fixed anchors within or outside of wilderness. A fixed anchor placement should either be acceptable and allowed to remain and be maintained, or not.

To the extent that the JTNP relies on its new position that fixed anchors are a “prohibited use” under the Wilderness Act and the “Categories of Leadable Climbs” matrix to remove bolted routes or prohibit their maintenance, the risk to climber safety would be exacerbated by the increased use of the remaining relatively less safe routes. It is reasonable to assume that there will be a number of less experienced climbers who, because safer, better bolted routes are unavailable, will attempt nearby more dangerous climbs. This may be a small number, but the risk cannot be considered immaterial because the ultimate consequence is death.

The foregoing discussion is just one more indication that JTNP’s unsupported shift in legal interpretation and management practices is misguided and threatens the recreational uses that are protected by the Wilderness Act. For years, Joshua Tree National Park has not regulated fixed anchors as “installations”, and for years the Park and the climbing community have been working together to facilitate fixed anchor maintenance to protect the safety of the climbing public throughout the Park. This shift in legal interpretation and policy will undo all of that hard work and result in a chaotic and uncertain management system that may one day lead to the death or serious injury of one or more of our community members.

Facilitated Access

There are numerous implications beyond safety that JTNP must also consider. On the theme of accessible recreation, the current proposal would adversely impact opportunities for facilitated recreation in the JTNP backcountry, specifically from guides and outfitters, who often heavily rely on fixed anchors to make the wilderness climbing experiences possible to the American public. Should certain fixed anchors be allowed to age to a dangerous state or be removed wholesale, it could also cause more competition among guides and outfitters for a smaller number of safe and accessible wilderness climbing routes for their clients. The JTNP facilitated access community have been staunch supporters of the Park and of wilderness conservation for decades, and it is critical that the full range of impacts to their livelihoods and their ability to

⁴¹ See <https://www.youtube.com/watch?v=ZsFSWgp3jQs>, 1:31:00-1:32:41

connect the public to wilderness is considered, as well as long-term outcomes for the outdoor recreation economy in and around Joshua Tree and other rural communities more broadly.

Equity

The proposed model for wilderness fixed anchor management also presents an equity issue. Runout, dangerous routes are inherently inaccessible to most climbers due to the level of skill they require to climb and the level of risk the climber must accept in order to attempt them. But under the current proposal, over time, many if not all of JTNP's remaining fixed anchor-protected wilderness climbing that is deemed inappropriate in wilderness would fall into this category, either because fixed anchors and routes will be removed or because JTNP will not allow aging fixed anchors to be maintained by the climbing community. This would, in the long term, make JTNP's wilderness climbing considerably less accessible to any climber without years of experience and practice, and with climbing growing at a significant rate (and JTNP located a short drive from Los Angeles and other major metropolitan areas), this also means that a significant proportion of climbers visiting JTNP will have reduced opportunities to experience the backcountry, at least safely. This again runs directly counter to the purposes and protected uses for which Congress designated in the Wilderness Act almost 60 years ago.

Newer climbers having less access to the JTNP backcountry also creates a compounding equity issue. With climbing diversifying quickly, younger climbers - and thus those with fewer years of experience - are more likely to identify as Black, Indigenous, people of color, and women than ever before in climbing's history. Thus, the proposal to manage fixed anchors based on the number of fixed anchors per route or risk to the climber may have a disproportionate impact on people from marginalized communities who have not historically benefitted from access and climbing instruction and are only just now entering into the community in large numbers. These folks are more likely than other climbers to face reduced access to wilderness climbing under the current proposal, at a time when it is critical to ensure that these new climbers feel able to access all of what climbing has to offer. We urge JTNP to consider this unintended consequence as managers continue to build out the CMP.

Resource Impacts

The current proposal is also likely to have unintended consequences to natural and cultural resources in the Park as well as wilderness character of routes that are not removed. Fixed anchors, in and of themselves, have an extremely minimal impact to the natural environment, with essentially no impact to natural systems and processes. The visual impact of fixed anchors can be ameliorated by camouflaging the anchors or other measures, such as placing the anchor in a more inconspicuous but equally protective location. As pointed out above, DO41 specifically recognizes that the key consideration is the level of use and the impact of that use associated with "bolt intensive" climbs, not because of the fixed anchors themselves. As the 2000 Backcountry Management Plan states, "The presence of bolts on a climb does not necessarily mean that the route or the area would be heavily impacted. Other factors, such as the climb's

difficulty, relative degree of safety, ease of access, perceived quality by climbers, and proximity to other routes with similar qualities, are more important in determining a route's popularity and frequency of use."⁴² The plan goes on to conclude that "[t]he number of bolted routes in wilderness alone is less important than the cumulative levels of resource impact associated with climbing those routes."⁴³

Under JTNP's current proposal, this exact risk—impact due to concentration of use—would be exacerbated, not improved. By reducing the opportunities to experience JTNP's wilderness climbing—by removing a significant number of routes—climbers will concentrate their use on the most safe and accessible climbs that remain. Research⁴⁴ on climbing use patterns in JTNP clearly indicates that routes attract high levels of use due to physical accessibility, climbing quality, and safety. By reducing opportunities for relatively safer climbing (either by removing fixed anchors or letting them age out), JTNP will very likely increase use on a smaller number of climbs, exacerbating impacts and harming wilderness character, even if the overall number of fixed anchors in the backcountry declines.

Precedent

Stepping back to a nationwide view, the precedent JTNP will set by defining fixed anchors as prohibited "installations" is a serious one, with obvious implications for other agencies, parks, outfitters and guides. Such a precedent fundamentally changes the longstanding view that fixed anchors are inherently allowed with regulations implemented as needed, to the opposite regime where fixed anchors are inherently prohibited with exceptions implemented as needed. The potential for this shift to impact climbing access nationwide is profound, and a serious threat. The last time such an interpretation was taken (by an office of the Forest Service in 1998), it led to a nationwide ban on fixed anchors in Forest Service wilderness, which was overturned by Congress after it was strongly and successfully contested by numerous conservation and recreation organizations. JTNP's current proposal needlessly opens the door for new iterations of this incident to occur, especially in parks and other federal land management units that do not have as strong an understanding of the importance of fixed anchors in wilderness as JTNP, and which are far more likely to move toward overly restrictive and potentially illegal regulations on fixed anchors. The nuance that JTNP is operating within when it distinguishes between fixed anchors as being "prohibited" instead of "illegal" is something that will likely be lost on other land managers, who may understand the term "prohibited" far more literally and be less amenable to using MRAs and having widespread administrative exceptions for fixed anchors in their wilderness areas, when they can simply ban them as a prohibited use.

⁴²

https://www.google.com/url?q=https://pubs.etic.nps.gov/eTIC/INTE-LACL/JOTR_156_138300_0001_of_0342.pdf&sa=D&source=docs&ust=1644950239178347&usq=AOvVaw3sYIa-8ekM3kOgk0QfuxpS p. 40.

⁴³

https://www.google.com/url?q=https://pubs.etic.nps.gov/eTIC/INTE-LACL/JOTR_156_138300_0001_of_0342.pdf&sa=D&source=docs&ust=1644950239178347&usq=AOvVaw3sYIa-8ekM3kOgk0QfuxpS p. 44.

⁴⁴https://repository.arizona.edu/bitstream/handle/10150/194151/azu_etd_10974_sip1_m.pdf?sequence=1&isAllowed=y

Administrative Burden

Finally, it is also worth noting the administrative burden JTNP's proposal will place on the Park. Fully implementing climbing management plans from 1993 and 2000 has already proved to be extremely challenging, and the scope of the current proposal in many ways exceeds that of previous climbing management strategies. How will JTNP ensure that implementation of its proposal—which, to be effective, must include a full inventory of wilderness fixed anchors, and a case-by-case evaluation of each fixed anchor-protected route in wilderness for suitability—is fully realized? How will monitoring be conducted to determine which routes are truly unsuitable for wilderness and which are acceptable? Does JTNP have adequate staffing and funding to comply with the National Environmental Policy Act and other federal law, such as the National Historic Preservation Act, in issuing the MRAs that are called for? Is JTNP prepared to defend in court its decisions to allow wilderness climbing if those actions are challenged by groups that want to see those climbs removed? Where fixed anchors are found to be inappropriate, who will be contracted to remove them, and what standards will they use to minimize the impact of removal? Is there adequate funding and staffing to properly execute the above needs? Is the NPS exposing itself to liability under the Federal Tort Claims Act by directing climbers to less safe routes or removing or not permitting the replacement of existing fixed anchors? These are just a few of the more apparent logistical and practical questions JTNP will need to consider under the current proposal, and which, if left unaddressed, will likely be major roadblocks to achieving the goals of this new CMP if it implements JTNP's current proposal.

Based on the above factors—including impacts to human safety, equity, guides and outfitters, and natural resources, the administrative and logistical burdens that will result from the new proposal, and the likelihood of setting a damaging national precedent—we believe that Joshua Tree National Park must prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act, to review and assess the proposed direct, indirect and cumulative environmental impacts as well as a full suite of proposed alternatives prior to approving a CMP. In the absence of such a dramatic change in legal interpretation and management practice under the Wilderness Act, we believe that NPS and the climbing community could easily come together to agree on a process for evaluating and managing the impacts of climbing on wilderness characteristics without the need for an EIS. But here, where the proposed change in legal position threatens human safety, threatens increased impacts to natural resources in other areas of the park, and threatens to set a national precedent, we believe an EIS must be prepared to fully evaluate these potential impacts prior to a final decision.

Frontcountry Fixed Anchors

We support the current allowances in place for frontcountry fixed anchor use, where new fixed anchor placement, replacement or removal outside of wilderness requires a permit as of February 22, 2022.

*'Climbing is permitted in Joshua Tree National Park. Climbing with fixed anchors is permitted in the areas where fixed anchors were installed prior to the issuance of this compendium. Until the completion of a revised Climbing Management Plan, the installation, removal, and replacement of all bolts is suspended unless authorized by the superintendent through a Special Use Permit. The use of a motorized drill is prohibited for the installation, removal or replacement of a bolt unless authorized by the superintendent through a Special Use Permit.'*⁴⁵

This new process should be clearly defined in the CMP and allow for expedient replacement of fixed hardware. We also support the zone management strategy the park currently utilizes to designate restricted and open areas for fixed anchors throughout the park. We support the current open and restricted zones.

Hardware Standards

We support current JTNP guidelines on hardware. Modern standards for bolts specify a minimum of 1/2" diameter and 2.5" in length, made of stainless steel (both hanger and bolt to avoid mixing metals), manufactured or sold by a brand commonly accepted for climbing use (i.e., Fixe, certain Powers bolts, Petzl, Metolius, etc.). Visual impacts from fixed anchors can be minimized by camouflaging the bolt and hanger to match the rock. Varying environments will have varying needs in terms of hardware. However, in the dry JTNP climate, and with high quality, very hard granite being the norm throughout the park, more specialized hardware (like titanium bolts, or glue-in bolts), should not be necessary. For more details on hardware standards accepted by the climbing community, consult the American Safe Climbing Association webpage: <https://safeclimbing.org/new-anchor-guidelines>. Best available bolting techniques and hardware should always be used.

Bouldering

Bouldering has increased significantly in popularity alongside sport and traditional climbing in recent years. As an extremely accessible form of climbing, bouldering has brought many into the climbing community and has seen a renaissance of sorts in JTNP, with many new boulder problems being established. Bouldering presents its own impacts, typically in the form of flattened vegetation at the base of boulder problems due to crash pads and repeated falls.

Standards and guidelines for bouldering should be similar in spirit to those for other forms of climbing—in other words, broadly permissive, with restrictions where specific, sensitive resources or sites come into the equation. During the public meeting there was discussion on potential "no pad zones." Access Fund and FOJT are willing to assist JTNP in establishing criteria for these zones. The concept of "no pad zones" could potentially apply to areas where rare plant species may grow at the base of a boulder problem, or where Indigenous cultural

⁴⁵ Joshua Tree Superintendent's Compendium. March, 2022
<https://www.nps.gov/jotr/learn/management/superintendents-compendium.htm>

sites may be present. Bouldering (like all forms of climbing) should be managed appropriately to mitigate impacts, in a targeted and specific manner. Bouldering can and does occur in wilderness areas as well, where it is an appropriate activity, albeit subject to a higher standard in terms of resource protection. A robust education campaign is critical to mitigating bouldering impacts.

Climbing Access Routes

The largest impact stemming from climbing recreation is often not a result of the act of climbing itself, but rather from the approach to and descent from the crag. Because so many climbing areas are off designated trails, it is rare for official park trails to go to the cliff bases or boulders climbers seek to access. As such, numerous user-created social trails have sprung up around the park, leading to braided/redundant trail systems, erosion, trampling, and other resource impacts.

These trails are essential for climbing access. However, they can be suboptimal from an environmental point of view. We suggest that JTNP work with the climbing community to identify essential climbing access trails, stabilize them where necessary to avoid further impacts, bring such trails into the official trail inventory, and close any remaining redundant or inappropriate trails. This is a major project, but is a strong and proven strategy for providing sustainable recreational opportunities while preventing environmental degradation. Access Fund has collaborated with the park for over 25 years on mitigating social trails, and is ready, willing, and able to assist with optimizing the JTNP climbing trail system, and has extensive local knowledge of the critical access points and problem spots around the park.

Overcrowding

With visitation nearly surpassing three million users in 2019, JTNP, like many public land destinations, is grappling with the issue of overcrowding. In response to this national trend, and spurred on by case studies born from the need to reduce capacity during the Covid-19 pandemic, we are seeing public lands across the nation institute a variety of new systems to keep visitation within acceptable limits, such as timed entry permit systems and required reservations. If JTNP considers creating such a system, we feel it is critical that they engage with the public early and often to help devise a system that is fair and sustainable, and which optimizes the social experience of the park.

We also understand that the park is concerned with wilderness solitude in particular. One possible mitigation strategy to disperse use between climbers and the general public is to create new resources (trails, parking areas, etc.) targeted towards non-climbing recreation. For example, within the Wilson corridor, a loop trail between the Twin Tanks and the Cholla Cactus Garden would create an excellent zone for experiencing solitude in wilderness that would be separate from climbing use.

Natural Resource Protection

Climbers are very much an environmentally-minded group. A widespread commitment to conservation, extremely high compliance rates for seasonal raptor closures, and many hours of volunteer time devoted to stewardship all attest to the desire climbers have to protect the places they love to climb in. As such, we strongly support appropriate measures to safeguard flora and fauna from recreational impacts. Doing so falls in a spectrum from general education about LNT practices to targeted closures of sensitive areas. We support site specific management based on quantifiable surveys and data, and are happy to work with the park on devising management strategies and communicating regulations to the climbing community.

[Access Fund recently published a handbook on raptor management](#). The handbook is the result of years of effort to compile every relevant article related to managing recreation, specifically climbing, in raptor habitat, and it includes a 20 page reference list in Appendix A (a living document that is linked to the handbook). The handbook was reviewed and edited by Hawkwatch, UFWA, and NC Wildlife Resources Commission. It represents the latest knowledge base and mitigation models for protecting raptors. We suggest that JTNP utilize the most current, science-based models for protecting nesting raptors.⁴⁶

We are also ready, willing, and able to help planners identify and improve the climbing related infrastructure, trail system, roads, and other management needs the NPS may require to provide for sustainable climbing opportunities in the park. In addition, some aspects of this planning initiative may qualify for Access Fund Climbing Preservation Grant Program or assistance from our Conservation Team, which helps maintain climbing areas throughout the United States by assessing climbing area conservation needs, working with locals to address those needs, and providing training on planning and stewardship best practices to keep those areas healthy.^{47,48}

Human Waste

Improper disposal of human waste is a growing issue across all recreation user groups. JTNP has numerous frontcountry vault toilets which greatly assist in managing human waste disposal while climbers visit the park. Human waste disposal is a significant issue in backcountry settings which are far from vault toilets. Access Fund generally recommends in high use areas and or areas with fragile habitats (i.e. the desert) that climbers use ReStop or Wag bags and pack out their waste.⁴⁹ We suggest JTNP consider how they want climbers to manage their waste in the backcountry and include such considerations in this CMP along with strategies for public education.

⁴⁶<https://d1w9vyym276tvm.cloudfront.net/assets/Access-Fund-Raptor-Handbook.pdf?mtime=20210603122128&focal=none>

⁴⁷ <https://www.accessfund.org/take-action/apply-for-funding/apply-for-a-climbing-conservation-grant>

⁴⁸ <https://www.accessfund.org/pages/conservation-team>

⁴⁹ <https://www.accessfund.org/learn/the-climbers-pact/poop>

Indigenous Communities

We strongly support efforts by both the Park and climbers to partner with and support the many Indigenous communities that count JTNP among their traditional lands. We acknowledge the place currently known as Joshua Tree National Park as the ancestral lands of the Cahuilla, Serrano, Chemehuevi, and Mojave peoples. Protecting Indigenous cultural and sacred sites is a crucial aspect of the CMP. Where climbing poses a risk to such places, we support mitigation measures appropriate to the scenario, whether that means education for recreationists, rerouting an approach trail, closures, or other methods. We are eager to work with the park and the local climbing and tribal community to discover ways that climbers can be better allies to tribes, and welcome any opportunities to learn from the Indigenous community.

Education

Education is a constant need in popular destinations like JTNP, both in terms of LNT principles to prevent resource impacts, and also in terms of climbing best practices to avoid social impacts as well as search and rescue incidents. JTNP already provides useful educational resources to climbers in the form of printed materials, climber coffees, permit application processes, and other sources, and we appreciate and support the park's efforts in creating these opportunities. We are more than willing to contribute time and energy to additional educational efforts the park may wish to explore. Between our local and national resources, we are well-equipped to partner with the park and find innovative solutions to ensure users are well-equipped with the knowledge and skills they need to recreate sustainably, safely, and with respect for cultural resources.

Justice, Equity, Diversity, and Inclusion (JEDI)

We urge JTNP to work with the local community to advance inclusive and equitable access to the park and its recreational opportunities. It is well documented that people of color often use outdoors spaces at lower rates than their white peers. Beyond this, people from other marginalized communities, such as the LGBTQ and differently abled communities, can face additional challenges to getting out on public lands. As an outstanding natural area located in a diverse community, as well as within a short drive of one of the largest and most diverse urban centers in the nation, JTNP should be accessible to people from a wide variety of backgrounds. Access Fund and FOJT all have staff and/or members dedicated to JEDI issues, and are more than willing to offer our time and resources to assist the park in applying JEDI principles to their work on the CMP. The climbing community has embraced JEDI, and individuals, organizations, and land managers across the country are committing themselves to a vision of a more diverse and equitable future for the lands they love. We strongly believe that JEDI has a role to play in climbing management, and are eager to support the park in their own JEDI journey.

* * *

The Access Fund and Friends of Joshua Tree welcome this opportunity to provide scoping comments to the Joshua Tree National Park Climbing Management Plan. As noted herein we believe there are several reasons to believe that JTNP's unprecedented proposal to define climbing fixed anchors as prohibited installations will have far reaching impacts not focused on the purpose and need of this CMP initiative. The purpose of this plan is to guide the management of rock-based recreation activities for the protection of cultural resources, natural resources, and wilderness character, and to support the public's desire to enjoy the park through climbing related activities. JTNP has all the tools it needs under existing law and NPS policy to accomplish this project without creating a new presumption that fixed anchors are prohibited installations. In creating this new presumption JTNP will create numerous practical concerns, limit a legitimate use, cause a public relations backlash, and not protect wilderness character any more than had it simply used the existing management and planning tools at its disposal. We look forward to working with the NPS to devise a more practical approach that effectively protects wilderness character in JTNP while also providing for the recreation purpose confided in the Wilderness Act.

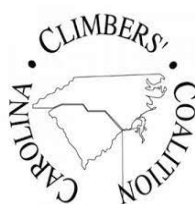
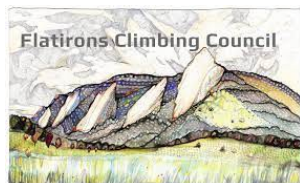
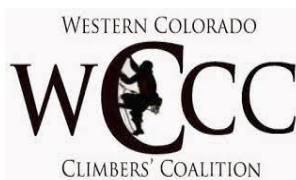
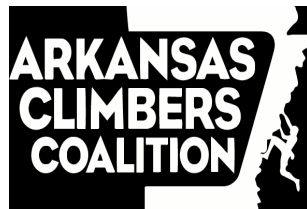
Sincerely,

A handwritten signature in cursive script, appearing to read "Chris".

Chris Winter - Executive Director
Access Fund

A handwritten signature in cursive script, appearing to read "John Lauretig".

John Lauretig - Executive Director
Friends of Joshua Tree



3/11/2022

Superintendent David Smith
Joshua Tree National Park
74485 National Park Drive
Twentynine Palms, CA 92277-3597

Submitted online at: <https://parkplanning.nps.gov/commentForm.cfm?documentID=117603>

RE: Climbing Community Comments on Joshua Tree National Park Climbing Management Plan Scoping

Superintendent Smith and Climbing Management Planning Team,

The climbing community appreciates this opportunity to provide comments during the scoping period for the proposed Joshua Tree National Park (JTNP) Climbing Management Plan (CMP). Our organizations have worked for many years to find common ground on smart management policies that protect wilderness characteristics, natural resources and cultural values while also

allowing opportunities for climbers and mountaineers to experience the solitude and beauty of wilderness areas across the country.

JTNP attracts visitors from around the world to experience the fragile desert landscape. The world-class climbing opportunities at JTNP attract more than 500,000 climbers per year and provide a unique opportunity for primitive and unconfined recreation in JTNP's Wilderness. Climbers challenge themselves on a wide spectrum of climbing routes that offer a variety of climbing styles, difficulty levels, and settings. Climbing—including the use of fixed anchors—is a historic use at JTNP and predates the first JTNP Wilderness designation in 1976. The undersigned organizations support climbing, in and outside designated wilderness, as an acceptable and appropriate use at JTNP.

Comments

The climbing community supports efforts by JTNP to manage access for climbing and other forms of outdoor recreation to ensure that it is sustainable and protects natural and cultural resources of the Park. We also believe strongly that JTNP must be managed to allow for and support climbing as a form of primitive and unconfined recreation, allowing climbers to safely experience the vertical environment of Joshua Tree, which requires, in certain circumstances, the use and maintenance of fixed anchors. Climbing and the associated time spent outside in nature have a host of well documented benefits for the American public - benefits to our physical, mental and spiritual health, benefits to local rural recreational economies, and benefits to conservation and stewardship as people grow more connected to the land around them. Thus, we support the Park's efforts to balance sustainable access for climbers and the protection of natural and cultural resources through a Climbing Management Plan.

Our organizations are particularly concerned with JTNP's new interpretation of the Wilderness Act that defines fixed anchors as installations. Fixed anchors, critical climbing tools used to facilitate safe ascent or descent of technical, vertical terrain, are fundamental to rock climbing. Defining fixed anchors as installations would create a presumption that they are prohibited in wilderness. This presumption will make it difficult to secure permission to maintain existing anchors and place new anchors to protect climbing routes and may also result in widespread removal of existing anchors from wilderness areas. The combined effect of these actions would be to significantly reduce climbing opportunities in wilderness and will make it much more difficult for climbers and other recreationists to support wilderness designations.

Climbers have supported, advocated for, and enjoyed Wilderness areas since the creation of the Wilderness Act in 1964 specifically because Congress carefully incorporated dispersed recreation into the very definition of Wilderness and the mandates that apply to the administration of those areas for the American public. Climbers venture into wild places because of the specific and special experience Wilderness offers for solitude and primitive recreation, and climbing is an activity that epitomizes an unconfined type of recreation. From summiting the Diamond on Longs Peak to scaling El Capitan, technical climbing is mandatory to experience some of the most iconic Wilderness recreational opportunities in the nation.

Climbers have explored the far reaches of America's Wilderness system and "[t]he NPS recognizes that climbing is a legitimate and appropriate use of wilderness."¹ Those experiences in wild places and vertical environments have inspired generations of climbers and mountaineers to become advocates for the Wilderness system and the protection of fragile landscapes that meet the definition of Wilderness as established by Congress.

We believe this new interpretation is unnecessary. The National Park Service (NPS) already has the tools it needs to effectively manage climbing in wilderness and to develop climbing management plans that effectively protect wilderness character. Director's Order #41 (DO#41), Section 7.2, outlines clear management guidance for regulating fixed anchors in designated wilderness. DO#41 does not treat fixed anchors as prohibited installations, nor does it require a Minimum Requirement Analysis (MRA) for recreational climbing fixed anchors (although it does require MRA for administrative purposes such as search and rescue). We believe that JTNP should use DO#41 and the other management tools available under its existing authorities to manage wilderness climbing. This approach is preferable to asserting a new interpretation of the Wilderness Act that was not informed by public process and does not align with current federal policy^[1] and practice.

To be clear, we support the regulation of climbing in wilderness areas. In fact, over two decades ago the Access Fund, Friends of Joshua Tree, The Wilderness Society, and National Parks Conservation Association submitted a joint comment on the 2000 JTNP Backcountry and Wilderness Management Plan. We jointly supported management policies, similar to DO#41, that included an authorization process for new fixed anchors, restrictions that prevent damage to natural and cultural resources, and the replacement of antiquated fixed anchors without excessive administrative burden. This joint comment letter also supported a holistic approach to climbing management that does not rely on prohibiting fixed anchors as installations.

Since then, our organizations and the NPS have continued to work together in good faith to determine the best methods for managing climbing in wilderness. We made strong progress since the approval of DO#41 in 2013 and collaborated on recommendations for the Reference Manual #41 supplement (pending). Throughout our numerous discussions and conferences, none of our organizations, nor the NPS, regarded fixed anchors as prohibited installations. This included the 2017 NPS Climbing Management Conference in Tucson, AZ attended by NPS climbing and wilderness policy experts from across the country and many of our local climbing organizations.

The national-level policy formation process that resulted in DO#41 included extensive stakeholder input, public notice and comment, and subsequent collaboration. We do not think the agency should cast this collaborative work aside and change course in the context of a single management decision made by a single unit of the National Park Service. This is not an effective way to manage primitive and unconfined recreation within the National Wilderness Preservation System.

¹ 2013 NPS Director's Order #41, Section 7.2, Climbing

We do not support a reinterpretation of the Wilderness Act that treats fixed anchors as installations. Instead, we support smart, effective climbing management strategies that address the entire climbing activity, from parking areas and access trails to staging areas and the summits of climbing routes, in a manner consistent with the Wilderness Act and accepted wilderness management principles.^[2] This has been the approach taken by not only the NPS, but other federal land management agencies responsible for administering the 110 million acres of wilderness nationwide.

Instead of reinterpreting the Wilderness Act, the National Park Service should focus on implementing the tenets of DO#41 as it was adopted in 2013. We collectively stand by ready to assist in that effort. To implement DO#41, each park unit that manages climbing should prepare a site-specific climbing management plan. In preparing its plan, each unit should identify climbing routes that threaten wilderness characteristics. This process for evaluating whether climbing routes are incompatible with wilderness values should follow the DO#41 guidance.

JTNP's proposal represents a significant deviation from DO#41. The key part of the Director's Order is this statement: "The establishment of bolt-intensive face climbs is considered incompatible with wilderness preservation and management due to the concentration of human activity which they support, and the types and levels of impacts associated with such routes."^[3] Thus, DO#41 focuses on the impacts of high use levels, the types of impacts those use levels cause, and the resulting effects on wilderness character. This approach focuses management solutions on the measurable and objective impacts of climbing routes on wilderness character. This approach is preferable to a blanket determination that fixed anchors are installations.

At a practical level, the proposed reinterpretation of the Wilderness Act will cause significant confusion and consume significant agency resources at a time when land managers are struggling to cope with staffing shortages, resource limitations, climate change and other threats to wilderness values. Under the approach proposed by Joshua Tree National Park, existing fixed anchors would be treated as presumptively prohibited. Land managers would then need to locate, catalog, and assess all of these fixed anchors to determine whether to allow them to remain in place. This would be an insurmountable task.

The proposed reinterpretation would also adversely impact climbers in significant ways. For example, this new policy could limit climbers' ability to replace and update existing anchors that are aging and outdated and do not provide adequate safety for climbers. This would have the effect of restricting climber access to many of the most iconic climbs in Joshua Tree National Park and other park units across the country, cause significant uncertainty for guides who have historically relied on such anchors, and send the message that climbers are not welcome in wilderness.

Our organizations are also concerned that JTNP's proposed CMP will deter climbers from supporting critical conservation initiatives and alienate climbers from their wilderness roots. Many of the greatest conservation gains during the 21st century have been a direct result of the collaboration between the human-powered outdoor recreation and conservation communities.

The climbing community was integral to the development and passage of the Wilderness Act of 1964 as well as the protection of wilderness areas and other protected landscapes for more than a half century. The proposed JTNP climbing management policy will affect the public's opinion of the need for conservation and have a negative and direct impact on the future of America's public lands.

We hope that JTNP will reconsider its proposal to treat fixed anchors as prohibited installations, and instead determine the best path forward is to manage recreational climbing in accordance with Director's Order 41, and to protect wilderness character utilizing the many policy tools available today.

Sincerely,



Chris Winter, Access Fund Executive Director

Cosigned:

Billy Simek, Executive Director - Red River Gorge Climbers' Coalition

John Connor - The Climbing Stewards

Peter Minearo - Allied Climbers of San Diego

David Thompson, President - Arkansas Climbers Coalition

Kenny Parker, Vice President - New River Alliance of Climbers

Jed Johnson, Treasurer - Ohio Climbers Coalition

Bryan Friesen - Southern Nevada Climbers Coalition

Peter Monks, President - Bay Area Climbers Coalition

Jesse Zacher, President - Western Colorado Climbers' Coalition

Matt Perkins, President - Washington Climbers Coalition

Rui Ferreira - Flatirons Climbing Council

Stephanie Giguere, President - Western Massachusetts Climbers' Coalition

Ryan Shipp, President - South Central Pennsylvania Climbers

Cory Quackenbush, President - Northern Arizona Climbers Coalition

Rachel Nelson, President - Friends of Indian Creek

Audie Smith MD, President - East Tennessee Climbers Coalition

Mike Reardon, Executive Director - Carolina Climbers Coalition

Jason D. Martin - American Alpine Institute

Michael Habicht, Founder and Board Member - Tahoe Climbing Coalition

Julia Geisler, Executive Director - Salt Lake Climbers Alliance

Edwin Bachetti, President- Mid Atlantic Climbers