



Protect America's Climbing

Date: 8/12/2016

To:

Town of Lyme

Attn: Dina Cutting-Administrative Assistant

1 High Street

PO Box 126

Lyme NH 03768

603-795-4639 ext:14

Email: dina@lymenh.gov

Re: Town of Lyme Ban on Rock Climbing at Holt's Ledge

Dear Town of Lyme Selectboard,

The local climbing community near the Town of Lyme, NH and the nationally based non-profit climbing access organization the Access Fund appreciate this opportunity to work with the Town of Lyme (Town) to address the current closure of the Town owned portion of the Holt's Ledges which has become a local rock climbing destination. Recently the area was closed by the Town of Lyme for a variety of reasons. The following letter addresses the Town's concerns and aims to clarify the use of Holt's Ledge as a rock climbing area. We request the Town refrain from removing bolts at this time and reconsider the ban on climbing at Holt's Ledge.

The Access Fund

The Access Fund is a national advocacy organization whose mission keeps climbing areas open and conserves the climbing environment. A 501(c)(3) non-profit supporting and representing over 6.8 million climbers nationwide in all forms of climbing—rock climbing, ice climbing, mountaineering, and bouldering—the Access Fund is the largest US climbing organization with over 13,000 members and 100 affiliates. The Access Fund provides climbing management expertise, stewardship, project specific funding, and educational outreach. For more information on the Access Fund visit: <https://www.accessfund.org/>.

Background

Holt's Ledge is a cliff just south of The Dartmouth Skiway within the Town of Lyme, NH. There is a long tradition of rock and ice climbing on these cliffs. There are traditional,

bolted and mixed routes up four pitches in length. There are at least 30 routes, many of which are of excellent quality with a range of difficulty for intermediate to advanced climbers.

Recently the Town of Lyme issued the following statement:

"... It was discovered that a section of Holt's Ledge belonging to the Town has had climbing paraphernalia installed, inviting climbers to use the ledges as a public recreational area. This is trespassing and presents a liability to the Town. The land has been posted to protect the Town until this paraphernalia is removed and any trees/vegetation which was cut has been restored. ..."

Numerous local climbers have contacted the Access Fund requesting assistance in developing a working relationship with the Town of Lyme and help address the access and liability concerns at Holt's Ledge. Access Fund and other local climbers contacted the Town of Lyme and the Chief of Police to better understand the concerns and reasons for closing the Town owned section of Holt's Ledge.

List of concerns and reasons for the closure of Holt's Ledge from the Town of Lyme and Chief of Police:

- Trees and fencing being cut on private property adjacent to Town property
- Trespassing on private property to access the cliff
- Non approved permanent access trail being cut into the base of the cliff
- Liability concerns surrounding the bolts that have been installed on the rock face, the town consulted their lawyer and insurance company and decided that the bolts would put the Town of Lyme at risk if a bolt failed or climber was injured
- Potential disturbance of Peregrine falcon nest near that portion of the cliff

The local climbing community and the Access Fund acknowledge the Town of Lyme and private property owners concerns and frustration. As a low impact recreation group we would like to form a working relationship with the Town of Lyme and local land owners to preserve the valuable climbing resource at Holt's Ledge as well as provide assistance addressing liability concerns, trespassing concerns, trail access concerns and protection of nesting raptors in the area. We also request that no bolts be removed from the cliff.

Fixed Anchors

Fixed anchors (bolts) are an important climbing tool that can facilitate the ascent or descent of technical terrain but should be used judiciously when adequate and removable gear is not usable. Fixed anchors, defined by the Access Fund as climbing equipment (e.g. bolts, pitons or slings) left in place to facilitate ascent or descent of technical terrain, are a critical component of a climber's safety system. Fixed anchors are typically placed by the first ascensionist on technical ascents where removable anchor placements are not possible or for descents (rappels) that would be otherwise impossible without a fixed anchor. The vast majority of climbers have never placed a fixed anchor, opting instead to climb established climbing routes thereby avoiding the burden of the careful deliberation and labor associated with placing a fixed anchor. For more information on fixed anchors and best practices visit, <https://www.accessfund.org/educate-yourself/for-advocates/managing-fixed-anchors>.

Trespassing and unauthorized removal of trees:

The majority of the climbing community who has been climbing at this cliff unknowingly crossed private property. It is unclear who cut down the trees and cut the fence, but as a group moving forward we would like to self-regulate our user group and be good stewards of the climbing resource as well as the work on appropriate access points.

The climbing community and the Access Fund are ready, willing, and able to help the Town of Lyme improve trails, manage climber impacts and other management needs. The local climbing community has a long history of positive environmental stewardship,¹ and collaboration with other organizations to protect rock climbing in the Northeast. At the Access Fund we strive to work with locals to address those needs, and provide training on planning and stewardship best practices to keep those areas healthy. We would like to continue to work with the local land owners to hear their concerns and see if we could come to a recreational access agreement.

Liability

Liability for the landowner

NH House Bill 1551² was amended in 2012 to explicitly name **rock climbing** as a recreational use covered by the state's recreational use statute. This legislation affords landowners allowing recreation on their property liability protection against lawsuits should someone get injured.³ This liability statute would reasonably release the Town of any liability associated with rock climbing on Town property. If the Town continues to be concerned about liability issues there are additional options climbers could implement to further relieve the Town of liability including liability waivers.

Liability for the bolt installer

General Rule: persons have a duty to use reasonable care to avoid injury to others and may be held liable if their careless conduct injures another person.⁴ The climber(s) who have installed the bolts are generally not liable for injury unless it can be proven that the installer was intentionally careless in installing the bolts. To date there have been no such lawsuits filed.

Protection of Raptors and Climbing Management

The Access Fund supports managing climber access to protect sensitive natural and cultural resources, including wildlife. We manage and publish the largest list of wildlife-related climbing closures in the country.⁵ For more than twenty five years, the Access Fund has worked with federal, state, and private land managers to develop and implement climbing management plans that are currently in use across the country, and have organized and hosted several national

¹ Visit Rumney Climbers Association <http://www.climbrumney.com/>

² See <http://www.gencourt.state.nh.us/legislation/2012/hb1551.html>

³ See <http://www.wildlife.state.nh.us/landshare/landowner-liability.html>

⁴ See <http://www.climbingmanagement.org/summits/2016-future-of-fixed-anchors>

⁵ See <http://status.accessfund.org/>

climbing management conferences, attended by hundreds of land managers from across the country.⁶ In many cases, climbers actively assist by maintaining trails, removing trash, and participating in the locating, monitoring, and reporting on species of concern. Climbing is a low impact activity that when managed properly poses no threat to cliff dwelling raptors. A combination of seasonal buffers and closures, based on credible science, monitoring/data collection and expert participation, protect raptor and keep public access restrictions to a minimum.

Access Fund Assistance

The local climbing community and the Access Fund are ready, willing and able to help the Town of Lyme and private land owners improve the relationship between the Town and climbers, improve appropriate access paths, self-regulate impacts to the area and work through liability and access concerns.

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We thank the Town of Lyme for considering forming a partnership with the Access Fund and local climbers to preserve this climbing area. The Access Fund has the experience, local contacts, and resources to help the Town of Lyme craft an alternative to the full closure of Holt's Ledge that would permit climbing while sustaining the health and protection of the natural resources and the private and public land in the area. Please contact me directly with further questions and concerns at katie@accessfund.org or by phone at 303-552-2843.

Best Regards,



Katie Goodwin-Public Land Associate
Access Fund

Cc:

Erik Murdock-Policy Director

Brady Robinson-Executive Director

Joe Sambataro-National Access Director

⁶ See http://2015annualreport.accessfund.org/?_ga=1.92818078.2046221183.1449162818

The following climbing community members support maintaining climbing access at Holt's Ledge: