

March 11, 2004

Kathleen Clarke  
Director, Bureau of Land Management  
Department of the Interior  
1849 C St NW, 406-LS  
Washington, DC 20240

**Re: Bureau of Land Management Regulation Authorizing Fixed Anchors in Wilderness**

Dear Director Clarke:

The undersigned write to clarify the consensus opinion on wilderness fixed anchor management held by climbing advocacy organizations, the outdoor industry, and wilderness advocacy groups. We understand that the Bureau of Land Management (BLM) may soon promulgate a regulation authorizing the placement of new fixed anchors in designated BLM wilderness. Please consider the following points when drafting your BLM fixed anchor regulation.

Many of the individuals and organizations signing this letter participated four years ago as members of the U.S. Forest Service's Fixed Anchors in Wilderness Negotiated Rulemaking Advisory Committee. This negotiated rulemaking helped move forward the fixed anchor issue, with four two-day meetings providing a forum to thoroughly discuss the issue of continued fixed anchor use and placement. Although the committee's efforts ultimately foundered when no proposal could obtain unanimous support of all participants, a large majority of the participants coalesced around a policy approach for future fixed anchor use, placement and replacement in designated wilderness. The position statement outlined in this letter reflects that majority consensus.

The negotiated rulemaking led to the acceptance of prior authorization for fixed anchors. Prior authorization was to be an alternative to the legalistic approach represented by an "installations" determination that would define fixed anchors as illegal until permitted. We are hopeful that any prior authorization requirement would be a process of evaluation, public participation, and planning that leads to a region or area-specific policy on fixed anchors. This process could consider impacts to resources and establish a fixed anchor policy, which could range from monitoring on-going fixed anchor placements, to programmatic authorizations, to route-specific prior-approval application procedures.

We intend these comments to inform what we understand will be a bureau-wide regulation, hopefully with accompanying guidance to the field regarding appropriate implementation, to establish climbing policy regarding fixed anchors that includes the consideration of an appropriate prior-authorization process. In the case that the BLM is considering a regulation that would require prior authorization of any new fixed anchor placements immediately upon issuance and before the evaluation-public participation-planning process is in place at individual management areas, then we have included

comments and possible solutions intended to assure that a prior authorization requirement does not operate as an indefinite moratorium.

### **Fixed Anchors are Necessary and Historic Tools Used in Wilderness Climbing**

For over 30 years, removable protection devices that do not damage the rock have been the principal means of safeguarding wilderness climbs. These devices were developed to both limit damage to natural crack systems and to allow quicker, easier placement of secure anchors. Nevertheless, fixed climbing anchors—the only form of climbing protection in use when the Wilderness Act was passed in 1964—still play a critical role in safeguarding technical climbing today. Fixed anchors are used where removable protection is not possible to protect ascents and, importantly, to ensure safe rappel anchors. Many historic and outstanding wilderness summits would be unattainable without the use of fixed anchors. Still, climbers typically use fixed anchors only as a last resort when removable protection is unavailable.

Many of the signature peaks and alpine rock climbs in the United States are located in designed wilderness. A limitation on the use of fixed anchors will render many of these climbs impossible since they require utilization of a fixed anchor periodically for rappels or on the ascent. Failure to allow fixed anchors on wilderness climbs—even those that were used on the first ascents many decades ago—will increase hazards to climbers and may limit many experiences visitors seek out when they visit their public lands. It must be emphasized that these climbing experiences cannot be replicated outside of wilderness, because features such as El Capitan in Yosemite and Red Rock Canyon National Conservation Area near Las Vegas do not exist outside of wilderness. Just because there are places outside of wilderness where fixed anchors may be used does not lessen the need for them on wilderness peaks within the National Wilderness Preservation System.

Research shows that Congress and the framers of the Wilderness Act (“the Act”) never intended to prohibit fixed anchors, but rather wilderness climbing and its associated challenges were key wilderness values that supported the designation of wilderness. The Wilderness Act reflects decades’ worth of debate in Congress concerning the use and preservation of federal lands before the final version of the Act was signed into law, producing an extensive record of the Act’s legislative history. Clearly, the language of the Wilderness Act, its legislative history, and the legislative history of subsequent wilderness legislation supports the proposition that fixed anchors are not prohibited “installations” but rather longstanding and legitimate tools used by climbers.

### **Joint Fixed Anchor Position Statement**

The climbing community has been working since 1989 with all of the federal wilderness management agencies to resolve the issue of how fixed anchors should be managed in designated wilderness. The undersigned believe that the following points should be included and reflected in any management policy or regulation controlling the use and placement of fixed anchors in wilderness.

- The federal government has authority under the Wilderness Act to permit fixed anchors in wilderness, and this use should be allowed—subject to modification due to demonstrable negative resource impacts—as climbing is one of the unique recreation opportunities Congress intended wilderness to provide. The continued use of fixed anchors, if properly managed, will not degrade wilderness resources and values.
- Some level of fixed anchor use may be allowed wherever climbing is allowed, and the appropriate level of use should be established on an area-by-area basis.
- The undersigned support the ban on power drills in wilderness, and actively promote the concept that bolts are a "tool of last resort." The ban on power drills will, by itself, serve as an effective limitation on new fixed anchor placements. That is, new fixed anchor placements will not proliferate because they are so difficult to place by hand without the assistance of prohibited motorized power drills.
- We are prepared to make a critical concession that will radically change the *status quo*—that is, to require prior authorization to place fixed anchors in wilderness. We make this concession with the understanding that new fixed anchor placements will not be considered unlawful during the problematic moratorium scenario illustrated below.

### **Moratorium Issue**

The undersigned oppose any management regime that prohibits new fixed anchor placements outright between the date the BLM's fixed anchor rule is promulgated and the date that any new fixed anchor authorization *process* is established. We are hopeful that the guidance for establishing this fixed anchor authorization process will be provided in a BLM guidance letter or reference manual on BLM wilderness regulations. Any interim moratorium issue is especially problematic because such authorization procedures could take years to establish, thus instituting a *de facto* prohibition on new fixed anchor placements—something Congress clearly did not intend, nor do resource conditions warrant such dramatic controls on new fixed anchor placements.

In its fixed anchor rule, the BLM may not intend to implement a moratorium on new fixed anchor placements during the time period between when the regulation is promulgated and the date that any given BLM fixed anchor authorization process is provided. We are hopeful that the BLM will utilize a policy approach that implements an "allowed unless prohibited" fixed anchor management system. However, if the BLM does intend to implement a rule effecting a prohibition on new fixed anchor placements immediately upon promulgation, a solution to the moratorium problem noted above may be the inclusion of a "triggering" mechanism in the rule or its subsequent guidance that

would avoid a prohibition of new fixed anchor placements, except where expressly prohibited for documented resource and/or social reasons.<sup>1</sup>

### **Model Climbing Management Plans**

The undersigned are encouraged by the way Rocky Mountain and Denali National Parks have sought to manage fixed anchors in recent backcountry/wilderness management plans. Both have followed the essence of the compromise established by most participants in the Negotiated Rulemaking. Section 2.1.4.6 of Rocky Mountain National Park's Backcountry/Wilderness Management Plan (BWMP), adopted in July 2001, provides for use of fixed and removable anchors in wilderness, but calls upon climbers to use clean climbing practices. Further, the BWMP employs a programmatic authorization for maintenance of existing routes, replacement of unsafe anchors, or the establishment of new anchors. The primary limitation on new anchors is that they may only be used for rappels when no other means of descent is possible, for self-rescue, or to protect blank terrain on an ascent that otherwise uses removable anchors. The BWMP specifically prohibits bolt-intensive routes as being incompatible with wilderness. Identical language regarding fixed anchor placement, replacement and use has been incorporated into the draft Backcountry Management Plan at Denali National Park and Preserve.

We believe that any bureau-wide regulation controlling fixed anchors in BLM wilderness should be guided by the successful experience of national parks, such as Denali where about half of the mountainous terrain covered by the Denali plan is actually designated wilderness, and Rocky Mountain National Park where the National Park Service manages a large amount climbing in areas considered “backcountry” but managed as designated wilderness

### **Programmatic Authorizations Preferred Over Route-by-Route Permitting**

If the BLM will require prior authorization for all new fixed anchor placements, the undersigned support programmatic authorizations over route-by-route authorizations. Prior authorizations for new fixed anchor placements in BLM management areas may be implemented either through route-by-route permits or programmatically in resource management plans or activity plans such as climbing management plans. By providing for route-by-route authorizations, the BLM would create for itself an overly burdensome administrative process whereby each new fixed anchor placement—or individual routes requiring fixed anchors—would demand substantial paperwork and analytical study,

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<sup>1</sup> There are at least two valid management scenarios that would address our moratorium concerns yet would still attend to any resource issues regarding BLM fixed anchor management. To avoid the problem of an interim moratorium, the authorization component of any fixed anchor policy could be “triggered” to take effect when either (1) a local manager states the need for an authorization process based on documented resource concerns, or (2) until the local park implements some form of management initiative related to climbing, such as a CMP with an authorization process component. In short, the BLM regulation could include a mechanism that triggered the authorization requirement after policy implementation, thus avoiding new fixed anchor placements being considered “illegal” as would result under a blanket regulation requiring prior authorization.

presumably in the form of environmental assessments. Furthermore, each of these authorizing documents would likely be a target for lawsuits from potential disgruntled parties. As such, these “bolt-by-bolt” challenges could provide a cynical means by which all applications for new fixed anchor placements could be brought to a halt. Accordingly, we support the use of programmatic authorizations that allow for new fixed anchor placements unit-wide in each BLM wilderness area unless there is a demonstrated resource-based need to require route-by-route authorizations in any given zone to protect natural, cultural, or social resources.

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In sum, the undersigned support a management approach that considers new fixed anchor placements as allowed unless prohibited. Alternatively, the triggering mechanism solution noted above would limit unreasonable interim moratoriums if the BLM intends to implement a required prior authorization regime for new fixed anchor placements immediately upon promulgation of the regulation but before an authorization process is in place. Fixed anchor authorizations should be provided programmatically, unless a demonstrated resource-based need requires route-by-route authorizations by zone. Excessive management of fixed anchors would only limit the activities of a legitimate user group and cause paperwork headaches for the management agencies.

Please consider the above comments when drafting and implementing your fixed anchor regulation and accompanying field guidance. We appreciate your hard work on this matter and look forward to working in the future with the BLM to identify a reasonable management direction for this longstanding and important fixed anchor issue.

Sincerely,

**SIGNATURES**

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Cc: The Honorable Larry Craig, United States Senate, Chair, Public Lands and  
Forests Committee  
The Honorable George Radanovich, United States House of Representatives,  
Chair, National Parks, Recreation and Public Lands Committee  
The Honorable Gale Norton, Secretary, Department of the Interior  
The Honorable Ann Veneman, Secretary, Department of Agriculture  
The Honorable Elena Daly, Director, National Landscape Conservation Service,  
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