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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

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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

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<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>

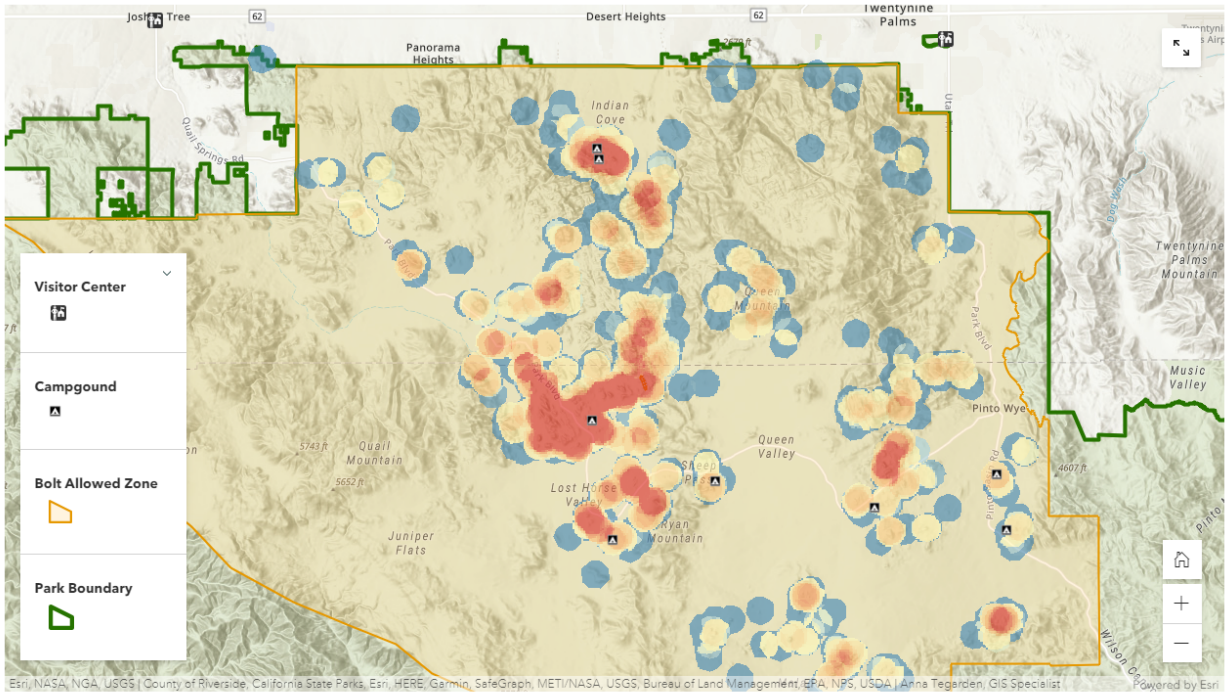
than another route because of the opportunity to place removable protection or the frequency of fixed anchors is irrelevant to effectuating Congress' intent to provide primitive and unconfined recreation.

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.

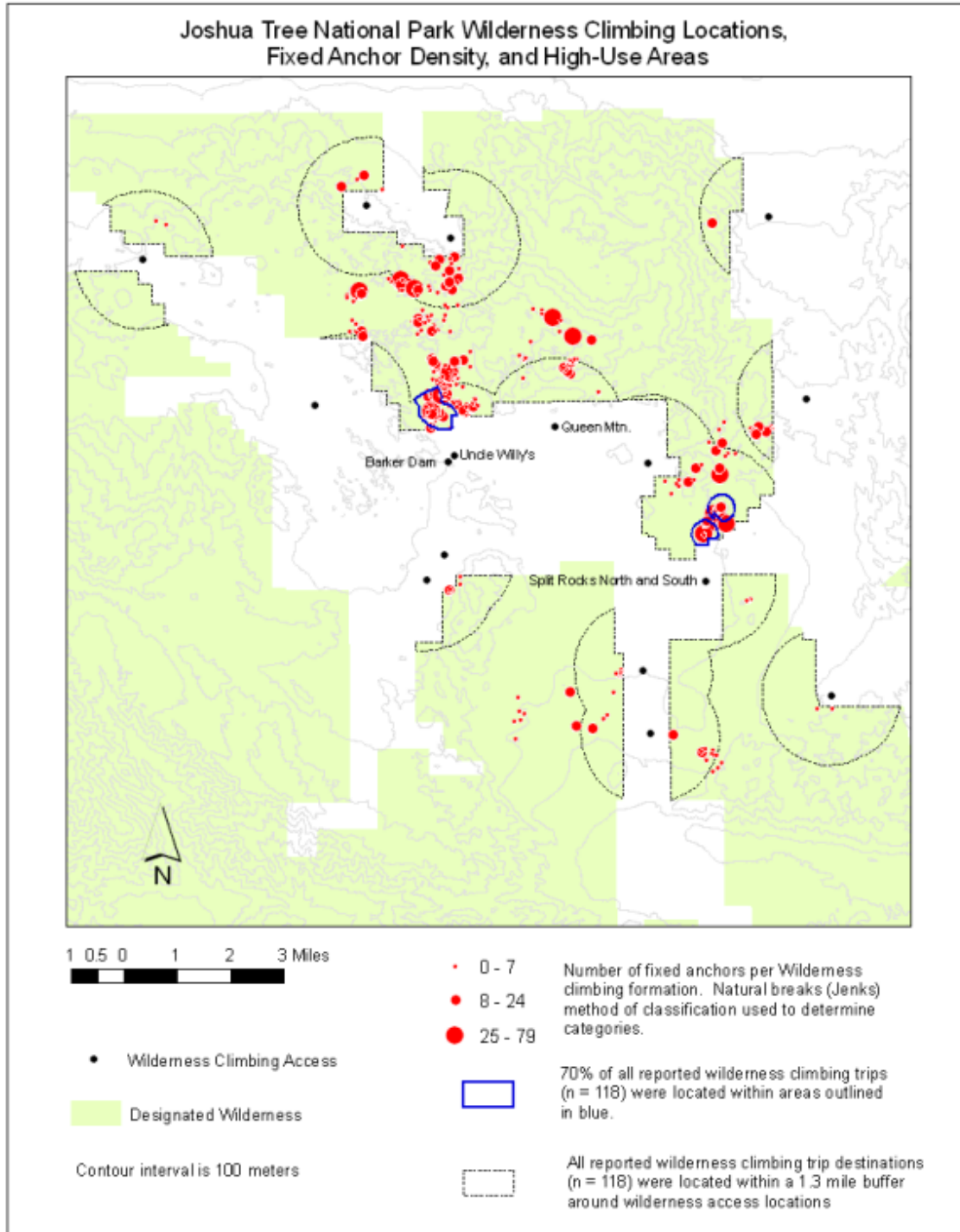
This graphic also demonstrates that fixed anchor intensity is not a critical driver of climber use, consistent with the direction in DO41 to focus on use levels and impacts rather than simply fixed anchor frequency.

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, UFWS, 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,



Chris Winter - Executive Director
Access Fund



John Lauretig - Executive Director
Friends of Joshua Tree