

A detailed topographic map showing contour lines, elevation markers, and geographical features. The map is rendered in a light, monochromatic style. Key features include contour lines labeled with numbers such as 8000, 8474, 8635, 8800, 9000, 9200, 9400, 9600, 9800, and 10000. A benchmark is labeled 'BM 7414'. A road or path is labeled 'Mattings'. The map is oriented with North at the top.

» CLIMBING ON PRIVATE LAND

**CLIMBING ON PRIVATE LAND  
RISK MANAGEMENT STRATEGIES**



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## Risk Management Strategies

Following is a sample survey that illustrates how liability risk is managed at many key private land climbing areas. As yet, there have been no reports of any legal claims being brought against private landowners or lessees resulting from climbing injuries (other than product liability or commercial guiding).

### Various approaches currently employed by private landowners to manage liability risks related to climbing:

- » Nearly everyone looks to state **recreational use statutes** for a base level of liability protection
- » Many states also have **statutes that limit the liability of volunteer directors** of non-profit organizations\*
- » **Liability insurance** obtained for protection on specific parcels\*
- » **Transfer to governmental entities** who are immune from liability claims.
- » **Assumption of risk waivers** that must be signed by any entrant to the private climbing parcel
- » **Rules regulating conduct and posted notices** that climbing is inherently dangerous

\*Directors and officers (D&O) insurance typically does not protect corporate directors from “bodily harm” liability or indemnity agreements that transfer such liabilities to a third party. “Bodily harm” insurance is covered by general liability insurance policies.

*Please note that the information contained in this publication is for informational purposes and should not be construed as legal advice. For answers to specific questions concerning your situation, you should consult a knowledgeable attorney who can advise you regarding your particular circumstances.*

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# ACTION NETWORK | manual

AREA	OWNER-SHIP	REC USE STATUTE	VOLUNTEER DIRECTOR PROTECTION STATUTE	LIABILITY INSURANCE	TRANSFER TO GOV'T	WAIVERS	RULES POSTED RISK NOTICES
<i>Horsepens 40, AL</i>	Individual	No, Charges a Fee	X	X		X	X
<i>Jamestown, AL</i>	Non Profit LCO	X	X	X		X	X
<i>Queen Creek, AZ</i>	Resolution Copper Company	X	X				
<i>Oak Flat, AZ</i>	Lease to Access Fund	X	X	X		X	X
<i>Golden, CO</i>	Access Fund Land Foundation	X	X				X
<i>Ouray Ice Park, CO</i>	Non-Profit	X	X		Leased to county		X
<i>Unaweep Cn, CO</i>	Access Fund Land Foundation	X	X				
<i>Society Turn, CO</i>	Access Fund Land Foundation	X	X				
<i>Ragged Mt, CN</i>	Non-Profit LCO	X	?	X			X
<i>Boat Rock, GA</i>	Non-Profit LCO	X	X	X			X
<i>Murray Prop, KY</i>	Non-Profit LCO	X	X			X	X
<i>Torrent Falls, KY</i>	Torrent Falls Resort	X	X	?			X

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AREA	OWNER-SHIP	REC USE STATUTE	VOLUNTEER DIRECTOR PROTECTION STATUTE	LIABILITY INSURANCE	TRANSFER TO GOV'T	WAIVERS	RULES POSTED RISK NOTICES
<i>Muir Valley, KY</i>	Muir Valley, LLC	X	X	?		X	X
<i>Gunks, NY</i>	Mohonk Preserve	No, Charges a Fee	X	X		X	X
<i>Laurel Knob, NC</i>	Non-Profit LCO	X	X	X		X	X
<i>Governors Stable, PA</i>	LCO leases	X	?	X		X	X
<i>Little Rock City, TN</i>	Monte Lake Golf Course	X	X	?		X	?
<i>Castle Rock, TN</i>	LCO leases	X	X	X			?
<i>Kings Bluff, TN</i>	Non-Profit LCO	X	X				?
<i>Indian Creek, UT</i>	Nature Conservancy & Individual	X	X	?			
<i>Little Cottonwood Cn, UT</i>	Church of Latter Day Saints	X	X	?			
<i>Bolton Quarry, VT</i>	Non-Profit LCO	X	X **				X

\*\* Mandatory indemnification by nonprofit corporation.

## Alabama

### Horse Pens 40

HP 40 is la privately-owned bouldering area in northwest Alabama popular with climbers from around the nation. In 2002 the Schultz family purchased HP 40 with the intention of keeping it open for bouldering, biker events, bluegrass and other types of festivals. The Schultz family have put up showers and bathrooms and have opened a store to go with the campground. The day use fee is \$3.00 and camping is \$10 per night. ([www.seclimbers.org/modules.php?name=Content&pa=showpage&pid=48](http://www.seclimbers.org/modules.php?name=Content&pa=showpage&pid=48))

#### » Risk Management

Assumption of risk/rules posted, all guests must sign a waiver before entering the park or campground areas, and liability insurance.

### Jamestown

The Southeastern Climbers Coalition ([www.seclimbers.org](http://www.seclimbers.org)) purchased the 3.14 acre tract in 2005. The Jamestown climbing area is comprised of nearly one mile of 80 to 100 foot tall sandstone cliffs in northeastern Alabama. The SCC has a hiking easement with the Alabama Power Company (APC) to access the area, and is required to carry liability insurance for this easement.

([www.seclimbers.org/modules.php?name=Content&pa=showpage&pid=27](http://www.seclimbers.org/modules.php?name=Content&pa=showpage&pid=27))

#### » Risk Management

Alabama Power Company (APC) allows climbers to cross their land to access the crag but require that users be members of the SCC (just like they do for hunting clubs); APC also requires a waiver to be on file for each climber and the SCC to have a liability insurance policy. The SCC has D&O insurance (and some individual policies) for the climbing area but relies mostly on the Alabama Recreational Use Statute for liability protection and the Alabama statute that limits the liability of volunteer directors of non-profit organizations.

## Arizona

### Queen Creek Canyon

Two popular sport climbing areas (The Pond and Atlantis) are owned by Resolution Copper Company who has not taken any action to exclude climbers or institute a waiver system (or buy dedicated liability insurance).

#### » Risk Management

Nothing yet, but there may be liability insurance, assumption of risk signage, and a required sign-in waiver system. Currently relies mostly on the Arizona Recreational Use Statute for liability protection.

### Oak Flat

Oak Flat, a long-time popular bouldering area located on public US Forest Service land, will soon be conveyed to Resolution Copper Company. RCC has agreed to lease most of the bouldering area to the Access Fund. (<http://www.friendsofqueenecreek.com/>)

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## » Risk Management

Once the license takes effect the Access Fund will obtain liability insurance, assumption of risk signs, and waivers. The Access Fund has D&O insurance and will also rely on the Arizona Recreational Use Statute for liability protection and the Arizona statute that limits the liability of volunteer directors of non-profit organizations.

## Colorado

### North Table Mountain

The Access Fund Land Foundation owns this popular 29-acre urban crag in Golden, Colorado. (<http://ci.golden.co.us/Page.asp?NavID=323>)

## » Risk Management

No insurance or waivers. Trailhead assumption of risk signs. The Access Fund Land Foundation has D&O insurance, but relies mostly on the Colorado Recreational Use Statute for liability protection and the Colorado statute that limits the liability of volunteer directors of non-profit organizations. The Access Fund Land Foundation has also restricted the deed for climbing purposes only (therefore, not “developable”).

### Ouray Ice Park

In 1995 the Ouray Ice Park opened as the world's first park devoted exclusively to ice climbing. Climbing in the park is free. Thousands of climbers visit the Ouray Ice Park from around the world. Ouray County formed a nonprofit corporation to manage the Park and leases the property from a private landowner. (<http://www.ourayicepark.com/rules/php>)

## » Risk Management

Assumption of risk signage and posted rules, but no liability insurance. Private landowner leases to the county to obtain governmental immunity protections; county oversees non-profit Ouray Ice Park Board who carries a \$1 million D&O policy and relies on the Colorado Recreational Use Statute for liability protection and the Colorado statute that limits the liability of volunteer directors of non-profit organizations.

### Society Turn

The Access Fund Land Foundation owns this small bouldering wall on 6 acres outside of Telluride, Colorado. This wall sees regular summer traffic. (<http://www.cs.cmu.edu/afs/cs/user/cline/www/AccessFund/AccessNotes/V11/donation.html>)

## » Risk Management

No insurance, waivers or signs. The Access Fund Land Foundation has D&O insurance, but relies mostly on the Colorado Recreational Use Statute for liability protection and the Colorado statute that limits the liability of volunteer directors of non-profit organizations.

### Unaweeep Canyon

30 acres of climbing (and climbing access) in Unaweeep Canyon owned by the Access Fund Land Foundation.

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([http://www.mountainproject.com/v/colorado/grand\\_junction/unawEEP\\_ca\\_nyon/105746224](http://www.mountainproject.com/v/colorado/grand_junction/unawEEP_ca_nyon/105746224))

» Risk Management

No insurance, waivers, or signs. The Access Fund Land Foundation has D&O insurance, but relies mostly on the Colorado Recreational Use Statute for liability protection and the Colorado statute that limits the liability of volunteer directors of non-profit organizations.

## Connecticut

### Ragged Mountain

The Ragged Mountain Foundation (RMF) owns 56 acres including the popular Ragged Mountain climbing area which is governed by a conservation easement. RMF doesn't charge admission and climbers and hikers can visit the property at any time.

(<http://unix17.vizaweb.com/~raggedm/pn/index.php?module=ContentExpress&func=display&ceid=4>)

» Risk Management

Insurance policy and posted rules. The RMF has D&O insurance, but relies mostly on the Connecticut Recreational Use Statute for liability protection and the Connecticut statute that limits the liability of volunteer directors of non-profit organizations.

## Georgia

### Boat Rock

Boat Rock is a small urban boulderfield located in southwest Atlanta, Georgia that was threatened by a proposed residential subdivision. A number of popular boulders were destroyed to make way for the development until the Southeast Climbers Coalition ([www.seclimbers.org](http://www.seclimbers.org)) bought a 7.8-acre tract in 2004 which is now open to the public.

([www.seclimbers.org/modules.php?name=Content&pa=showpage&pid=28](http://www.seclimbers.org/modules.php?name=Content&pa=showpage&pid=28))

» Risk Management

Insurance, assumption of risk signs, posted rules, but no waivers. The SCC has D&O insurance, but relies mostly on the Georgia Recreational Use Statute for liability protection and the Georgia statute that limits the liability of volunteer directors of non-profit organizations.

## Kentucky

### Pendergrass-Murray Property

In 2004 the Red River Gorge Climbers Coalition bought the "Murray property" for climbing access and establishing the 700-acre Pendergrass-Murray Recreational Preserve (PMRP) with over 200 established climbing routes and potential for 200+ more. Use/access conflicts with Charmane Oil, who controls mineral rights for the property, has resulted in a lawsuit. (<http://rrgcc.org/index.php>)

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» Risk Management

No liability insurance. Waiver and rules on website: <http://rrgcc.org/documents/WaiverforPMRP.pdf>. The RRGCC has D&O insurance, but relies mostly on the Kentucky Recreational Use Statute for liability protection and the Kentucky statute that limits the liability of volunteer directors of non-profit organizations.

**Muir Valley**

125 climbs located on private property owned by Muir Valley LLC. No admission fee. Muir Valley, LLC is a nature preserve and rock climbing area owned and maintained by Rick and Liz Weber. The Valley is approximately 400 acres in size and walled in by over seven miles of majestic cliffs of hard Corbin Sandstone that range in height from 20 feet to over 200 feet. (<http://www.muirvalley.com/rockclimbing.html>)

» Risk Management

Assumption of risk postings (“Your presence in Muir Valley signifies that you have read, understand, and agree with all the provisions of the Kentucky Recreational Use Statute, and that you have read and understand the warnings of dangers and hazardous conditions that may exist in Muir Valley that are listed here”) and required release waiver.

**Torrent Falls**

Torrent Falls Resort is located on 42 acres including cliffs that the resort has opened to the general public for climbing. The resort imposes a set of rules that public users must follow.

» Risk Management

The resort provides guided rock climbing and has built a “via ferrata” intended for paid public access requiring a waiver. No waivers for the general public. ([www.torrentfalls.com/documents/VFLatestBrochure.pdf](http://www.torrentfalls.com/documents/VFLatestBrochure.pdf))

**New York**

**Gunks**

Established in 1963, the Mohonk Preserve was established to protect the Shawangunk Ridge. The Preserve continues the land conservation tradition begun by the Smiley family when they founded the neighboring Mohonk Mountain House resort hotel in 1869 (who at times have allowed climbing on Skytop by their paying guests). In 1963, Smiley family also established a separate non-profit organization – The Mohonk Trust (renamed the Mohonk Preserve in 1978) – to protect and manage the area for public use. A day-use fee is charged and annual members are issued cards indicating name, expiration date, and privileges (hiking, biking, or climbing). (<http://www.mohonkpreserve.org/index.php?climb>)

» Risk Management

Assumption of risk signage, liability insurance, mandatory waivers for members, assumption of risk/disclaimer language on day-use tickets. Membership cards must be worn while in the Preserve who publishes a climbing policy with assumption of risk statements and the following:

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*Although the Preserve does not, in general, permit its land to be used for commercial activity of any kind, an exception is made in the case of paid instruction in rock climbing, in order to foster an understanding of safe climbing practices.*

*Responsibility for safe climbing rests solely with the individual climber. Mohonk Preserve, Inc. does not maintain the rocks, cliffs, or other natural features of the terrain, does not provide supervision or instruction, and is not responsible for the condition of the terrain, or the acts of persons who may be on its property.*

*Fees. Because the Mohonk Preserve is a private, non-profit corporation dependent upon use fees and donations, all visitors other than annual climbing members are required to pay a daily use fee. It is Mohonk Preserve policy that revenues collected from visitors are used to help defray the cost of land stewardship, which includes ranger services and the maintenance of facilities.*

*The Preserve may, with consultation of the Land Stewardship Committee, add or replace permanent anchors if they improve climber safety.*

## North Carolina

### Laurel Knob

In 2006 the Carolina Climbers Coalition bought Laurel Knob, a nearly 1200 foot tall granite dome in Cashiers Valley – the tallest crag east of the Mississippi. The CCC's new 47-acre property contains the majority of the Laurel Knob cliff as well as part of Dillard Canyon. The cliff is not yet open to the public, pending some surveying to establish boundaries, as well as establishing access trails. Some of the CCC's initial tasks will be the installation rappel routes and an information kiosk, more trail work and development of management policies for the property. The property may be ready to open sometime near the end of April or early May 2006.

([http://carolinaclimbers.org/?page\\_id=23](http://carolinaclimbers.org/?page_id=23);

<http://www.seclimbers.org/modules.php?name=News&file=article&sid=292>)

#### » Risk Management

Eventually assumption of risk signage, entrance waivers, and possibly liability insurance. The CCC will rely mostly on the North Carolina Recreational Use Statute for liability protection and the North Carolina statute that limits the liability of volunteer directors of non-profit organizations.

## Pennsylvania

### Governor Stable

The privately-owned Governor Stable is the premiere bouldering area in western PA with close to 300 established problems. Through an

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agreement with the landowner, the Pennsylvania Alliance of Climbers leases the property to allow access to the boulders. The annual Governor Stable climbing competition is the primary fund raiser to pay for the lease and associated insurance costs. (<http://paclimbers.org/>)

» Risk Management

Liability insurance and required waiver. Governor Stable is not open to the general public; to visit the boulders, you must be a card carrying member of the PAC. The boulders are open to climbing Monday, Wednesday, Friday, Saturday, and Sunday from February to September, and Sunday only from October to January. The landowner actively hunts on the property and bouldering strictly prohibited during hunting season. The land owner also relies on the Pennsylvania Recreational Use Statute for liability protection.

(<http://www.paclimbers.org/pages/index.php?fuseAction=page&pageID=3037>)

## Tennessee

### Little Rock City

Little Rock City climbing area is on private property owned by a golf course. ([www.seclimbers.org/modules.php?name=area&file=little-rock-city](http://www.seclimbers.org/modules.php?name=area&file=little-rock-city))

» Risk Management

Everyone entering the property must download, sign and turn in a one-time liability waiver to the golf course. All climbers must obtain and display a climbing pass available at a trailhead kiosk. Climbers must have access to a valid email account at the time of registration. Montlake Properties also relies on the Tennessee Recreational Use Statute for liability protection.

### Leda

Leda is a small privately-owned sandstone crag located west of Soddy Daisy, Tennessee.

[www.seclimbers.org/modules.php?name=Content&pa=showpage&pid=30](http://www.seclimbers.org/modules.php?name=Content&pa=showpage&pid=30)

» Risk Management

Montlake Properties asks all climbers to sign a liability waiver found on the SCC website ([www.seclimbers.org](http://www.seclimbers.org)). Waivers can also be found at the trailhead kiosk. The Montlake Properties also relies on the Tennessee Recreational Use Statute for liability protection.

### Castle Rock

Castle Rock, near Jasper, TN, is approximately 1/2 mile long of 80 to 120 ft. tall sandstone with over fifty sport and traditional routes. Castle Rock is located on private land (the landowners live directly below the crag) and was closed to climbing until the Southeastern Climbers Coalition negotiated with the landowners to open climbing access. In 2005 the SCC agreed on a deal to lease the climbing cliff and access easement.

([www.seclimbers.org/modules.php?name=Content&pa=showpage&pid=33](http://www.seclimbers.org/modules.php?name=Content&pa=showpage&pid=33))

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» Risk Management

Liability insurance but no waivers. This area is open only to SCC members. The SCC has D&O insurance, but relies mostly on the Tennessee Recreational Use Statute for liability protection and the Tennessee statute that limits the liability of volunteer directors of non-profit organizations.

**Kings Bluff**

King's Bluff is owned and maintained by the Southeastern Climbers Coalition ([www.seclimbers.org](http://www.seclimbers.org)). The entrance is locked and gated, however the combination is available to climbers. ([www.seclimbers.org/modules.php?name=area&file=kings-bluff](http://www.seclimbers.org/modules.php?name=area&file=kings-bluff))

» Risk Management

No waivers or liability insurance. The SCC has D&O insurance, but relies mostly on the Tennessee Recreational Use Statute for liability protection and the Tennessee statute that limits the liability of volunteer directors of non-profit organizations.

## Utah

**Indian Creek**

For 25+ years Dugout Ranch owner Heidi Redd has allowed climbers to cross her private property to access hundreds of climbing routes located on public BLM property. The Nature Conservancy (TNC) purchased the Dugout Ranch from Redd in 1996, but Heidi continues to lease the property from the TNC. Due to the increases of climbers in the last ten years or so at Indian Creek, there have been increased conflicts between Dugout Ranch owners/employees and the many people that climbing and camp at Indian Creek. Recently a verbal agreement was reached between local Moab climbers and Redd that allows continued climbing access in exchange for agreeing to give up a few campsites nearest to the ranch house.

» Risk Management

Access to the cliffs is owned by the TNC who has not taken any action to exclude climbers or institute a waiver system or post assumption of risk notices. The TNC has D&O insurance, but relies mostly on the Utah Recreational Use Statute for liability protection and the Utah statute that limits the liability of volunteer directors of non-profit organizations.

**Little Cottonwood Canyon**

The LDS Church owns the Gate Buttruss and has allowed climbing for 40 years (with a few brief periods of closure for quarrying activities).

» Risk Management

No signs or waivers. The LDS has D&O insurance, but relies mostly on the Utah Recreational Use Statute for liability protection and the Utah statute that limits the liability of volunteer directors of non-profit organizations.

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## Vermont

### **Bolton Quarry**

In 2004 CRAG-VT bought the Bolton Quarry, a 30-acre parcel that includes both rock and ice climbs. CRAG-VT's acquisition of the Quarry is the first land conservation purchase specifically for rock and ice climbing in Vermont. (<http://www.cragvt.org/projects/quarry.html>)

#### » Risk Management

No waivers or liability insurance. CRAG-VT posts rules and assumption of risk signs. CRAG-VT has D&O insurance and deliberately avoids any fixed anchor management, but relies mostly on the Vermont Recreational Use Statute for liability protection and the Vermont statute that limits the liability of volunteer directors of non-profit organizations.

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This is a work in progress so please submit corrections, additions or comments to Jason Keith at [jason@accessfund.org](mailto:jason@accessfund.org).