



Protect America's Climbing

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**RE: Access Fund Comments on Secretarial Order 3366: Increasing Recreational Opportunities on Lands and Waters Managed by the U.S. Department of the Interior**

Dear Mr. May,

The Access Fund submits these comments on Secretarial Order 3366 (SO 3366), issued by the U.S. Department of Interior on April 18, 2018, which seeks to increase recreational opportunities on land and waters managed by the Department of the Interior (DOI). The following comments are specific to the application of SO 3366 within the National Park Service and the Bureau of Land Management.

**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 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 the largest US climbing advocacy organization with over 17,000 members and 100 local affiliates. The Access Fund provides climbing management expertise, stewardship, project specific funding, and educational outreach. Access Fund holds a memorandum of understanding<sup>1</sup> with the National Park Service and Bureau of Land Management<sup>2</sup> to work together regarding climbing management on national park lands, and we welcome this opportunity to provide input on recommendations and implementation of SO 3366. To learn more about us, visit [www.accessfund.org](http://www.accessfund.org).

The National Park System (NPS) contains some of the finest climbing and mountaineering opportunities in the United States. Climbing in national parks units such as Joshua Tree, Denali, Zion, Rocky Mountain, Obed and New River Gorge—among many others—are iconic world-class objectives frequented by American climbers as well as international visitors. Some national parks, such as Yosemite, represent classic climbing venues that were the birthplaces of modern climbing techniques and styles, and climbers come from all over the world to test their skills and experience the inspirational natural environments these parks provide.

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<sup>1</sup> See [https://www.accessfund.org/uploads/Access-Fund-NPS\\_MOU\\_-2014-2019.pdf](https://www.accessfund.org/uploads/Access-Fund-NPS_MOU_-2014-2019.pdf)

<sup>2</sup> See <https://www.accessfund.org/uploads/AccessFund-BLM-MOU-2015.pdf>

The Bureau of Land Management (BLM) also contains high-quality climbing opportunities in the United States at locations such as Moab and Indian Creek in Utah, Shelf Road and Penitente Canyon in Colorado, and Red Rock Canyon outside of Las Vegas, Nevada. Access Fund collaborated with BLM to develop the BLM’s “Top 20 Climbing Areas” webpage to promote climbing on BLM lands.<sup>3</sup> Access Fund looks forward to working with DOI to explore new and expanded opportunities for recreation, identify DOI-managed lands and waters where access for recreation is limited, and provide recommendations for providing greater access to these areas.

We strongly support the purpose of SO 3366 to ensure public lands and waters managed by the U.S. Department of Interior are open and accessible for recreational pursuits by all Americans and visitors to the United States. In particular, we applaud DOI’s intent to increase and expand recreational opportunities (section 4(a)(1)), streamline and improve the permitting process for outfitters and guides (section 4(a)(2)), and identify organizations focused on providing access to recreational activities for veterans (section 4(a)(5)).

### **Increasing and Expanding Recreational Opportunities**

Increasing and expanding recreational opportunities on DOI lands and waters will connect more Americans to public lands, create good jobs in the fast-growing outdoor industry, increase prosperity in small rural communities, and generate additional revenue to help defray the cost of maintaining public lands.

The National Park Service and the BLM recognize rock climbing as an appropriate and legitimate activity; however, several climbing prohibitions and restrictions could be re-assessed, as per Secretarial Order 3366, in order to optimize recreation experiences while protecting resources and aligning with agency mission. These limits to recreational access fall into three primary categories: 1) antiquated management plans and compendiums, 2) poorly substantiated closures and restrictions, and 3) unidentified recreation resources. The following sections highlight general opportunity categories, and provide specific examples, to expand and enhance rock climbing access.

#### **1. Antiquated Management Plans and Compendiums**

Public land planners revise management plans every few decades, and base these initiatives on site-specific needs, national guidelines, and awareness of particular resource issues and recreation activity patterns. Rock climbing is a growing recreation activity on DOI lands and climbing management strategies are becoming more sophisticated as agencies 1) become aware of climbing management needs, 2) listen to climber input, 3) test management options in a variety of landscapes, and 4) conduct studies on climbing behavior patterns and impacts. Several management plans and compendiums—listed below—prohibit or restrict climbing because they are antiquated and based on incomplete information.

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<sup>3</sup> The BLM “To 20 Climbing Areas” webpage is expected to be released in later summer 2018.

### Buffalo National River, Arkansas

Buffalo National River's extensive sandstone and limestone bluffs are a valuable resource for the Arkansas climbing community and Boxley Valley specifically holds some of the region's highest priority rock climbing resources. However, the Buffalo National River's Boxley Valley Comprehensive Area Plan continues a ban on rock climbing at the Buffalo National River despite several years of requests from the public that rock climbing opportunities and access be allowed, even in a limited capacity. This ban was implemented despite several analogous national park units (national river and wilderness areas) that provide for rock climbing opportunities.

### Cumberland Gap National Military Park, Kentucky/Virginia/Tennessee

The Cumberland Gap National Military Park compendium states that rock climbing, free climbing, bouldering or rappelling is prohibited without a special use permit because "Climbing activity can cause considerable damage to the natural and cultural resources, and interfere with the intended visitor experience." In contrast, other NPS national military parks (e.g., Chickamauga and Chattanooga) provide climbing opportunities managed in such a way as to not detract from the historical purpose of the park.

### Rio Grande Gorge, Bureau of Land Management, New Mexico

Rio Grande Gorge provides quality basalt climbing in a spectacular setting. The antiquated BLM management plan mandates a permit to establish new climbing routes that include any hardware to ascend or descend although no process exists to acquire a permit. Analogous BLM climbing areas do not require a permit for placement or maintenance of fixed anchors.

### Red Rock Canyon National Conservation Area, Bureau of Land Management, Nevada

Congress designated much of Red Rock Canyon National Conservation Area as Wilderness in 2002. Since then, the Wilderness Management Plan has not been completed. Several unsuccessful attempts to complete the plan during the past 15 years have proposed an amendment to establish guidelines for climbing management. Staff attrition and budget cuts have contributed to the 15 year delay in finalizing the Wilderness Management Plan. Therefore, the antiquated plan, and unfinished revised plan, has created a lot of confusion regarding the guidelines for managing and accessing recreation generally and climbing specifically.

### Catoctin Mountain Park, Maryland

*\*An example of a recently amended compendium to allow climbing*

Catoctin Mountain Park is home to high quality bouldering<sup>4</sup> opportunities at a variety of difficulty levels that the park had closed. In 2016 Catoctin Mountain Park restored bouldering access, allowing the mid-Atlantic climbing community a chance to discover one of the national

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<sup>4</sup> "Bouldering" is defined a climbing without a rope on short rock outcrops and boulders, and is growing in popularity nation-wide including in national parks.

parks in their own backyard that is the perfect place for the diverse community of urban climbers to escape from the city and enjoy our public lands.

Access Fund and Mid-Atlantic Climbers established a collaborative relationship with park staff and helped them consider the benefits of expanded climbing and bouldering opportunities. The advocacy work not only resulted in climbing access, but laid the groundwork for long-term collaboration. An amended superintendent compendium now allows bouldering in many areas of the Park.

## 2. Poorly Substantiated Closures and Restrictions

Climbers typically comply with well-substantiated, science-based closures and restrictions designed to protect natural and cultural resources. Unfortunately, park managers often implement poorly substantiated closures and restrictions without thorough analyses, public input opportunities, and/or complete data sets. The reasons for unsubstantiated limitations on recreation include limited staffing and budgets, time constraints, and lack of information. The following poorly-substantiated closures and restrictions have been formalized through management plans, superintendent compendiums, and previously accepted management practices.

### *North Cascades National Park, Washington*

In issuing a wilderness anchor bolt moratorium, North Cascades National Park (NOCA) ignored the guidance in Director's Order #41 which governs, in part, rock climbing in NPS wilderness areas. NOCA not only bans new bolts, but park officials also removed existing bolts without any public process or notice to the climbing community, creating a safety hazard for climbers and mountain guides who had relied on these specific anchor bolts for descent down of Forbidden Peak. Director's Order #41 provides park superintendents with the authority to prohibit bolts after they have established that bolts result in unacceptable impacts and have conferred with NPS climbing specialists and the climbing community (see Appendix A attached hereto for more information on climbing fixed anchors and bolts).

In 2014, a part of a broad-based group of 12 climbing and wilderness organizations asked NOCA to provide justification and notice to the public before future administrative actions regarding fixed anchors are taken. However, the park indicated that they will not address fixed anchor management until they update their 1989 Wilderness Management Plan, which will take several years to complete and remains on hold.

### *Harpers Ferry National Military Park, Maryland/Virginia/West Virginia*

The 2017 Superintendents Compendium at Harpers Ferry closed all rock climbing activities including "traditional, top rope, belay, lead climbing, and bouldering within the legislative boundaries of Harpers Ferry National Historical Park, in the states of Virginia and West Virginia" ignoring the experience of other climbing parks throughout the country that have successfully managed climbing activities while avoiding resource impacts and maintaining historic character and visitor safety.

### Sequoia and Kings Canyon National Park, California

The 2015 Sequoia & Kings Canyon National Parks Wilderness Management Plan states that climbers can “judiciously” place non-permanent fixed anchors when necessary, without the need for permits. But climbers will need a \$20 special-use permit and wait up to 3 months to place and replace fixed anchors in Wilderness which is not realistic or safe as decisions to replace safety anchors often must be determined spontaneously in the moment. Sequoia and Kings Canyon does not have process for evaluating fixed anchor permits and has yet to approve a permit.

### Devils Tower National Monument, Wyoming

*\*An example of a balanced, science-based closure*

Devils Tower annually closes climbing routes in order to protect nesting falcons. These climbs are frequently closed between March and July, and during this time nesting activity is monitored by park staff. Devils Tower officials have developed an efficient process to reopen climbing routes when no nesting activity is observed.

### Delaware Water Gap National Recreation Area, New Jersey/Pennsylvania

*\*An example of a balanced, science-based closure*

In 2010 after a pair of peregrine falcons failed to produce any offspring while nesting on the cliffs of Mount Minsi in the Delaware Water Gap National Recreation Area, park officials declared popular climbing areas off-limits to both climbers and hikers. The NPS now monitors the closure area during nesting season and provides notice to the climbing community as soon as the cliff is appropriate for climbing again.

### Bears Ears National Monument, Utah

*\*An example of a balanced, science-based closure*

Utah BLM’s Monticello Field Office (the home of Indian Creek and the newly-designated Bears Ears National Monument) also annually closes climbing routes in order to protect nesting falcons. These climbs are frequently closed between March and July, and during this time nesting activity is monitored by BLM staff who reopen the climbing routes once the birds have successfully nested.

## 3. Unidentified Recreation Resources

As rock climbing evolves and becomes more popular, new climbing opportunities are explored and documented. Climbers routinely find new routes on boulders, crags and mountains. Land managers are often unable maintain an accurate inventory of recreation resources because recreation opportunities are constantly evolving and new recreation resources are found in areas that were previously considered inaccessible or relatively unknown.

Local and national climbing organizations can help keep DOI land managers aware of newly discovered recreation opportunities and help maintain sustainable recreation resources and infrastructure through policy, education and stewardship. Sometimes unknown climbing areas

are restricted because the land agency is simply unaware that they exist and is unaware of the benefits to the American public. An open channel of communication, and a mechanism to share recreation data, would greatly improve DOI recreation databases. Better information would help ensure that appropriate recreation opportunities were not restricted.

*Haleakala and Olympic National Parks: Examples of national parks with previously unidentified, and currently restricted, bouldering and climbing opportunities.*

### **Streamlining and Improving the Permitting Process for Outfitters and Guides**

For many people, an outfitter or guide provides a first introduction to public lands that grows into a lifetime of lasting memories and appreciation of America’s public lands. Streamlining of the permitting process for outfitters and guides will enable more Americans (and international visitors) to make these meaningful connections with the National Park System. A more efficient permitting process will also reduce paperwork and administrative time, freeing agency resources for better management and allowing outfitters and guides to focus on improving visitor experiences. We offer the following recommendations to streamline and improve the permitting process in national parks:

- Encourage cross-jurisdictional permitting
- Enable multi-park commercial use authorizations (CUA)
- Standardize CUA application fees and fee administration methods
- Establish an online CUA application & reporting system
- Clarify authorities for the allocation of CUA commercial service days
- Complete NPS Director’s Order 48B and associated Reference Manual 48B to provide additional guidance on Commercial Use Authorizations
- Preserve opportunities for public participation

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As the National Park Service and Bureau of Land Management identifies public-private partnerships to support the implementation of Secretarial Order 3366, the Access Fund stands ready as a willing and able partner to assist with the implementation of this order. We appreciate the opportunity to share our comments in this letter and we look forward to additional collaboration in the future.

Regards,



Erik Murdock  
Access Fund Policy Director

Cc: Benjamin Cassidy, Department of Interior  
Bob Ratcliffe, National Park Service  
Larry Ridenhour, Bureau of Land Management

## Appendix A

### Fixed Anchors

Fixed anchors are defined as climbing equipment (e.g., bolts, pitons or slings) left in place to facilitate ascent or descent of technical terrain (USDA Forest Service, 1999<sup>i</sup>). These anchors 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 technical descents (rappels) that would be otherwise impossible without a fixed anchor.

The Access Fund supports the ban on power drills in wilderness, and actively promotes the concept that bolts should be placed as a last resort. However, fixed anchors are not only critical for safety, but are also a significant tool for resource management: they can be strategically placed to minimize climbing impacts to geology, soils, vegetation, and wildlife in wilderness areas.<sup>ii</sup> This function is sacrificed if any use of fixed anchors is prohibited. In our experience, concerns about fixed anchors are almost never related to measurable resource impacts that may be associated with the placement of these traditional climbing tools, but rather to philosophical convictions.<sup>iii</sup> The Access Fund position on wilderness fixed anchor management is based on the following principles:

1. **Climbing is an officially recognized, appropriate activity in wilderness** and fixed anchors are necessary tools for wilderness climbing.
2. **Fixed anchors should be rare in wilderness.**
3. **Public input is critical** and mandatory for the management of fixed anchors. Climbers need to have a voice in managing key elements of the climbing safety system. For this reason, NPS DO#41 clearly provides that "Wilderness parks with climbing use will exchange information on best practices, work together on service wide implementation, and communicate with stakeholders and wilderness users."<sup>iv</sup>
4. **Maintenance of existing fixed anchors is essential** to fixed anchor management in wilderness.
5. **Wilderness fixed anchor management must provide provisions** (programmatically or case-by-case basis) **to allow climbers some level of control, while in a wilderness setting, to make decisions regarding fixed anchor placements** where no other options are available. Such policies allow climbers to make legal, critical decisions regarding personal safety in unforgiving conditions often experienced in rugged wilderness. Only a very small minority of climbers partake in wilderness-based first ascents that involve the placement of fixed anchors; however, the ability of climbers to place a *de minimus* number of wilderness fixed anchors is a privilege worth protecting because it embodies "outstanding opportunities for solitude or a primitive and unconfined type of recreation"<sup>v</sup> associated with the purest forms of wilderness exploration.
6. **Administrative actions regarding fixed anchors must be well substantiated and noticed to the public.** The Access Fund maintains that any decisions regarding fixed anchors should be grounded in a firm understanding of resource capacity, associated

impacts, and acceptable rates of change to the natural and social environment. Fixed anchor management alternatives should be evaluated before any decisions are made to restrict the use of fixed anchors. All administrative changes to the condition of fixed anchors (e.g., removal) should be well-publicized to help mitigate potential negative impacts to climber safety.

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<sup>i</sup> 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>

<sup>ii</sup> As an example, the 2013 Joshua Tree National Park Superintendent's Compendium prohibited the use of vegetation for climbing anchors and subsequently (September, 2013) approved a permit for the placement of a bolted fixed anchor in wilderness in order to protect a Pinyon pine tree previously used as a descent anchor.

<sup>iii</sup> Dolan, T. (2000). *Fixed Anchors and the Wilderness Act: Is the Adventure Over?* University of San Francisco Law Review, 34, 355-381.

<sup>iv</sup> Director's Order #41.

<sup>v</sup> Wilderness Act of 1964, Pub. L. 88-577, § Sec. 2(c)(2).