

October 25, 2004

Mark Arnold
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Re: Access Fund Comments to the *Final* Natural Bridge Management Assessment

Dear Mark:

The Access Fund welcomes the opportunity to submit these comments to the US Forest Service's (USFS) *Natural Bridge Management Assessment (Management Assessment)*. I have reviewed the second draft of the *Management Assessment* and provide herewith comments that I hope can better inform the parties and assist with making your chosen management direction more effective.

As stated, the *Management Assessment's* goal is to identify the various issues and concerns centered on Natural Bridge, specifically accounting for both resource and human needs. This Management Assessment, then, is designed to enable the USFS to begin developing management strategies for restoring the Natural Bridge management area.

The Access Fund

As you know, the Access Fund is a 501 (c) 3 non-profit advocacy group representing the interests of climbers throughout the United States and is America's largest national climbing organization, with over 15,000 members and affiliates from across the country. We advocate on behalf of approximately one million climbers in the United States. California is our largest member state.

The Access Fund's mission is to keep climbing areas open and to conserve the climbing environment. Preserving the opportunity to climb and the diversity of the climbing experience are also fundamental to our mission. Working in cooperation with climbers, other recreational users, public land managers and private land owners, the Access Fund promotes the responsible use and sound management of climbing resources. We encourage an ethic of personal

responsibility, self-regulation, strong conservation values and minimum impact practices among climbers.

The *Management Assessment* provides an excellent overview of the history of the Natural Bridge area. As noted in my previous comments to you dated January 14, 2004, the Access Fund is generally supportive of the proposed voluntary climbing closure at Natural Bridge, and will give considerable attention to a grant application from the Nor-Rel-Muk to our Conservation Grants program for an interpretive sign explaining the history of the area and encouraging climbers to recreate elsewhere. Importantly, we encourage you to follow through on your offer to help locate alternate climbing resources in your district. However, as previously stated, we must remain true to our mission, which at Natural Bridge means supporting specific alternatives – including a voluntary climbing closure—for the right reasons. These reasons are explained again in detail below.

COMMENTS

Please see the following specific comments to points made in the *Management Assessment*:

On page 7 the *Assessment* notes:

The primary issues driving this analysis effort are:

Impacts of rock climbing to the spiritual values attributed to Natural Bridge by the Nor-Rel-Muk Wintu.

Key questions addressing these issues are:

.....

How do we help to preserve the qualities associated with the Bridge that give it spiritual and historical importance?

(emphasis added).

As noted in our prior comments, the Access Fund supports management initiatives that focus on cultural resource protections, especially where discrete archaeological values are concerned. It is our position that religious or “spiritual” values are not appropriate when framing public land management issues because the management outcome will tend to favor one group’s use of the public domain over another. However, protecting the

specific and irreplaceable cultural resources (archaeological or otherwise) associated with these religious or spiritual values is, we believe, entirely appropriate for guiding public lands management.

On page 14 the *Management Assessment* states:

In the summer of 1980 Natural Bridge was recorded as an archaeological site principally for its historic association with the Bridge Gulch Massacre. Later in that same year the site was nominated to the National Register of Historic Places. This nomination went to the Regional Office and on to the Keeper of the National Register. This site was deemed eligible to the National Register, but was not listed. Because it has been deemed eligible, under section 106 of the National Historic Preservation Act this site must be managed to mitigate or avoid any adverse effects to its physical and atmospheric integrity.

(emphasis added).

The National Historic Preservation Act (NHPA) does not state that National Register eligible sites “must” be managed to mitigate or avoid any adverse effects to physical . . . integrity. Rather, the NHPA only requires that agencies consider any adverse physical effects caused by their undertakings. A common misinterpretation of the NHPA is that it *mandates* specific agency action to absolutely avoid any impairment to properties either listed or determined eligible for listing on the National Registry of Historic Places.

As noted in our prior comments to you, the NHPA is a procedural statute that does not, in and of itself, create substantive rights or dictate a particular result. Indeed, nothing in the NHPA prevents the USFS from taking an action that would adversely affect a listed or eligible property. The NHPA allows the keeper of the National Register of Historic Places to list properties of “traditional religious and cultural importance to an Indian tribe.” *See* Section 101(d)(6)(A) of the NHPA. Natural Bridge eligibility as a “traditional cultural property” neither dictates nor requires that the USFS initiate any management action. Rather, the NHPA mandates only that the USFS thoughtfully consider any effects that its “undertakings” may have on Natural Bridge, and to consult with outside experts on that determination *before* acting. In other words, the NHPA requires that the USFS consider any adverse effects that its management action may have on Natural Bridge, but it does not require a climbing prohibition (voluntary or mandatory) even if climbing were found to have a physical adverse effect. In short, the NHPA does not demand any kind of climbing management at Natural Bridge or elsewhere. The NHPA simply requires consultation and thereby informed decision-making.

On page 17 of the *Assessment* the following photograph and caption is provided:



Climbing hardware and circular cut holes

The use patterns have had some effects on scenery. Currently, the climbing hardware can be readily seen, the question is: if the presence of this hardware continues for 50 years, would the rock face look the same as it does now? The potential for freeze/thaw action working where the hardware is put in must be considered over the long term.

The “circular cut holes” in this photograph are certainly curious. However, it is unclear whether they are the result of climbing activity as this kind of hold manufacturing is unusual and very much frowned upon in the climbing community. It may be that these are indeed manufactured holds that have been chiseled into the rock, but even if climbing were to continue at Natural Bridge it is unlikely that this kind of activity were to continue. Furthermore, while freeze/thaw cycles do have some affect on the integrity of climbing hardware (i.e., expansion bolts and/or climbing pitons), this kind of hardware is found by the thousands throughout public lands across the country and safety is dealt with satisfactorily by climbers rather than the land agency (which could become liable if it dictated safety standards). It is not clear from the language of the *Management Assessment* whether your concern relates to hardware safety or some kind of adverse physical effect to the rock itself.

Page 19 of the *Management Assessment* reads:

Numbers of visitors who come to see or climb Natural Bridge in a year are not known. However, inferential observation and discussion with local officials indicates that Natural Bridge is used frequently for partying and over night camping. However, this disruptive use is only by a few. The majority of the public comes to enjoy Natural Bridge and its beauty in a respectful way.

This statement is unclear – do you mean that the few who do party and camp do so frequently? And if so, what are the inferred implications? Will camping continue to be allowed within the Natural Bridge management area given the documented negative impacts?

Page 27 of the *Management Assessment* reads:

Issues of Concern

Impacts to lichens and bryophytes from rock climbing, increased potential of damage to two Sensitive plant populations and increased competition from noxious weeds are three issues of concern in the Natural Bridge Management Area.

Impacts to Lichens and Bryophytes from Rock Climbing

Surface lichen and bryophyte plants have been removed during rock climbing. These are visibly absent along piton lines, but in place outside of the normal range of activity around climbing hardware lines.

As noted in our January 14, 2004 comments, these are not “piton lines” but rather lines of expansion bolts. Moreover, it is not clear whether these lichens and bryophytes are special status protected species—the *Management Assessment* calls them “Sensitive plant populations” but it remains unclear whether the USFS has a state or federal legislative mandate to provide special management protection for these lichens and bryophytes.

On page 45 the *Management Assessment* states:

Issues surrounding the limestone feature of Natural Bridge itself are several. First, the issue of climbing on this feature whether using permanently attached hardware or not. Climbing has both positive and negative effects:

- Enjoyment of the physical challenge of the climb; the appreciation of nature.

- Dismay for those who view the Bridge as sacred as a church, and the climbing as an intrusion.
- Safety

As noted above, the Access Fund supports legitimate management actions to protect cultural/archaeological resources. While we are sensitive to those that want to preserve Natural Bridge because they view it as a church—indeed, the Access Fund has a long track record of working to protect cultural sites that conflict with climbing resources—the federal government cannot manage its resources to accommodate the preference of one religious perspective. It can, however, manage to protect cultural resources that are concomitant to that religion, such as the burial site found at Natural bridge. Here, the USFS would likely gain more public support managing its public land jurisdiction to protect the cultural resources found there than for the religious perspective advanced by local Native Americans.

In the Access Fund’s prior discussions with the USFS it was not stated that climbing safety was an issue at Natural Bridge.

On page 46 the *Management Assessment* states:

Public meetings to date have brought about considerable understanding between the Native American parties and the climbing community on the significance of this feature. The possibility of a voluntary closure has been broached.

As noted above, given the right reasons the Access Fund would still support a voluntary climbing closure at Natural Bridge.

Page 46 of the *Management Assessment* says:

The effect of climbing paths on lichens is an impact. The locations of these lichens on the exterior of Natural Bridge need to be looked at in more detail to see if climbing has damaged them. This study should look not only at the exposed climbing routes (walls and overhangs), but those routes people use in scramble climbing.

The common vernacular is climbing “routes” rather than climbing “paths.” Again, are the lichens a protected special status species? The *Management Assessment* notes no special protection. Many recreational activities across the country involve some basic level of resource commitment to allow for these activities (trails, bridges, boat ramps, buildings, etc.). Without a special reason to protect these lichens it seems irrelevant—other than for

documentary reasons—to note in the *Management Assessment* the impact that climbing has on these lichens.

Page 51 of the *Management Assessment* reads:

The following desired future condition and recommendations have been developed into a guide for the Natural Bridge Area to provide opportunities for a diverse suite of user groups that value the experience provided at Natural Bridge. Further analysis and opportunity for public involvement will continue during the NEPA processes for specific projects. Involvement of our partners and interested parties in the implementation and monitoring of projects will be essential to successful management of the site.

The Access Fund understands this *Management Assessment* to be a general baseline guide for conditions and activities at Natural Bridge as of the present date. We welcome the opportunity to participate in future NEPA processes for specific projects as well as the implementation and monitoring of those projects.

Page 51 also states

In that regard the following recommendations are proposed for restoration of the site:

1 - A voluntary closure on rock climbing at Natural Bridge is instituted with the assistance of our partners in the climbing community and the local community. This would be done in deference to the massacre event and respect for the traditional importance Natural Bridge has to the Nor-Rel-Muk. It is also recommended that alternative climbing locations in the immediate area and over the entire South Fork Management Unit be identified. These alternate climbing opportunities would provide alternatives to Natural Bridge. Monitor the effectiveness of this action over time.

2 - Remove the current attached climbing gear on Natural Bridge. Consult with the climbers and other specialists about how to do this with the least effect to the feature to return it to a more natural state.

As stated in our previous comments, the Access Fund supports a voluntary climbing closure at Natural Bridge to protect documented archaeological resources that have been shown to be threatened by climbing impacts. We respect the concerns of the Nor-Rel-Muk tribe and their wishes to limit impacts to the native burial site at Natural Bridge. The Access Fund also encourages the USFS to assist local climbers in locating

alternate climbing resources to maximize the effectiveness of the voluntary closure. If alternate sites are made available to climbers, the more likely the voluntary climbing ban will be respected.

The removal of equipment from Natural Bridge is a much more complicated issue. Once climbers intentionally leave behind climbing hardware for others to use (such as expansion bolts) it becomes public property. Accordingly, the USFS needs specific authority to remove such hardware. Furthermore, if the USFS takes it upon itself to remove this hardware it is effecting what many may consider to be a *mandatory* ban because the necessary equipment that provides climbers a modicum of safety is then no longer available and thus *lead* climbing (ascending from the ground up—far and away the primary method at Natural Bridge) will become too dangerous. Alternatively, some climbers that nonetheless wish to climb at Natural Bridge (and not follow the *voluntary* ban) but find the hardware removed will then be forced to *toprope* (place temporary anchors at the top of the cliff using trees or other natural protection and ascend with a safety rope anchored above them). Toproping, if practiced at Natural Bridge, may cause more physical damage to cliff-top ecologies than if lead climbing were the norm because climbers would be forced to access the top of the cliff and rig elaborate anchoring systems that often can impact natural resources found on clifftops.

The USFS may want to consider retaining the existing climbing anchors at Natural Bridge (discouraging any new anchor placements), but nevertheless emphasize the voluntary ban (and the reasons therefore), and aggressively seek out alternate climbing resources for climbers to use who would otherwise climb at Natural Bridge. This point does not mean the Access Fund cannot support the pulling of bolts at Natural Bridge, but rather that if we do support bolt removal at Natural Bridge it should be because of documented natural or cultural resources being demonstrably impaired by the existence of such bolts or related climbing activity.

Page 53 of the *Management Assessment* reads:

10- Develop a monitoring plan for sensitive plant and animal species within the Natural Bridge site. This would include:

. . . .

Finally, monitor vegetation on the rock surfaces of Natural Bridge to determine if the adverse effects of climbing and recreation use improve with the voluntary closure.

Again, it is unclear that the vegetation on the rock surface at Natural Bridge falls into the category of “sensitive plant and animal species.” Please provide this specific designation and your associated management mandate.

* * *

The Access Fund respects the feelings and beliefs of Native American tribes, and this is why we can support the USFS’s proposed *voluntary* climbing closure at Natural Bridge, as we have in the past, for instance, at Cave Rock and Devils Tower (Bear Lodge). However, we cannot agree to the exclusion of an otherwise legitimate user of public lands to accommodate the solely religious activity of another group. The Access Fund’s consistent position is that we support voluntary climbing prohibitions to protect documented cultural or historical resources. Again, for a detailed analysis of this distinction see our administrative appeal for the Cave Rock case on our website: www.accessfund.org/programs/CaveRockAppeal-11-03.htm.

For the Access Fund to support a voluntary climbing closure at Natural Bridge we must be clear that there are more than purely religious values at Natural Bridge to be protected, and that the Access Fund is agreeing to support local climbers in protecting these other values (cultural, archaeological) by *voluntarily* not climbing at Natural Bridge.

Please keep me informed of your management intentions at Natural Bridge, the schedule for any such NEPA management initiative, planning for signage (and related grant application to the Access Fund), and your needs in terms of reaching out to the climbing community regarding the unique circumstance at Natural Bridge. The Access Fund can help the USFS distribute information about the area, and help inform climbers as to the purpose and need for the management initiative at Natural Bridge. From the climbers’ perspective, the sooner we start identifying alternate climbing sites, the easier it will be for climbers to voluntarily forgo their privileges at Natural Bridge and climb elsewhere.

The Access Fund is encouraged by the management process thus far at Natural Bridge, and the desire and inclination of all parties to identify a mutually agreeable management scenario for this special place. I look forward to further opportunities to discuss management efforts and scenarios at Natural Bridge, and, if appropriate, to meet with you again in Hayfork.

Best Regards,

Jason Keith
Policy Director
The Access Fund

cc: Steve Matous, Executive Director, The Access Fund
Donna Harmon, South Fork Management Unit, Shasta -Trinity National Forest
Sonny Hayward, Nor-Rel-Muk Tribal Chairman
Michelle Endicott, Nor-Rel-Muk Spokeswoman
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