



Protect America's Climbing

January 30, 2024

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RE: Access Fund Comments to:

- **National Park Service: Evaluation and Authorization Procedures for Fixed Anchors and Fixed Equipment in National Park Service Wilderness Areas**
- **USDA Forest Service: FSM 2355 Climbing Opportunities #ORMS-3524**

The Access Fund appreciates the opportunity to comment on the National Park Service's Draft Guidance¹ and the U.S. Forest Service's Proposed Directive² on managing climbing and protecting natural and cultural resources in wilderness areas.³ Our primary objective in submitting these comments is to express our strong disagreement with the agencies' interpretation of fixed anchors as prohibited "installations" under Section 4(c) of the Wilderness Act and the accompanying obligation to undertake a minimum requirements analysis (MRA) for assessing whether to permit the placement or replacement of fixed anchors. We also propose a more appropriate, effective, and durable framework for managing wilderness fixed anchors that will protect wilderness character while providing reasonable access to America's iconic wilderness climbing areas.

The Access Fund is the nation's preeminent advocacy organization for sustainable climbing, with a mission to lead the climbing community toward sustainable access and conservation of the climbing environment. A 501(c)(3) non-profit supporting and representing more than eight million climbers nationwide in all forms of climbing—rock climbing, ice climbing, mountaineering, and bouldering—the Access Fund is the largest United States climbing advocacy organization with nearly 20,000 members and more than 150 affiliates.

¹ National Park Service, *Draft Reference Manual 41: Wilderness Stewardship, Evaluation and Authorization Procedures for Fixed Anchors and Fixed Equipment in National Park Service Wilderness* (Nov. 17, 2023), available at <https://parkplanning.nps.gov/document.cfm?documentID=132387> (hereinafter "Park Service's Draft Guidance").

² U.S. Forest Service, *Forest Service Manual 2300–Recreation, Wilderness, and Related Resource Management Chapter 2350–Trail, River, and Similar Recreation Opportunities* (Nov. 17, 2023), available at <https://cara.fs2c.usda.gov/Public/CommentInput?project=ORMS-3524> (hereinafter "Forest Service's Proposed Directive").

³ Per notices extending the comment periods, the public is invited to provide comment on both the agencies' guidance proposals through Tuesday, January 30, 2024. See 89 Fed. Reg. 1599, 1600 (Jan. 10, 2024); 89 Fed. Reg. 1518 (Jan. 10, 2024).

The Access Fund recognizes that the regulation of climbing in wilderness areas is an important part of fostering safe, responsible, and sustainable climbing. For the last several years, the Access Fund has collaborated with other organizations and federal agencies to determine how best to regulate fixed anchor use in parks and forests. Preserving wilderness and the majesty of climbing environments is a top priority for the Access Fund.

The Access Fund submits these comments to explain in detail why the agencies' proposed guidance deeming fixed anchors to be "installations" under the Wilderness Act is not an appropriate way of regulating fixed anchor use in wilderness areas and would be unlawful if adopted. Deeming all fixed anchors to be installations would exceed the agencies' authority under Wilderness Act given the overwhelming evidence that Congress did not intend to treat fixed anchors as installations. In addition, the proposed guidance is arbitrary and capricious in numerous respects—including because it fails to recognize or justify the change in policy it proposes, fails to consider the dangers its new guidance would create, and fails to grapple with the drastic implications of its new position. In addition, the proposed guidance is a procedurally improper mechanism for effectuating a change in agency policy that would transform how climbing is managed in America's wildernesses.

The Park Service's and Forest Service's proposed guidance is misconceived, and the Access Fund urges the agencies to reconsider, or at least substantially revise, their guidance. We end by proposing an alternative approach to regulating fixed anchor use in wilderness areas, should the agencies conclude that the current approach requires revision.

The Access Fund previously participated in a working group with agency officials and other stakeholders to work toward a sensible approach to safe and sustainable climbing in America's wildernesses. That working group was disbanded in 2019, but we encourage the agencies to revive it, and would welcome the opportunity to continue our collaboration with the agencies to advance our common goals. In addition to submitting these comments, the Access Fund intends to submit comments as part of a coalition of organizations to propose an improved process for addressing fixed anchors in wilderness areas.

BACKGROUND

I. The History Of Wilderness Climbing And Fixed Anchors In The United States

Climbing in the United States has a long and distinguished history. This history includes many of the leading conservationists of our time, including John Muir, David Brower, and Justice William O. Douglas. What started out as a niche activity enjoyed by a few privileged adventurers has grown into a national pastime, with climbing gyms opening in diverse communities all across the country and the debut of climbing at the most recent Summer Olympics. There are over 8 million climbers in the country, and climbing as a whole contributes at least \$12.5 billion to the economy each year.⁴ We learn more every day about the health, social, and economic benefits of spending time outside, and wilderness climbing is a key component of this experience.

⁴ The American Alpine Club, *State of Climbing Report*, at 13 (2019), available at https://aac-publications.s3.amazonaws.com/articles/State_of_Climbing_Report_2019_Web.pdf.

There are approximately 40,000 crags—or individual climbing areas—in the U.S., and nearly 60% of those crags are on federal public lands. Dozens of wilderness areas feature established climbing opportunities. Climbers feel a special connection to federal wilderness areas because they offer some of the most iconic and historic climbing opportunities in the world. Places like El Capitan in Yosemite National Park and the Diamond on Longs Peak in Rocky Mountain National Park draw people from around the world because they offer unmatched opportunities for adventure, recreation, and solitude in primitive and wild settings. The history of climbing in the U.S. dates back over a century and has played out amongst the mountains and cliffs of the nation’s wildernesses. Climbers’ experiences in America’s wilderness areas have inspired generations to become advocates for public lands and conservation.

Throughout that history, climbers have depended on fixed anchors to safely ascend and descend dangerous vertical terrain. Ropes are critical to climbing safely, but the ropes themselves are largely useless without some way of attaching them to the snow, ice, or rock that climbers navigate. When removable anchors cannot be used, fixed anchors are an essential and irreplaceable component of a climber’s safety system. Pitons, fabric slings, and bolts are types of fixed anchors. Pitons consist of small metal pins that are hammered into cracks in the rock. Slings are fabric material (rope or webbing) wrapped around natural features such as boulders or trees. While pitons are occasionally used today, climbers have also developed more modern equipment, such as 3-inch long by $\frac{3}{8}$ - $\frac{1}{2}$ -inch diameter metal expansion bolts. Pitons, slings, and bolts are nearly impossible to see unless you are within a few feet of them, and they are usually invisible to everyone except the climbers who are looking for and using them.

Since the 1970s, when removable protection was first developed, climbers have primarily relied on removable anchors such as “nuts” and camming devices for wilderness climbing. But the vast majority of the most popular and most well-known wilderness climbing opportunities in America would be inaccessible and unsafe without fixed anchors. Climbers have relied on fixed anchors for many of the most historic ascents in the history of mountaineering, and climbers and guides today continue to rely on these tools.

Fixed anchors often enhance the sustainability of outdoor recreation. They allow people to use more durable surfaces when navigating difficult terrain and limit damage to vegetation and erosion that might otherwise result from using trees or other natural features as anchors. Studies also have shown that fixed anchors cause very little, if any, ecological damage.⁵

Climbing and the use of fixed anchors long predate the Wilderness Act of 1964. Climbers are notoriously compulsive about recording our history, and we have a wealth of knowledge about the historic use of fixed anchors in areas now designated as wilderness. A few well-known first ascents include:

⁵ See Timothy Dolan, *Fixed Anchors and the Wilderness Act: Is the Adventure Over?*, 34 U.S.F. L. REV. 355, 374–375 (2000) (“Fixed anchors are substantially unnoticeable and are often far less conspicuous than damage caused by campers and horseback riders.”); R.M. Schuster *et al.*, *Rock Climber's Attitudes Toward Management of Climbing and the Use of Bolts*, ENVIRONMENTAL MANAGEMENT 403-412 (2001); R.J. Camp & R.L. Knight, *Rock climbing and cliff bird communities at Joshua National Tree National Park, California*, 26 WILDLIFE SOCIETY BULLETIN, 892-898 (1998).

- In 1920, Albert Ellingwood and Barton Hoag climbed Lizard Head Peak in Southwest Colorado using pitons along with their hemp rope and hobnailed boots. Congress designated this area as the Lizard Head Wilderness in 1980, 60 years after this historic climb.
- In 1931, Norman Clyde led an ascent of the East Face of Mt. Whitney in California’s Sierra Nevada range using pitons. Congress designated this area as the John Muir Wilderness in 1964, more than 30 years after this historic climb.
- In 1960, Bob Kamps and David Rearick made the first ascent of the Diamond on Longs Peak in Rocky Mountain National Park using pitons as fixed anchors. Congress designated this area as the Rocky Mountain National Park Wilderness in 2009, 49 years after this historic first ascent.⁶

These examples begin to paint a picture of the rich history of climbing and mountaineering in this country. They also show how climbing and fixed anchor use long predate the Wilderness Act and the designation of wilderness areas across the country. Climbing with fixed anchors has facilitated the exploration of terrain now designated as wilderness and has contributed to the rich legacy and outdoor adventure culture that Americans continue to enjoy today.

II. The Wilderness Act Of 1964

Our present National Wilderness Preservation System, encompassing 628 wilderness areas spread over 104 million acres in 44 states, came about when Congress passed and President Lyndon B. Johnson signed into law the Wilderness Act of 1964. The Act was enacted “to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.”⁷

The Act instructs that “each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character.”⁸ Congress specifically provided that “wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.”⁹ And federal agencies must administer the Act “for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness.”¹⁰

⁶ There are many other well-documented examples that can be found in the American Alpine Journal, the publications of regional mountaineering clubs, and other historic publications like the Sierra Club Bulletin.

⁷ 16 U.S.C. § 1131(a).

⁸ *Id.* § 1133(b).

⁹ *Id.*; see also *Wilderness Watch v. Robertson*, No. CIV. 92-740, 1998 WL 1750033, at *6 (D.D.C. Aug. 31, 1998) (explaining the Act does not direct “a single, limited purpose,” but instead requires agencies to “serve a number of public purposes, and to foster ‘recreational, scenic, scientific, educational, conservation, and historical use’”) (quoting 16 U.S.C. § 1133(b)).

¹⁰ 16 U.S.C. § 1131(a); see also *High Point, LLLP v. NPS*, 850 F.3d 1185, 1196–97 (11th Cir. 2017); *Robertson*, 1998 WL 1750033, at *6.

Section 4(c) of the Wilderness Act prohibits certain activities and structures in wilderness except in limited circumstances. The provision in full provides:

Except as specifically provided for in this chapter, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this chapter and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this chapter (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or *installation* within any such area.¹¹

The Act, in relevant part, prohibits “structure[s]” and “installation[s]” in wilderness areas “except as necessary to meet minimum requirements for the administration of the area for the purpose of this” Act.”¹² The Act does not define “installation.”

III. Fixed Anchor Regulation In Wilderness Areas

During the 60 years following the passage of the Wilderness Act, no national guidance has been issued or regulation promulgated taking the position that fixed anchors are prohibited installations under Section 4(c) of the Act.¹³ Indeed, recognizing the importance of climbing, agencies have routinely managed and even promoted climbing and fixed anchors as allowable uses in wilderness areas around the country.

A. The Park Service’s Current Approach

The Park Service’s current approach to fixed anchor use in wilderness areas derives from *Director’s Order #41 on Wilderness Stewardship*, which the Park Service issued in May 2013.¹⁴ This guidance document does not classify fixed anchors as prohibited installations.

Director’s Order 41 “recognizes that climbing is a legitimate and appropriate use of wilderness” and that the “occasional placement of a fixed anchor” does not violate the Wilderness Act.¹⁵ Recognizing the importance of protecting wilderness, Director’s Order 41 notes that “any climbing use” should be “restricted or prohibited” if “its occurrence, continuation, or expansion

¹¹ 16 U.S.C. § 1133(c) (emphasis added).

¹² *Id.*; *Wilderness Watch, Inc. v. Creachbaum*, 731 F. App’x 709, 710 (9th Cir. 2018).

¹³ For example, the Bureau of Land Management (BLM’s) Instruction Memorandum 2007-084 and 2012 Manual dealt with wilderness climbing anchors, but neither mentioned that fixed anchors are “installations” under the Wilderness Act. *See* BLM, *Instruction Memorandum 2007-084* (Mar. 15, 2007), available at <https://www.blm.gov/policy/im-2007-084>; BLM, *BLM Manual 6330—Management of BLM Wilderness Study Areas* (July 13, 2012), available at https://www.blm.gov/sites/default/files/uploads/mediacenter_blmpolicymanual6330.pdf.

¹⁴ National Park Service, *Director’s Order #41: Wilderness Stewardship* (May 13, 2013), available at https://www.nps.gov/subjects/policy/upload/DO_41_5-13-2013.pdf (hereinafter “DO 41”).

¹⁵ *Id.* at 15.

would result in unacceptable impacts to wilderness resources or character, or interfere significantly with the experience of other park visitors.”¹⁶

Under this guidance, the Park Service treats *new* fixed anchors differently than the replacement of *existing* fixed anchors. Director’s Order 41 provides that prior authorization “*may* be required for the replacement or removal of existing fixed anchors or fixed equipment.”¹⁷ Director’s Order 41 then provides that prior authorization “*will* be required for the placement of new fixed anchors,” but the authorization process “will be established at the park level and will be based on a consideration of resource issues.”¹⁸ Authorization may be issued programmatically, through an activity-level plan, or on a case-by-case basis, “such as through a permit system.”¹⁹

Director’s Order 41 does not require an MRA as part of a prior authorization for new fixed anchors, although it does require an MRA in the case of “[p]roposals for the placement of fixed anchors . . . for the administrative purpose of facilitating future rescue operations.”²⁰ The Park Service’s own policies reserve the MRA process “to determine if administrative actions, projects, or programs undertaken by the Service or its agents and affecting wilderness character, resources, or the visitor experience are necessary, and if so how to minimize impacts.”²¹

B. Forest Service’s Current Approach

The Forest Service has not issued national guidance or a regulation managing fixed anchors in wilderness areas, although it has attempted to do so. For example, in 1998, the Forest Service announced a ban on fixed anchor use in all U.S. Forest wilderness areas.²² Following public outcry, the Forest Service rescinded the ban and announced a negotiated rulemaking process to determine how to regulate fixed anchor use in wilderness.²³ The negotiated rulemaking was unsuccessful.

IV. Fixed Anchors In Wilderness Areas Today

The Access Fund and its climbing members have partnered with many National Park units and Forest Service offices throughout the country to manage fixed anchors as allowable uses. The climbing community has a strong ethic of caring for the land and minimizing fixed anchor use in wilderness, relying on removable protection whenever possible.

There are far more than 65,000 independent climbing routes in Park Service and Forest Service wilderness areas.²⁴ Both the Park Service and the Forest Service are aware of literally

¹⁶ *Id.*

¹⁷ *Id.* (emphasis added).

¹⁸ *Id.* (emphasis added).

¹⁹ *Id.* at 15–16.

²⁰ *Id.* at 16.

²¹ National Park Service, *Management Policies 2006*, at 81, available at https://www.nps.gov/subjects/policy/upload/MP_2006.pdf.

²² See generally Dolan, *supra* note 5, at 356.

²³ 64 Fed. Reg. 58,368, 58,368 (Oct. 29, 1999); see also 65 Fed. Reg. 36,395 (June 8, 2000).

²⁴ See MOUNTAIN PROJECT, www.mountainproject.com (last visited Jan. 27, 2024).

thousands of climbs in wilderness areas that use fixed anchors, yet neither the Park Service nor the Forest Service has ever issued national guidance treating fixed anchors as Section 4(c) installations or conditioning their use, placement, or replacement on satisfying a minimum requirements analysis. Modern management of climbing in wilderness areas instead typically involves the following elements:

- Each National Park unit or Forest Service office has flexibility in managing fixed anchors so they can tailor their approach to local conditions. For instance, Yosemite²⁵ and Rocky Mountain National Parks²⁶ provide programmatic authorization for the appropriate placement and use of fixed anchors. In some but not all places, prior approval is needed before placing new fixed anchors in wilderness. Other public land units may manage climbing through a dedicated climbing management plan or have climbing provisions in a comprehensive land use plan, but these remain very rare.
- The use of power drills in wilderness areas is strictly prohibited. All fixed anchors must be placed by hand without the use of motorized equipment. This is a time consuming and laborious process that serves as a natural and effective limitation on the proliferation of fixed anchors.
- Land managers retain authority under the Wilderness Act and other authorities to restrict access or close areas to climbing or to limit climbing to protect wilderness characteristics, natural resources, or cultural values. For instance, climbers and land managers often partner to implement seasonal closures of climbing areas to protect nesting raptors.
- Individual National Park units or Forest Service offices are encouraged to develop climbing management plans that provide more detail about how they will manage sustainable climbing access and conserve and protect climbing areas.

Climbers often partner with land managers to steward climbing areas and educate the climbing community on low-impact practices and regulations designed to protect wilderness character. This collaborative approach to managing climbing is largely working. In some places, like Joshua Tree National Park, visitation levels and environmental conditions require more regulation and management as well as public education and active stewardship. In other places, like the Brooks Range in Northern Alaska, wilderness climbing takes place in extremely remote areas that are difficult for the public to access, requiring a much different approach to climbing management.

Climbing guides rely on fixed anchors in most locations, like Yosemite and Zion National Parks, to share the wilderness climbing experience with their clients. Rural gateway communities like Joshua Tree, California, Moab, Utah, and Estes Park, Colorado depend on visitation to power their local economies and create jobs. And new generations of climbers continue to advocate for new wilderness areas and for the Wilderness Act itself.²⁷

²⁵ Addendum A, Exhibit 7 at 19.

²⁶ Addendum B, Exhibit 1 at 2-40.

²⁷ Climbers, for example, have advocated for the proposed Colorado Wilderness Act and Northwest California Wilderness Act.

V. The Proposed Agency Guidance

The Park Service and Forest Service recently issued proposed guidance that will transform the management of fixed anchor use in wilderness areas. The proposed guidance would, for the first time ever, treat fixed anchors as Section 4(c) installations that are prohibited in wilderness areas unless the requirements for an MRA are satisfied.

A. The Park Service's Draft Guidance

In November 2023, the Park Service issued Draft Guidance, titled *Draft Reference Manual 41: Wilderness Stewardship Evaluation and Authorization Procedures for Fixed Anchors and Fixed Equipment in National Park Service Wilderness*.²⁸ It governs the management of climbing activities in wilderness areas in the National Park System.²⁹ The Draft Guidance begins by explaining that “climbing is an important and historically relevant recreational activity in many NPS wilderness areas” and that “climbing is [an] . . . appropriate use of the wilderness.”³⁰

Despite recognizing the general appropriateness of climbing in wilderness, the Park Service maintains that fixed anchors “are a type of installation under §4(c) of the Wilderness Act” that is prohibited unless an MRA is satisfied.³¹ The Park Service claims that its interpretation is supported by its own definition of “installation” in Reference Manual 41, which defines “installation” as “[a]nything made by humans that is not intended for human occupation and is left unattended or left behind when the installer leaves the wilderness.”³² The Park Service maintains that fixed anchors meet this definition because they “are installed and remain in place long after the installer has left.”³³ Even though Reference Manual 41 itself does not treat fixed anchors as installations, the Park Service now proposes to prohibit fixed anchor use in wilderness areas unless an MRA is satisfied.³⁴

The Draft Guidance establishes a complicated multi-step process for applying for and obtaining permission to use fixed anchors. First, the Draft Guidance encourages parks to create a formal park plan for evaluating permit requests.³⁵ Second, climbers seeking to use a fixed anchor must submit detailed permit applications, on forms approved by the Office of Management and Budget, requesting authorization.³⁶ If there is no formal park plan, a park superintendent may evaluate individual requests to place or replace fixed anchors through interim or existing guidance.³⁷ Third, parks will be required to conduct an MRA before authorizing applications for

²⁸ See generally Park Service's Draft Guidance.

²⁹ See *id.*

³⁰ *Id.* at 3.

³¹ *Id.*

³² National Park Service, *NPS Reference Manual #41: NPS Wilderness Definitions*, at 2 (2013), available at https://www.nps.gov/subjects/wilderness/upload/NPS-W-Defs_508.pdf.

³³ Park Service's Draft Guidance at 3.

³⁴ *Id.*

³⁵ *Id.* at 4.

³⁶ *Id.* at 5.

³⁷ *Id.* at 4.

the placement or replacement of fixed anchors. This process will ask whether the fixed anchor use is “necessary to meet minimum requirements for the administration of the area for the purpose of” the Wilderness Act.³⁸ The MRA is a “two-step process that first determines whether an action is necessary for administration of the area as wilderness, and if so, identifies the method or tool to accomplish the action with the least adverse impact on wilderness character.”³⁹

The MRA process is required not just for new fixed anchor use, but also retroactively governs all existing fixed anchors. As for the use of existing fixed anchors, the Draft Guidance directs parks to “evaluate all routes with existing fixed anchors when practicable, as funding and resources allow, through either a park, area, or route specific MRA.”⁴⁰ As for the replacement of existing fixed anchors, all replacements “must be evaluated through an MRA before being approved.”⁴¹ The only exception is that “climbers may make emergency replacements of pre-existing fixed anchors if necessary to exit the climb in the safest and most expeditious manner possible.”⁴²

B. Forest Service’s Proposed Directive

In November 2023, the Forest Service issued a proposed directive, titled *Forest Service Manual 2300 – Recreation, Wilderness, and Related Resource Management, chapter 2350–Trail, River, and Similar Recreation Opportunities, section 2355, Climbing Opportunities*.⁴³ The Proposed Directive “provides guidance for management of climbing opportunities in wilderness and non-wilderness.”⁴⁴ The Proposed Directive recognizes that “[c]limbing has long been an important and historically relevant form of primitive or unconfined recreation consistent with the wilderness character of many NFS wilderness areas.”⁴⁵ It also recognizes that “[c]limbing, including the use of *fixed anchors* . . . , can fulfill important wilderness recreational purposes and can help preserve wilderness character by providing opportunities for primitive or unconfined recreation.”⁴⁶

Despite recognizing that climbing with fixed anchors is generally appropriate in wilderness, the Forest Service concludes that fixed anchors are prohibited installations under Section 4(c) of the Wilderness Act.⁴⁷ The Forest Service provides no explanation for its interpretation of Section 4(c) as encompassing fixed anchors.⁴⁸ Under this new application of the Wilderness Act, a forest supervisor “may authorize the placement or replacement of fixed anchors” in wilderness only if the use is minimum necessary for administration of the area for Wilderness

³⁸ *Id.* at 6.

³⁹ *Id.*

⁴⁰ *Id.* at 5.

⁴¹ *Id.* at 5.

⁴² *Id.*

⁴³ *See generally* Forest Service’s Proposed Directive.

⁴⁴ *Id.* at 3.

⁴⁵ *Id.* at 5.

⁴⁶ *Id.* at 14 (emphasis added).

⁴⁷ *Id.*

⁴⁸ *See id.* (providing that “[f]ixed anchors and fixed equipment are installations for purposes of section 4(c) of the Wilderness Act” with no justification).

Act purposes by conducting an MRA.⁴⁹

The Proposed Directive requires National Forests to prepare climbing management plans that include “guidance on fixed anchor and fixed equipment placement and replacement by climbers.”⁵⁰ Plans should “[r]estrict or prohibit the placement or replacement of fixed anchors and fixed equipment” in wilderness “unless specifically authorized based on a case-specific determination that they are the minimum necessary for administration of the area for wilderness Act purposes.”⁵¹ To determine whether placement or replacement of a fixed anchor is the minimum necessary for administration of the area for Wilderness Act, Forest Supervisors are directed to conduct an MRA, which “must include an analysis of whether placement or replacement of fixed anchors . . . is the minimum necessary to facilitate primitive or unconfined recreation or otherwise preserve wilderness character,” and to “explain how and why the conclusions in the analysis were reached.”⁵²

Like the Park Service, the Forest Service requires an MRA not just for new fixed anchors, but also for the use and replacement of existing anchors. Though interim use of existing fixed anchors is permitted, existing fixed anchors must eventually satisfy an MRA “that determines they are the minimum necessary to facilitate primitive or unconfined recreation or otherwise preserve wilderness character.”⁵³ Likewise, the replacement of an existing fixed anchor “must be evaluated and authorized through a Minimum Requirements Analysis.”⁵⁴ The only exception is that “emergency replacements of individual fixed anchors posing a legitimate safety concern” are permitted unless “prescribed otherwise through an approved climbing management plan or equivalent planning document.”⁵⁵ Such emergency anchors must be subsequently removed.⁵⁶

The Proposed Directive will limit climbers’ use of fixed anchors in non-wilderness areas as well. It provides that the placement and replacement of fixed anchors should be restricted “to established climbing opportunities and to approved new climbing opportunities that have been evaluated for natural and cultural resource impacts.”⁵⁷ The Proposed Directive adds that the placement and replacement of fixed anchors in non-wilderness areas should only be “for purposes of belay, rappel, traverse, resource protection, or aiding in ascent and descent.”⁵⁸

OBJECTIONS TO THE PROPOSED GUIDANCE

For the first time in the 60 years since the Wilderness Act became law, the Park Service and Forest Service propose to treat fixed anchors as “installations” that are prohibited in wilderness

⁴⁹ *Id.*

⁵⁰ *Id.* at 11–12.

⁵¹ *Id.* at 12.

⁵² *Id.* at 14.

⁵³ *Id.* at 15.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.* at 13.

⁵⁸ *Id.*

areas “except as necessary to meet minimum requirements for the administration of the area for the purpose of this chapter.” The Access Fund agrees with the need to protect wilderness character and to ensure that wilderness climbing is conducted sustainably and responsibly. But treating fixed anchors as prohibited unless and until wilderness areas establish a climbing plan, develop a permitting process, and conclude that each fixed anchor satisfies the onerous requirements of an MRA, would be profoundly misguided and counterproductive.

The agencies’ guidance must meet the requirements of the Administrative Procedure Act (APA), which imposes substantive and procedural obligations on agency decision-making.⁵⁹ We respectfully submit that the proposed guidance documents fail the APA. *First*, the guidance documents are contrary to law because the text, history, and purpose of the Wilderness Act makes clear that the term “installation” does not encompass fixed anchors. *Second*, the guidance documents are arbitrary and capricious in a host of respects—they fail to acknowledge and justify an abrupt change in policy; they do not adequately explain their reasoning; and they fail to consider important aspects of the problem such as the dangerous incentives they establish for climbers and the fact that the agencies’ own policies mandate an MRA process for agency action, not private action. *Third*, the guidance documents are procedurally improper because a drastic transformation of how the federal government regulates climbing in wilderness areas should not be implemented through informal guidance. We elaborate on each of these problems below.

I. The Proposed Guidance Is Contrary To Law

The Park Service and Forest Service’s proposed guidance turn on the premise that fixed anchors are “installations” under the Section 4(c) of the Wilderness Act.⁶⁰ Regrettably, however, neither guidance document attempts to justify that interpretation under the text of the Act. Determining whether fixed anchor use constitutes a Section 4(c) installation is a legal question that requires applying traditional tools of statutory construction—looking to the text, statutory history, and purpose of the Act. These interpretive tools make clear that the agencies’ interpretation of the Wilderness Act is unlawful.

A. Plain Text

Fixed anchors are not “installations” under the plain text of the Act. Section 4(c) of the Wilderness Act generally prohibits “structure[s] or installation[s]” in wilderness areas. Congress did not define the term “installation,” which means that it must be understood as having its ordinary meaning at the time Congress enacted the statute.⁶¹ When the Wilderness Act was passed, “installation” meant “a system of machinery or apparatus placed in position for use”⁶² or

⁵⁹ See 5 U.S.C. § 706 (explaining when agency action is unlawful).

⁶⁰ See Park Service’s Draft Guidance at 3 (“[F]ixed anchors . . . are a type of installation under §4(c) of the Wilderness Act.”); Forest Service’s Proposed Directive at 14 (“Fixed anchors . . . are installations for purposes of section 4(c) of the Wilderness Act.”).

⁶¹ 16 U.S.C. § 1133(c); *New Prime Inc. v. Oliveira*, 139 S. Ct. 532, 539 (2019) (“It’s a fundamental canon of statutory construction that words generally should be interpreted as taking their ordinary meaning at the time Congress enacted the statute.”) (cleaned up).

⁶² *Installation*, THE RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE (copy. 1971); see *Installation*, THE AMERICAN COLLEGE DICTIONARY (copy. 1963, 1964) (defining “installation” as “a

“something that is installed for use.”⁶³ “Install” in turn meant “to set up for use or service”⁶⁴ or to “place (apparatus) in position for use.”⁶⁵ Small fixed anchors used during recreational climbing cannot be understood as systems of machinery or apparatuses that are “set up” for use—which connotes complex and technical apparatuses constructed or assembled. Instead, fixed anchors are small objects that are simply “used.”

That understanding is confirmed by canons of statutory interpretation. Under the *ejusdem generis* canon, a statutory term should be “construed to embrace only objects similar in nature to those objects enumerated by the preceding specific words.”⁶⁶ Similarly, under the *noscitur a sociis* canon, a general word must be understood “by the company it keeps”⁶⁷ and “given more precise content by the neighboring words with which it is associated.”⁶⁸ The meaning of the term “installation” must therefore be understood by reference to the other terms listed in Section 4(c). The statutory terms that precede “installation” are “temporary road,” “use of motor vehicles, motorized equipment or motorboats,” “landing of aircraft,” “other form of mechanical transport,” and “structure.”⁶⁹ These terms all plainly connote more substantial and disruptive activities or objects than fixed anchors. These terms therefore underscore that “installation” should be understood to encompass only systems or apparatuses that are constructed. “Installation” should not be understood to encompass small fixed anchors that do not disrupt use or enjoyment of wilderness and are barely visible to anyone but the climbers who depend on them.

This meaning of “installation” aligns with precedent. Courts have noted that banned Section 4(c) “structure[s] or installation[s]” include water tanks, dams, or building docks.⁷⁰ Unlike fixed anchors, all of these objects or activities are substantial and intrusive, which underscores that the term “installation” refers to machinery or apparatuses that are physically constructed.

B. Post-Enactment History

Statutes enacted after the Wilderness Act reaffirm that Congress did not intend to treat

system of machinery or apparatus placed in position for use”); *see also Installation*, BLACK’S LAW DICTIONARY (4th ed. 1968) (“Installation of *machinery* means to place in position where it will reasonably accomplish purposes for which it is set up.”) (emphasis added).

⁶³ *Installation*, WEBSTER’S SEVENTH NEW COLLEGIATE DICTIONARY (7th ed. 1963).

⁶⁴ *Install*, WEBSTER’S SEVENTH NEW COLLEGIATE DICTIONARY (7th ed. 1963).

⁶⁵ *Install*, OXFORD ILLUSTRATED DICTIONARY (1962).

⁶⁶ *Yates v. United States*, 574 U.S. 528, 545 (2015) (plurality) (internal quotation marks omitted). “Ejusdem generis” may be used to “clarify a broad or general term by looking to the specific items preceding that term for clues as to how that term should be construed.” *Citizens Ins. Co. of Am. v. Wynndalco Enters., LLC*, 70 F.4th 987, 999 (7th Cir. 2023).

⁶⁷ *Yates*, 574 U.S. at 543.

⁶⁸ *United States v. Williams*, 553 U.S. 285, 294 (2008).

⁶⁹ 16 U.S.C. § 1133(c).

⁷⁰ *See, e.g., Wilderness Watch, Inc. v. U.S. Fish & Wildlife Serv.*, 629 F.3d 1024, 1032 (9th Cir. 2010) (“Both parties (and we) agree that the two water tanks qualify as structures or installations” under the Wilderness Act.); *High Sierra Hikers Ass’n v. U.S. Forest Serv.*, 436 F. Supp. 2d 1117, 1131 (E.D. Cal. 2006) (“The parties agree that dams are ‘structures’ or ‘installations’ within the meaning of the Wilderness Act.”); *High Point, LLLP*, 850 F.3d at 1197 (finding that relocating or extending a dock was foreclosed as a prohibited structure under Section 4(c) of the Act).

fixed anchors as installations. Congress has repeatedly underscored that climbing is an appropriate wilderness activity. Although fixed anchors have never before been treated as installations, and although Congress has had many opportunities to convey any disagreement with that approach, Congress has not once hinted at an intent to regulate fixed anchors as installations. Instead, Congress has done the opposite.

In the Alpine Lakes Area Management Act of 1976, for example, Congress noted that the Alpine Lakes region “is abundant in its . . . opportunities for great diversity of recreational use and enjoyment,” including “mountain climbing.”⁷¹ Similarly, the Alaska National Interest Lands Conservation Act of 1980⁷² provided that Gates of the Arctic National Park, Wrangell-Saint Elias National Park, and Mount McKinley National Park “shall be managed” to provide reasonable access for “mountain climbing” and “mountaineering.”⁷³

The Emery County Public Land Management Act, part of the John D. Dingell, Jr. Conservation, Management, and Recreation Act, expressly protects wilderness climbing activities—including placement and maintenance of fixed anchors. This landmark public lands bill provides in relevant part that “[n]othing in this part prohibits recreational rock climbing activities in the wilderness areas, *such as the placement, use, and maintenance of fixed anchors, including any fixed anchor established before the date of the enactment of this Act,*” “in accordance with the Wilderness Act” and “subject to any terms and conditions determined to be necessary by the Secretary.”⁷⁴ While the law recognizes that use of fixed anchors should be subject to reasonable terms and conditions, the law’s broad endorsement of fixed anchors is impossible to reconcile with the proposition that fixed anchors are prohibited installations.

When, as here, Congress returns to a statutory subject “giving rise to a longstanding administrative interpretation without pertinent change, the congressional failure to revise or repeal the agency’s interpretation is persuasive evidence that the interpretation is the one intended by Congress.”⁷⁵

C. Statutory Purpose and Congressional Intent

Statutory construction also requires consideration of “history” and “purpose” to determine the meaning of language.⁷⁶ But treating fixed anchors as installations is contrary to the purposes of Wilderness Act, which sought to encourage responsible recreation and public use and enjoyment of wilderness. The Act defines wilderness areas in part by reference to their “outstanding opportunities for solitude or a primitive and unconfined type of *recreation.*”⁷⁷ The Act states that

⁷¹ Alpine Lakes Area Management Act of 1976, Pub L. No. 94-357, 90 Stat 905.

⁷² Alaska National Interest Lands Conservation Act, Pub. L. No. 96-487, 94 Stat. 2371 (Dec. 2, 1980) (codified at 16 U.S.C. § 410hh).

⁷³ *Id.* (codified at 16 U.S.C. § 410hh(4)(a); *id.* § 410hh(9); *id.* § 410hh-1).

⁷⁴ John D. Dingell, Jr. Conservation, Management, and Recreation Act, Pub. L. No. 116-9, § 1232(b), 133 Stat. 580, 673 (2019) (emphasis added).

⁷⁵ *CFTC v. Schor*, 478 U.S. 833, 846 (1986) (internal quotation marks omitted).

⁷⁶ *Maracich v. Spears*, 570 U.S. 48, 76 (2013).

⁷⁷ 16 U.S.C. § 1131(c) (emphasis added).

“wilderness areas shall be devoted to the public purposes of *recreational . . . use.*”⁷⁸ The Act also refers to “educational” and “historical” uses of wilderness areas that similarly fit the climbing experience.⁷⁹ And federal agencies must administer the Act “for the use and enjoyment of the American people.”⁸⁰

Treating fixed anchors as installations contravenes these basic purposes of the Act. There is abundant evidence that one of the types of recreation and enjoyment Congress had in mind when it enacted the Wilderness Act was climbing—which Congress knew required fixed anchors. Before the Wilderness Act was passed in 1964, climbing was common in areas soon to be designated wilderness. Within numerous soon-to-be National Forest wilderness areas, rock and mountain climbing using fixed anchors was both popular and widely documented. Well over 330 routes contained thousands of fixed anchors before Congress designated these areas as wilderness. And popular literature in the years leading up to the passage of the Wilderness Act included definitions and descriptions of fixed anchors in popular magazines. Congress would have been aware of the recreational use of fixed anchors when enacting the Wilderness Act.

Members of Congress mentioned climbing and mountaineering repeatedly in the debates preceding the Act’s passage. For example, when urging the Senate to approve the Wilderness Act, Senator Frank Church of Idaho described the system as “areas of unspoiled, pristine wilderness, accessible by a system of trails, unmarred by roads or buildings, but open to the considerate use and enjoyment of hikers, *mountain climbers*, hunters, fishermen, and trail riders.”⁸¹ Representative Edward Boland of Massachusetts also stated that in “emphasizing . . . the importance of preserving the wilderness areas in perpetuity on the public lands of this country,” he “did not wish to detract from the use of wilderness those recreational pleasures that go with it—of hunting, fishing, . . . *mountain climbing.*”⁸² Given that mountain climbing using fixed anchors was already ubiquitous in areas soon to be designated wilderness, and given that Congress endorsed mountain climbing when enacting the Act, it is inconceivable that Congress intended to include fixed anchors as among the “installations” that would be prohibited except where an MRA was satisfied.

After the enactment of the Wilderness Act, Congress referenced climbing when debating the inclusion of at least 30 separate national forest wilderness areas in the National Wilderness Preservation System. And Congress did not speak negatively about climbing in any proposed wilderness area. In fact, mountaineering, mountain climbing, technical rock climbing, and climbing were all reasons for which Congress designated certain areas as wilderness. In several cases, Congress even went so far as to declare their intention and belief that “wilderness designation will ensure that these activities can continue permanently in their present unspoiled

⁷⁸ *Id.* § 1133(b) (emphasis added).

⁷⁹ *Id.*

⁸⁰ 16 U.S.C. § 1131(a); *see also Robertson*, 1998 WL 1750033, at *6 (D.D.C. Aug. 31, 1998).

⁸¹ 107 Cong. Rec. S. 18045, at 18047 (1961) (statement of Rep. Church), *available at* <https://www.govinfo.gov/content/pkg/GPO-CRECB-1961-pt13/pdf/GPO-CRECB-1961-pt13-8-1.pdf> (emphasis added).

⁸² 110 Cong. Rec. 17422, at 17443 (1964) (statement of Rep. Boland), *available at* <https://www.govinfo.gov/content/pkg/GPO-CRECB-1964-pt13/pdf/GPO-CRECB-1964-pt13-7.pdf> (emphasis added).

surroundings.”⁸³ As the primary sponsor of the Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act explained, it is “absolutely clear” that “[n]othing in those bills was intended to restrict sustainable and appropriate Wilderness climbing practices or prohibit the judicious and conditional placement of fixed anchors — many of which existed before the bills’ passage.”⁸⁴

It is utterly implausible to believe that Congress knew about climbing in these areas, knew that fixed anchors were necessary to climbing, referred to climbing as a reason for wilderness preservation, but nonetheless intended to ban the use of fixed anchors as installations in all wilderness areas unless an MRA is satisfied.

II. The Proposed Guidance Is Arbitrary And Capricious

Even if the agencies’ interpretations were not foreclosed by the Wilderness Act, the proposed guidance would remain arbitrary and capricious.⁸⁵ Agency action is arbitrary and capricious when an agency “fail[s] to consider an important aspect of the problem, offer[s] an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.”⁸⁶ Agency action is also arbitrary and capricious when the agency fails to justify a deviation from prior policy.⁸⁷ The proposed guidance documents are arbitrary and capricious for several reasons.

A. Unexplained Change in Position

If adopted, the proposed guidance documents would constitute an abrupt and dramatic change, inconsistent with how fixed anchors have been regulated for decades. But the agencies do not even acknowledge that they are proposing a change in their position. The “requirement that an agency provide reasoned explanation for its action” ordinarily demands that the agency “display awareness that it *is* changing position.”⁸⁸ An agency may not “depart from a prior policy *sub silentio* or simply disregard rules that are still on the books.”⁸⁹

Under current policy, fixed anchors are not installations and need not be approved through the MRA process. Both agencies propose to change that policy, yet neither has displayed any awareness of the change. The Park Service implies that its Draft Guidance is consistent with its

⁸³ H.R. Rep. No. 95-540, at 10 (1977), available at <https://heinonline.org/HOL/P?h=hein.usccsset/usconset21002&i=137>.

⁸⁴ Mark Udall, *Recreation is the future of wilderness conservation*, THE HILL, Nov. 11, 2023, available at <https://thehill.com/opinion/congress-blog/4305661-recreation-is-the-future-of-wilderness-conservation/>.

⁸⁵ 5 U.S.C. § 706 (2)(a) (A “reviewing court shall” hold agency action unlawful if it is found to be “arbitrary” and “capricious.”).

⁸⁶ *Motor Vehicle Mfrs. Ass’n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

⁸⁷ *See FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009); *see also State Farm*, 463 U.S. at 42.

⁸⁸ *Fox Television*, 556 U.S. at 515.

⁸⁹ *Id.*; *see Physicians for Soc. Resp. v. Wheeler*, 956 F.3d 634, 645–646 (D.C. Cir. 2020) (finding EPA’s new policy was arbitrary and capricious for failing to acknowledge that its new policy was “a major break from [its] prior policy”).

current guidance on fixed anchors,⁹⁰ but that is incorrect. The current Director’s Order 41 does not deem fixed anchors used by recreational climbers to be installations.⁹¹ In addition, the current Director’s Order 41 requires authorization (though not an MRA) only for placement of *new* fixed anchors, but the Park Service’s Draft Guidance requires authorization for replacing *existing* fixed anchors.⁹² And while Director’s Order 41 specifically provides that an MRA *is* required for various wilderness activities—such as “[a]pplications for research and other scientific work in wilderness,” “actions in wilderness that are proposed to restore, stabilize, or rehabilitate an area following a wildfire,” and “restoration” of abandoned mines⁹³—Director’s Order 41 never hints that climbers must satisfy the requirements for an MRA before replacing or using fixed anchors. Instead, it requires an MRA *only* for “facilitating future rescue operations.”⁹⁴ The intentional omission of an MRA requirement for recreational fixed anchor use confirms that the Park Service itself did not understand fixed anchors to be installations.

The Park Service supports its new interpretation by citing the definition of “installation” in Reference Manual 41,⁹⁵ which is “[a]nything made by humans that is not intended for human occupation and is left unattended or left behind when the installer leaves the wilderness.”⁹⁶ But the Park Service has never until now applied this definition to fixed anchors. And even if fixed anchors fit within this definition, the definition would be contrary to the Wilderness Act and arbitrary and capricious. It is plainly overbroad, was not adopted through public comment, and is irreconcilable with congressional intent.

Many National Parks currently authorize fixed anchor placement or replacement without any MRA. The Superintendent’s Compendium at Yosemite National Park, for example, provides that “[f]ixed or temporary rock climbing anchors . . . whether used for ascents or descents, may be left in place indefinitely,” a policy it deems “necessary to allow safe rock climbing (a well-established visitor activity in the park).”⁹⁷ The Management Plan at Rocky Mountain National Park provides that the “infrequent placement of new fixed anchors is allowed when ascending a route to connect terrain that is otherwise protected by removable anchors . . . or when there are no features which will accommodate removable equipment but the occasional placement of a fixed anchor may provide a modicum of safety during the ascent.”⁹⁸ The Arches National Park Superintendent’s Compendium generally provides that “[n]o new permanent fixed anchors may be installed in any location, except by permit,” but that if “an existing bolt or other hardware item is unsafe, it may be replaced without a permit.”⁹⁹ Many other National Parks have similar policies excerpted in the Addenda to these comments that do not treat all fixed anchors as Section 4(c)

⁹⁰ Park Service’s Draft Guidance at 3–4, 6–7 (citing DO 41).

⁹¹ DO 41 at 15 (providing that “[t]he occasional placement of a fixed anchor for belay, rappel, or protection purposes does not necessarily impair the future enjoyment of wilderness or violate the Wilderness Act”).

⁹² Compare DO 41 at 15 with Park Service’s Draft Guidance at 4–5.

⁹³ DO 41 at 9–12.

⁹⁴ *Id.* at 16.

⁹⁵ Park Service’s Draft Guidance at 3 (citing Reference Manual 41 § 3.1).

⁹⁶ National Park Service, *NPS Reference Manual #41: NPS Wilderness Definitions*, at 2 (2013), available at https://www.nps.gov/subjects/wilderness/upload/NPS-W-Defs_508.pdf (emphasis added).

⁹⁷ Addendum A, Exhibit 7 at 19.

⁹⁸ Addendum B, Exhibit 1 at 2-40.

⁹⁹ Addendum A, Exhibit 1.

installations,¹⁰⁰ yet the Park Service does not acknowledge that its Proposed Guidance would depart from these existing policies.

The Forest Service's Proposed Directive also represents a change from prior agency policy without explanation. Like the Park Service, the Forest Service has never before issued national guidance or regulation treating all fixed anchors as prohibited installations, nor has it required an MRA for their placement or replacement.

B. Inadequate Reasoning

The Park Service's and Forest Service's proposed guidance documents lack the detail and analysis that are a hallmark of reasoned agency decision-making. The agencies fail to explain their reasons for interpreting fixed anchors to be Section 4(c) installations as a matter of statutory interpretation, which makes it difficult for the Access Fund and other stakeholders to understand and comment on the agencies' position. The Park Service erroneously supports its interpretation by citing its guidance in Reference Manual 41, even though that manual did not take the position that fixed anchors are installations. The Forest Service also provides no justification for its legal authority to issue guidance restricting the use of fixed anchors in non-wilderness areas.¹⁰¹ And the Forest Service does not even provide a definition of "installation," even though its guidance turns on the proposition that fixed anchors are installations.

The guidance documents contain numerous other deficiencies of reasoning. The agencies fail to explain why they propose to treat fixed anchors as installations when they have authority to regulate fixed anchors in wilderness areas under their organic acts and related statutes. The agencies also fail to explain how the presumptive prohibition of all fixed anchors in wilderness areas will advance the responsible recreational use and enjoyment of wilderness.¹⁰² And the agencies fail to explain whether—and if so, in what respects—the existing regime governing fixed anchor use in wilderness areas is deficient. As described above, the existing regime leaves it to each administering National Park unit and Forest Service office to determine how best to address fixed anchor use in response to their local needs and priorities, and gives discretion to individual park and forest managers to deal with issues unique to each area. The agencies offer no reason for why this system is not working, nor do they explain why a restrictive, one-size-fits all policy is preferable to the existing system.

C. Regulatory Mismatch

Treating fixed anchors as installations is a mismatch under the agencies' own reasoning. The proposed guidance documents open by emphasizing that climbing is a "legitimate and appropriate" wilderness activity.¹⁰³ By treating fixed anchors as installations, however, the agencies propose to treat fixed anchors as *inappropriate* in wilderness areas.

This mismatch is underscored given that there is some uncertainty about whether only

¹⁰⁰ See Addendum A-B.

¹⁰¹ See Forest Service's Proposed Directive at 13–14.

¹⁰² See 16 U.S.C. §§ 1133(a) & (b).

¹⁰³ Park Service's Draft Guidance at 3; see also Forest Service's Proposed Directive at 4.

wilderness *administrators* can satisfy the requirements for an MRA. Section 4(c) provides that installations shall be prohibited “except as necessary to meet minimum requirements for the *administration* of the area for the purpose of this chapter.”¹⁰⁴ Section 4(b) in turn refers to “each *agency administering* any area designated as wilderness.”¹⁰⁵ And Director’s Order 41 requires an MRA only regarding “[p]roposals for the placement of fixed anchors or fixed equipment *for the administrative purpose* of facilitating future rescue operations.”¹⁰⁶ It is far from clear that using fixed anchors for recreational climbing could be understood to be necessary to meet the requirements for *administering* wilderness. Were a court to conclude that only public land administrators can obtain an MRA, interpreting fixed anchors as installations would be tantamount to banning climbing in wilderness areas.

Even assuming the use of fixed anchors could qualify for an MRA, the MRA process would be lengthy and impractical if applied nationwide and would thereby deter wilderness climbing and raise serious safety concerns. The Park Service’s Draft Guidance recommends that parks design and create plans with climbing management strategies, including the authorization of fixed anchor use based on an MRA.¹⁰⁷ It could take parks many years and require substantial resources to implement such plans, and experience suggests that most will never do so. And while the Draft Guidance explains that in the absence of a formal plan, park superintendents may manage the fixed anchor use “through an interim guidance or strategy” or existing guidance, even without a formal plan, “individual approvals must be subject to an MRA process.”¹⁰⁸ The Draft Guidance also instructs that parks “should require permit applications” for placement and replacement requests of fixed anchors, adding another layer of impracticality.¹⁰⁹

D. Failure to Consider Important Aspects Of The Problem

The Park Service and Forest Service have failed to consider the drastic consequences of adopting their proposed guidance.

Most important, the agencies fail to acknowledge the obvious danger their proposals will engender. If fixed anchors are installations, climbers will need to apply for a permit and satisfy the requirements for an MRA—even to replace existing fixed anchors that may be aging and dangerous. Because that process will be laborious and time-consuming, and because approval will be far from assured, the process will create a perverse incentive for climbers to continue using anchors of questionable safety rather than subject themselves to the burden of applying for a replacement and running the risk that the application will be denied. If an application to replace a fixed anchor is sought and denied, it could result in the route no longer being climbed or removed altogether, which would further disincentivize climbers from seeking to fix unsafe climbing conditions.

¹⁰⁴ 16 U.S.C. § 1133(c) (emphasis added).

¹⁰⁵ *Id.* § 1133(b)

¹⁰⁶ DO 41 at 16.

¹⁰⁷ Park Service’s Draft Guidance at 4.

¹⁰⁸ *Id.* at 4.

¹⁰⁹ *Id.* at 5.

The Forest Service properly acknowledges that there are “risks associated with poor placement and lack of maintenance of fixed anchors and fixed equipment.”¹¹⁰ But neither the Forest Service nor the Park Service adequately consider this risk. And because parks and forests lack sufficient resources to undertake MRAs for all existing fixed anchors, there will be many climbing routes with dangerous, aging fixed anchors that will continue to be climbed until the agency can undertake the necessary MRA to authorize climbers to replace them.

The agencies also fail to consider other risks created by their proposed policies. To obtain a permit for a fixed anchor through the MRA process, an applicant will have to show that the anchor “is necessary for administration of the area as wilderness,” and if so, that use of the anchor will involve “the least adverse impact on wilderness character.”¹¹¹ Yet, the agencies have not adequately confronted the difficulty of meeting this standard. The Park Service opines that “recreational climbing is an appropriate activity in NPS wilderness that connects people with the land, builds self-reliance, presents challenge, and requires skill,” and that these “experiential values can provide opportunities for primitive and unconfined recreation and therefore be necessary to the administration of the wilderness area.”¹¹² But the fact that an activity is *appropriate* for wilderness may not mean it is *necessary* to the administration of the wilderness. And it is unclear whether the offsite land managers charged with approving permits will have the training and experience to assess which type of fixed anchor should be used and where, or be qualified to make decisions regarding the necessity of fixed anchors in locations they may have never visited.

Even if land managers conclude that the use of fixed anchors may be necessary in some cases, the proposed policies will create obvious risks that third parties will challenge any decision to approve fixed anchors on the ground that a particular anchor does not satisfy the statutory requirements for an MRA. The proposed guidance would thus expose the agencies to substantial new litigation risk, inviting challenges to decisions approving fixed anchors, which could in turn put pressure on the agencies to deny approval or not act on the application. If the agencies approve a permit and a third party challenges that approval in court, the Access Fund and other stakeholders would likely have to intervene in that litigation to ensure that their interests are protected.

The agencies likewise do not consider the implications of their interpretation of “installation” for other activities that are ubiquitous in wilderness areas. Reference Manual 41 defines “installation” as “[a]nything made by humans that is not intended for human occupation and is left unattended or left behind when the installer leaves the wilderness.” The Park Service—for the first time—contends that this definition encompasses fixed anchors because, “[a]lthough fixed anchors may be small, there is no ‘de minimis’ exception.”¹¹³ If a fixed anchor is an installation, it will open a host of questions and invite extensive litigation regarding other human-made features commonly found within wilderness areas and “left unattended” or “left behind”—such as shell casings, campfire rings, fishing hooks or lines, ashes of burned toilet paper, and many others. The agencies’ position, if followed to its logical conclusion, would create a precedent of

¹¹⁰ Forest Service’s Proposed Directive at 10.

¹¹¹ Park Service’s Draft Guidance at 6.

¹¹² *Id.*

¹¹³ *Id.* at 3.

far-reaching consequences.

The agencies' position that there is no de minimis exception to Section 4(c) would have equally drastic consequences for the other prohibited uses listed in Section 4(c). In addition to "installations," Section 4(c) prohibits other activities and objects, including "motorized equipment" and any "form of mechanical transport."¹¹⁴ If there is no de minimis exception, "motorized equipment" would encompass all sorts of items routinely brought into wilderness, including cell phones, watches, GPS devices, cooking stoves, handheld fans—again, the list goes on and on. If the agencies intend to permit these items in wilderness areas notwithstanding their position that there is no de minimis exception to Section 4(c), then they fail to justify their uneven application of the law that singles out fixed anchors for unfavorable treatment.

The agencies similarly fail to consider how the National Environmental Policy Act (NEPA) implicates their proposed guidance. NEPA requires agencies to provide an environmental impact statement when they undertake "major Federal actions significantly affecting the quality of the human environment."¹¹⁵ The agencies have not undertaken an environmental impact statement in connection with their proposed guidance, nor have they justified their apparent conclusion that an environmental impact statement is not required.

E. The Forest Service's Proposed Directive For Climbing In Non-Wilderness Areas Is Confusing And Unreasonable

The Forest Service's Proposed Directive advances concerning and confusing rules for the management of climbing in non-wilderness areas. The Forest Service does not explain the authority it relies on to regulate non-wilderness climbing, nor does the Forest Service explain why restrictions on climbing in wilderness areas should extend to non-wilderness lands.

The Proposed Directive states that the "[p]lacement and replacement of fixed anchors and fixed equipment are appropriate outside wilderness where their placement and replacement are not restricted or prohibited in the applicable climbing management plan."¹¹⁶ This language suggests that fixed anchors are appropriate outside of wilderness areas unless restricted by a (yet-to-be-developed) climbing management plan—meaning that *until* a climbing plan restricts anchors, placements and replacements are "appropriate." However, the Forest Service's proposal goes on to say that land managers should "[r]estrict the placement and replacement of fixed anchors and fixed equipment to established climbing opportunities and to approved new climbing opportunities that have been evaluated for natural and cultural resource impacts."¹¹⁷ The Forest Service defines "climbing opportunity" as a "user-created or primarily user-created dispersed recreation area on NFS lands with no, minimal, or limited Forest Service investment or amenities where climbing may be performed."¹¹⁸

The upshot of this Proposed Directive is unclear. It is not clear whether fixed anchors are

¹¹⁴ 16 U.S.C. § 1133(c).

¹¹⁵ 42 U.S.C. § 4332(2)(C).

¹¹⁶ Forest Service's Proposed Directive at 13.

¹¹⁷ *Id.*

¹¹⁸ *Id.* at 10.

appropriate at “climbing opportunities” where a climbing management plan has yet to be developed. It is likewise unclear whether a “climbing opportunity” includes potential climbing areas with no Forest Service investment. It is unclear how to evaluate the physical scope of each “climbing opportunity,” and whether “established” climbing opportunities include places where someone has engaged in bouldering or done a climbing route without fixed anchors. The Forest Service’s proposal proceeds with the following directive to land managers:

Allow placement and replacement of fixed anchors only for purposes of belay, rappel, traverse, resource protection, or aiding in ascent and descent. Do not allow extensive or arbitrary placement and replacement of fixed anchors and fixed equipment without regard to rock features that provide natural opportunities for ascent and descent, such as where fixed anchors and fixed equipment are placed or replaced at a location that is otherwise climbable purely to make the climb easier, as opposed to at a location that is not otherwise climbable to enable a climber’s ascent and descent of a climbing route identified in the applicable climbing management plan.¹¹⁹

This standard is both confusing and highly subjective and will be nearly impossible to manage and enforce. At a minimum, the Forest Service should clarify what is meant by “extensive or arbitrary placement and replacement of fixed anchors” and what it means to “make a climb easier” and “not otherwise climbable.” The Access Fund has significant concerns about the Forest Service’s consequential proposal to manage climbing in non-wilderness areas, and we urge the Forest Service to revise, or at least clarify the proposal so the public can adequately comment.

III. The Proposed Guidance Documents Are Procedurally Improper

The agencies’ proposed guidance documents are procedurally flawed. Agency guidance documents, like interpretative rules, lack the force and effect of law.¹²⁰ Guidance or an interpretative rule may “clarify a statutory or regulatory term, remind parties of existing statutory or regulatory duties,” or explain preexisting obligations.¹²¹ A legislative rule, in contrast, has the force and effect of law and may be promulgated only after complying with the APA’s notice-and-comment requirements.¹²² A legislative rule does not merely clarify or explain a regulatory term, but instead “supplements a statute” or “effects a substantive change in existing law or policy.”¹²³

The agencies’ proposed guidance documents do not merely clarify an existing policy. Instead, they propose an entirely new application of the Wilderness Act that would presumptively ban fixed anchor use, in direct conflict with existing policy. The agencies’ position, if finalized,

¹¹⁹ *Id.* at 13.

¹²⁰ *See* *Perez v. Mortg. Bankers Ass’n*, 575 U.S. 92, 97 (2015) (citation omitted); *Nat’l Mining Ass’n v. McCarthy*, 758 F.3d 243, 250 (D.C. Cir. 2014)

¹²¹ *Mendoza v. Perez*, 754 F.3d 1002, 1021 (D.C. Cir. 2014).

¹²² 5 U.S.C. § 553.

¹²³ *Mendoza*, 754 F.3d at 1021; *see also* *Am. Mining Cong. v. Mine Safety & Health Admin.*, 995 F.2d 1106, 1112 (D.C. Cir. 1993) (explaining that the “basis of whether the purported interpretative rule had ‘legal effect’ ” turns in part on “whether in the absence of the rule there would not be an adequate legislative basis for enforcement action or other agency action to confer benefits or ensure the performance of duties”).

would plainly effect a substantive change in existing law and would impose new obligations on regulated parties and subject them to penalties for noncompliance. For that reason, it is inappropriate for the agencies to effectuate this fundamental change in how climbing is managed in America's wildernesses through informal guidance that purports merely to revise agency reference manuals rather than through notice-and-comment rulemaking.

Characterizing the guidance documents' binding rules as mere proposed guidance fails to provide sufficient notice and certainty to the regulated community.¹²⁴ Our members and others in the climbing community have repeatedly expressed confusion about how the proposed guidance will affect them. Their confusion has been exacerbated by the agencies' choice to frame their directives as updates to existing policy and to imply that the directives are consistent with the existing regime for regulating fixed anchors. This inaccurate labeling may deter those in the regulatory community from properly responding to the directives. Without sufficient notice that the agencies are in effect proposing a new legislative rule, the regulated community has not been given an appropriate opportunity to comment on the agencies' position.

The Park Service's Draft Guidance is problematic for the additional reason that it purports to rely on the definition of "installation" in Reference Manual 41, but that definition itself was never subject to public input. The Park Service's two-step process—first adopting a definition of "installation" in a reference manual without public input, then extending that definition years later to fixed anchors through agency guidance—fundamentally changes how the federal government manages climbing without the meaningful public input the APA requires.

PROPOSED ALTERNATIVE APPROACH

For the reasons noted, MRAs are the wrong construct for protecting wilderness character and for providing primitive and unconfined recreation. But the Access Fund does not object to reasonable regulation of fixed anchor use that does not hinge on the MRA process. To the extent the agencies conclude that changes are needed to the existing system for regulating fixed anchors in wilderness areas, we propose an alternative analysis tool and process for providing wilderness climbing opportunities while protecting wilderness character.

We begin with high-level principles. Climbing is an appropriate activity in both wilderness and non-wilderness areas and fixed anchors are necessary tools for climbing. Some level of fixed anchor use must be allowed wherever climbing is allowed. The type of authorization required for fixed anchor use, ranging from programmatic to case-by-case, should be determined at the park or forest unit level. For an individual park or forest unit to determine the appropriate fixed anchor management strategy, it must first understand the condition of that park's or forest's wilderness climbing resources so that it can apply a management strategy that will be adaptive, site specific, and relevant. Moreover, fixed anchor maintenance and replacement must be allowed for existing fixed anchors, and climbers should bear the responsibility, in accordance with land management regulations, for determining when and where to place and replace fixed anchors.

A broad coalition of recreation and conservation stakeholders—including agency wilderness managers—worked for many years to develop a protocol for managing wilderness

¹²⁴ See 5 U.S.C. § 553(b).

climbing anchors. This coalition disbanded during the Covid-19 pandemic, and shortly after the agencies started to devise their new unworkable proposals independently. But from these extended negotiations—which included participation in the Forest Service’s negotiated rulemaking committee—the Access Fund devised the following framework for how federal agencies should manage wilderness climbing anchors:

1. All policies should adhere to the standards and limiting principles in **Director’s Order 41**.
2. **Existing anchors** should be “grandfathered in” unless there exist demonstrable unacceptable conflicts with cultural, natural, or other wilderness resources.
3. Essential **in-the-moment safety decisions**—such as (a) replacing dangerous existing anchors or (b) placing remote adventure backcountry anchors—should remain with climbers (subject to Director’s Order 41 standards), not with land managers.
4. Fixed anchor **maintenance and replacement** shall be allowable for existing fixed anchors.
5. All wilderness fixed anchor authorization processes should be informed by **local land use plans** (such as wilderness plans, climbing plans, forest plans) that outline desired conditions and zone wilderness areas to understand local sensitivities and opportunities to make informed decisions regarding:
 - a. Where anchors should be allowed and authorized **programmatically**,
 - b. Areas where sensitive resources exist requiring **case-by-case** anchor authorizations, and
 - c. Where **climbing is not allowed** and thus no wilderness climbing anchors should be authorized.
 - d. These plans should also consider other provisions for **visitor use management** regarding trails, human waste, climber education, etc.
 - e. In the **absence of a land-use plan** assessing wilderness climbing zones, supervisors and superintendents may authorize permits for new fix anchors consistent with Director’s Order 41.
6. A **permitting process** for new wilderness climbing anchors should require as much specificity as appropriate but not an unreasonable level of detail for anchor placements where climbers could not reasonably be expected to have sufficient knowledge until presented with in-the-moment conditions.
7. All wilderness anchor placements and replacements are subject to **reporting and monitoring** so land agencies can apply a management strategy that will be adaptive, site specific, and relevant. As the Park Service has acknowledged, the strategy “should incorporate an adaptive management approach, reinforcing the connection between the monitoring of wilderness character and the strategy for adapting management actions to preserve wilderness character.”¹²⁵

¹²⁵ National Park Service, *Wilderness Stewardship Plan Handbook: Planning To Preserve Wilderness Character*, at 11 (2014), available at https://www.nps.gov/subjects/wilderness/upload/NPS-WSP-Handbook_508.pdf.

CONCLUSION

Regulating fixed anchors as installations that are permissible only if an MRA is satisfied would be contrary to the Wilderness Act. It would also be profoundly misguided. And the agencies have proposed their new guidance through a process that is fundamentally flawed. Fortunately, the agencies have options for ensuring that recreational climbing on wilderness land does not adversely affect wilderness character and occurs responsibly and sustainably without relying on their flawed “installation” theory. We urge the Park Service and the Forest Service to reconsider their positions, and we hope to have an opportunity to work with agency officials toward a sensible solution.

Sincerely,

Erik Murdock
Vice President of Policy and Government Affairs
The Access Fund

CC: Ben Gabriel, Executive Director, American Alpine Club
Matt Wade, American Mountain Guides Association
Will Havemann, Hogan Lovells US LLP

The Access Fund's Comment Letter
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Exhibit	Title
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Addendum A

Exhibit 1

Arches National Park

January 2023

As provided in 16 USC, Section 3, and Title 36, Code of Federal Regulations (CFR), Chapter I, Parts 1-7, the following Superintendent's Orders are established for Arches National Park. Unless otherwise noted, these orders apply in addition to the regulations contained in Parts 1-7 of Title 36 CFR.

This compendium is organized, with reference to the applicable sections, of Title 36 CFR . For example, (the order entitled 1.5 closures and public use limits), is addressed in section in 1.5 Title 36 CFR.

I have determined these actions are necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities.

Approved:

/s/ Patricia S. Trap, Superintendent, January 19, 2023

36 CFR 1.5 Closures and Public Use Limits

Road closures and restrictions

The following roads and parking areas are closed to all public vehicle traffic except for those on official government business:

- HQ administrative roads
- Balanced Rock maintenance area access
- Devils Garden maintenance area access

Invited guests of employees residing in government housing may access administrative roadways in housing areas.

Four-wheel drive and clearance of at least eight (8) inches is required for West Valley Jeep Road (roadway from Tower Arch Road to Willow Springs Road, also known as "Four-Wheel Drive Road") and Tower Arch Road (roadway from Salt Valley Road to Tower Arch parking lot).

All park roads are subject to temporary closures as indicated by signs or other means of notification during periods of adverse weather, natural disaster, emergency, or implementation of management responsibilities.

Definition:

High Clearance Four-Wheel-Drive (4WD) Vehicles

A Jeep, sport utility vehicle (SUV), or truck type with at least 15-inch tire rims and at least eight (8) inches of clearance from the lowest point of the frame, body, suspension, or differential to the ground. Four-wheel-drive vehicles have a driveshaft that can directly power each wheel at the same time and a transfer case that can shift between powering two wheels or four wheels in low or high gear. All-wheel-drive (AWD) vehicles do not meet this definition.

Use limits, conditions, and restrictions

- Except for Administrative Activities, the areas identified by Feature or Route Name in the attached [Appendix D](#) are closed to all visitor use, as listed or until NPS surveys the associated habitats and confirms them to be unoccupied by nesting raptors and/or lambing bighorn sheep.
- The area known as the Fiery Furnace (see map, Appendix A, B) is closed to entry except by those who have secured a permit from a uniformed park employee at Arches Visitor Center.
- Climbing, scrambling or walking upon, wrapping webbing or rope around, or rappelling from any arch with an opening greater than three (3) feet is prohibited in Arches National Park.

Rock Climbing and Canyoneering

The following closures, conditions, and restrictions apply to rock climbing or similar activities such as, but not limited to, technical rock climbing, free climbing and clean aid climbing and canyoneering within Arches National Park:

Closures

- Balanced Rock: Closed to climbing year-round.
- The ten (10) acre area near the Moab Canyon Pathway and US 191 (which is marked by signs spaced along the park boundary for approximately 1600 feet) is closed to bouldering, rock climbing, rock scrambling, or any like activity.

Restrictions

Climbing and canyoneering within Arches National Park shall be either free climbing or clean aid climbing, and includes the following conditions:

- Rock climbing groups are limited to five (5) persons per group.
- Canyoneering groups in the Fiery Furnace and Lost Spring Canyon canyoneering routes will be limited to six (6) persons per group. Elsewhere canyoneering groups will be limited to ten (10) persons per group.
- Canyoneerers are required to complete a self-registration process at Arches Visitor Center. Canyoneerers accessing routes in the Fiery Furnace must also secure a Fiery Furnace permit. If navigating the Undercover/MMI routes, canyoneerers must also register at the Lost Springs Trailhead.

- No new permanent fixed anchors may be installed in any location, except by permit (Special Use Permit). If an existing bolt or other hardware item is unsafe, it may be replaced without a permit. Anchor hardware must be painted the color of the rock surface before installation. The installation and use of pitons are prohibited. Homemade hardware is prohibited.
- If an existing software item (slings, runners, etc.) is unsafe, it may be replaced. Software (webbing, accessory cords, etc.) that is left in place shall match the rock surface in color.
- The intentional removal of lichen or plants from rock is prohibited.
- The physical altering of rock faces including, but not limited to, chiseling, glue reinforcement of existing holds, and gluing of new holds is prohibited.
- The use of motorized power drills is prohibited in areas managed as wilderness. Outside of wilderness, a motorized drill requires a permit (Special Use Permit).
- The use of white chalk (or chalk substitutes) for climbing is prohibited. Chalk or substitutes must be of a color that blends with the native rock.
- Fixed ropes may not be left in place for more than 24 hours. Fixed ropes left in place longer than 24 hours shall be considered "abandoned property" and removed.
- Slacklining or highlining is prohibited.

Definitions:

Technical Rock Climbing is defined as ascending or descending a rock formation utilizing rock climbing equipment.

Free Climbing and Clean Aid Climbing are minimum impact approaches that employ chocks, stoppers, nuts and camming devices, rather than pitons or bolts, for protection or direct support. These are climbing aids that are removable, do not damage or scar the rock, and do not become fixed after ascent.

Aid Climbing is the direct use of a fixed or placed protection (pitons, nuts, bolts, rivets, spring-loaded cams, etc.) to support a climber's weight and assist in the climber's ascent. In general, aid techniques are reserved for pitches where free climbing is difficult to impossible, and extremely steep and long routes. Most difficult aid climbs still require pitons or other techniques using a hammer.

Canyoneering is defined as cross country travel involving descending into canyons or major rock formations using a variety of techniques that are associated with technical descents—those that require rappels and rope work, climbing or down-climbing, and/or swims.

Slacklining or Slinglining is defined as walking on a rope or other line that is anchored between rock formations, trees, or any other natural features. Height of the rope above the ground is immaterial.

Hang Gliders, BASE Jumping, and Unmanned Aerial Vehicles

Arches National Park is closed to the use of hang gliders, paragliders, and parachutes. BASE jumping is prohibited in Arches National Park. 36 CFR 2.17 (a)(3); NPS Management Policies 2006, 8.2.2.7.

Exhibit 2



U.S. Department of the Interior National
Park Service
Black Canyon of the Gunnison National Park 102 Elk
Creek, Gunnison, CO 81230
Phone: 970-641-2337
Fax: 970-641-3127

2022 Superintendent's Compendium of Designations, Closures, Permit Requirements, and Other Restrictions Imposed Under Discretionary Authority for Black Canyon of the Gunnison National Park

Approved:

DEANNA GRECO Digitally signed by DEANNA
GRECO
Date: 2022.09.07 07:20:48 -06'00'

*Deanna Greco, Superintendent
Black Canyon of the Gunnison National Park*

Date

Under the provisions of 54 USC, Sections 100751, 100752, 100753, 102101, 103104 and Title 36 CFR, Chapter 1, Parts 1-7, the following designations, closures, permit requirements and other restrictions imposed under the discretionary authority of the Superintendent are established for Black Canyon of the Gunnison National Park. Regulations listed in this compendium are a requirement in addition to those listed in Parts 1-7 of Title 36 unless otherwise noted.

In addition to these regulations, written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, are required by 36 CFR 1.5 (c) and appear in this document as italicized print or are available for review in the Chief Ranger's Office.

the NPS directorate.

3. Use of Segways and motor driven cycles

Definition: A Segway is a two-wheeled, gyroscopically stabilized, battery-powered personal transportation device which operates at a top speed of 12.5 mph (20.12 kmh). A motor driven cycle such as a seated scooter or road scooter are designed to travel on no more than 3 wheels and has a cylinder capacity of less than 50 cc.

The use of Segway's and motor driven cycles within park areas are permitted in accordance with state law. The operator must have a valid driver's license, the vehicle must have a Department of Revenue registration sticker and the vehicle is permitted to operate on public roads.

The use of Segway's and motor driven cycles in park areas off of the established roadway by persons with disabilities may be allowed in accordance with an individual special use permit issued by the superintendent under 36 CFR § 1.6. For special use permit information can be found at www.nps.gov/blca.

Determination: The NPS recognizes the use of Segway's and motor driven cycles are not designed and utilized solely by mobility impaired persons. For individuals without mobility impairments, the use of Segway's and motor driven cycles are permitted to operate on public roads only. The use of Segway's and motor driven cycles by persons with disabilities may be appropriate in other locations. Authorizing this use by permit gives the NPS the opportunity to ensure users understand use limitations, potential hazards due to other visitor use activities, fluctuating water levels and additional safety concerns.

(a)(2) Designate areas for a specific use or activity or impose conditions or restrictions on a use or activity.

The following climbing practices are prohibited:

- The placement of new fixed anchors which would result in rock alteration during installation when the ability to place removable protection is available. Exceptions must be approved in advance by the Chief Ranger or Superintendent.
- On an existing route, the placement of fixed anchors which would result in rock alteration, unless existing fixed anchors are deemed unsafe or in the event the first ascensionist has supplied park staff with a written request that an additional fixed anchor be placed on a route for safety reasons.

Definition: "fixed anchor hardware requiring rock alteration for installation" refers to manufactured hardware, specifically bolts that require the drilling of rock for installation and is left in the rock by a climbing party after the completion of the climb.

- The use of non-climbing specific hardware (i.e. concrete anchors, home manufactured equipment, etc.)
- The use of motorized equipment for drilling.
- The placement of new fixed belay/rappel stations when the ability to place adequate removable protection is available. Exceptions must have prior written approval by park staff.
- Bolting shall be allowed only in the development of new climbing routes and only in sections of the route that have no rock features adequate for the placement of removable anchors. Prior authorization is required.

- The installation and removal of pitons except when no other means exist to protect the climbing party.
- The caching or leaving of unattended equipment in any area other than a designated campsite unless:
 - The climbing party intends to return to continue the climb.
 - The placement does not exceed a period of 14 days, and either the climbing party remains in the Park during the 14 days period or approval is received from Park staff prior to departure and notification of intended return date is made.
- The intentional development of approach trails.
- The building of “cairns” or marking of approach trails.
- The removal of rock from its natural position unless it has been determined the rock poses a significant risk to the climbing party or a future climbing party.
- Chipping or the gluing on of holds.
- Removal of vegetation from the base of climbs, belay ledges or cracks.
- The use of temporary anchors unless adequate padding is used between the rope and bark surface to prevent tree damage.
- High lines.
- The anchoring of slack lines to natural vegetation or park property.

Determination: The Black Canyon has long been established as a traditional area where bolts are kept to a minimum, if used at all. The inner canyon within the Park is a federally designated wilderness area. These regulations are intended to preserve the natural character of cliff faces and preclude visual and auditory disturbances and to follow guidelines established in the “Wilderness and Backcountry Management Plan, Black Canyon of the Gunnison National Park-Curencanti National Recreation Area (2022 Draft).”

Off Highway Vehicles:

Any use of any off-highway vehicle (OHV), all-terrain vehicle (ATV), utility vehicles (UTV’s) or other motorized conveyance manufactured for recreational non-highway, off-road, or all-terrain travel regardless of registration status is prohibited within Black Canyon of the Gunnison National Park.

Determination: The recreational and general use of off-highway vehicles such as OHVs, ATVs UTVs, and other motorized conveyances manufactured for recreational non-highway, off-road, or all-terrain travel poses a significant risk to park resources and conflicts with other park visitors and wildlife. These risks and conflicts cannot be appropriately mitigated, or be sustained without causing unacceptable impacts. The use of such vehicles is, therefore, not consistent with the protection of the parks and monuments.

Boating and Water Use Activities:

The following areas are closed to boating and shoreline entry:

- Crystal Dam downstream from the dam 200 yards (182.88 m).
- Within 100 yards (91.44 m) Upstream and Downstream of the Gunnison Tunnel Diversion Dam

Additional regulations include:

Exhibit 3

Canyonlands National Park

January 2023

As provided in 16 USC, Section 3, and Title 36, Code of Federal Regulations (CFR), Chapter I, Parts 1-7, the following Superintendent's Orders are established for Canyonlands National Park. Unless otherwise noted, these orders apply in addition to the regulations contained in Parts 1-7 of Title 36 CFR.

This compendium is organized, with reference to the applicable sections, of Title 36 CFR . For example, (the order entitled 1.5 closures and public use limits), is addressed in section in 1.5 Title 36 CFR.

I have determined these actions are necessary for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, aid to scientific research, implementation of management responsibilities, equitable allocation and use of facilities, or the avoidance of conflict among visitor use activities.

Approved:

/s/ Patricia S. Trap, Superintendent
January 19, 2023

36 CFR 1.5 Closures and Public Use Limits

Roads Closures and Restrictions

The following roads and parking areas are closed to all vehicle traffic or restricted as noted except for those on official government business:

The Needles District

- Dirt road leading from paved road to water well.
- Road located approximately 100 yards east of maintenance area leading to generator building.
- Dirt road leading south from loop road, located approximately 200 yards west of the ranger station.
- Dirt road off Salt Creek access road approximately 200 yards from Wooden Shoe Creek.
- Road to residence area.
- High clearance four-wheel drive is required on motor vehicles travelling on the following roads: Elephant Hill, Salt Creek, Horse Canyon, Lavender Canyon, Lockhart Canyon, and Colorado Overlook Road.

appropriate for size of vessel; and a rigid durable metal fire pan that is large enough to fully contain all fire ash and debris. (see **2.13**)

- Groups must travel together and may not separate for the purpose of securing camps ahead of other permitted groups.

Vessel Size

- No vessel in excess of 50 feet in length shall be operated on waters within Canyonlands National Park.
- In Cataract Canyon, inboard vessels are not permitted **unless the following is met:**
 1. The vessel is constructed as a rigid-hull-inflatable style with either an inflatable or foam collar.
 2. The vessel has at least five (5) sealed compartments, designed and constructed into the boat as the hull and collar.
 - a. For boats with inflatable collars, each separate valved section is considered one sealed compartment, provided all baffles are intact. For boats with foam collars, the collar is considered to be two (2) sealed compartments (port and starboard sides); an additional three (3) sealed compartments are still required.
 - b. The boat hull must be **at least** one sealed compartment OR have a collar that is at least two sealed compartments. Sealed hull compartments must be fully welded and air tight.
 3. Vessels must comply with all noise limits as specified in 36 CFR 3.15.

Packrafts

- Individuals using packrafts for river travel (rafts designed to be carried inside of a backpack), must obtain a River Use Permit and comply with all boating regulations, except they do not have to carry a spare PFD or spare paddle.

Rock Climbing and Canyoneering

The following closures, conditions, and restrictions apply to rock climbing or similar activities such as, but not limited to, technical rock climbing, free climbing and clean aid climbing within Canyonlands National Park:

Closures

- Climbing, scrambling, or walking upon, wrapping webbing or rope around, or rappelling from any arch with an opening greater than 3 feet, except for Washer Woman in the Island in the Sky district, is prohibited.
- The entire Salt Creek Archeological District, which includes Salt Creek, Horse, and Lost canyons, and upper Davis and Lavender canyons, is closed to climbing and canyoneering.
- The detached Horseshoe Canyon Unit of The Maze district is closed to climbing and canyoneering.

Conditions

- Permits are not required for day-use rock climbing or canyoneering. A Backcountry Use Permit is required for overnight climbing, bivying, or canyoneering in the backcountry.

Restrictions

Climbing and canyoneering within Canyonlands National Park shall be either free climbing or clean aid climbing, except as described below.

- No new permanent fixed anchors may be installed in any location, except by permit (Special Use Permit). If an existing bolt or other hardware item is unsafe, it may be replaced, without a permit. Anchor hardware must be painted the color of the rock surface before installation. The installation and use of pitons are prohibited. Homemade hardware is prohibited.
- If an existing software item (sling, runner etc.) is unsafe, it may be replaced. Software (webbing, accessory cords, etc.) that is left in place shall match the rock surface in color.
- The intentional removal of lichen or plants from rock is prohibited.
- The physical altering of rock faces including, but not limited to chiseling, glue reinforcement of existing holds, and gluing of new holds is prohibited.
- The use of motorized power drills is prohibited in areas managed as wilderness. Outside of wilderness, a motorized drill requires a permit (Special Use Permit).
- Use of white chalk is prohibited. Chalk must be earth tone in color and match the color of the rock surface.
- Fixed ropes may not be left in place for more than 24 hours. Fixed ropes left in place longer than 24 hours shall be considered "abandoned property" and removed.
- Slacklining or highlining is prohibited.

Definitions:

Technical Rock Climbing is defined as ascending or descending a rock formation utilizing rock climbing equipment.

Free Climbing and Clean Aid Climbing are minimum impact approaches that employ chocks, stoppers, nuts and camming devices, rather than pitons or bolts, for protection or direct support. These are climbing aids that are removable, do not damage or scar the rock, and do not become fixed after ascent.

Aid Climbing is the direct use of a fixed or placed protection (pitons, nuts, bolts rivets, spring-loaded cams etc.) to support a climber's weight and assist in the climber's ascent. In general, aid techniques are reserved for pitches where free climbing is difficult to impossible, and extremely steep and long routes. Most difficult aid climbs still require pitons or other techniques using a hammer

Exhibit 4

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations (“36 CFR”), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all persons entering, using, visiting or otherwise within: (1) The boundaries of federally owned lands and waters administered by Joshua Tree National Park; (2) The boundaries of lands and waters administered by Joshua Tree National Park for public-use purposes pursuant to the terms of a written instrument. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Written determinations, which explain the reasoning behind the Superintendent’s use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

I. 36 CFR §1.5 – VISITING HOURS, PUBLIC USE LIMITS, CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES

(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity:

Visiting Hours:

- Visitor Center hours throughout the park are from 8 am – 5pm unless otherwise posted.
- The park is open 24 hours a day, 365 days a year except in areas listed below as day use only.
- The following riparian areas are open from sunrise to sunset. Maps indicating the boundaries of these areas are located at the park headquarters:
 - Buzzard Springs Area (Township 4 South, Range 14 East, Sections 8, 9, 16, & 17) (generally a rectangle described as 1.25 miles north, to .75 miles south, to one mile east and west from the spring) (beginning at the northwest corner, 634407E x 3745886N (UTM Zone 11N (NAD 83)); thence easterly to 637614E x 3745904N; thence southerly to 637668E x 3742683N; thence westerly to 634444E x 3742661N; thence northerly to the point of the beginning).
 - Lost Palms and Munsen Canyon (Township 5 South, Range 12 East, Sections 20, 21, 27, 28, 29, and 34) (generally as one mile north, to two miles down canyon/south, to one mile east, to .1 mile west from Lost Palms Oasis and its Canyon) (beginning at the northwest corner, 614403E x 3732837N (UTM Zone 11N (NAD 83)); thence easterly to 617637E x 3732854N; thence southerly to 617651E x 3731253N; thence easterly to 619257E x 3731268N; thence southerly to 619292E x 3728054N; thence westerly to 617685E x 3728036N; thence northerly to 617663E x 3729644N; thence westerly to 614436E x 3729619N; thence northerly to the point of the beginning).
 - Pushawalla Canyon (Township 3 South, Range 8 East, Sections 21 to 28 and 33 to 36) (generally a rectangle described as .5 miles north, to two miles south of the canyon from the Geology Tour Road on the east, to four miles up canyon or west from Geology Tour Road) (beginning at the northwest corner, 577844E x 3751741N (UTM Zone 11N (NAD 83)); thence easterly to 584264E x 3751793N; thence southerly to 584273E x

for the sole purpose of mobility assistance. Finally, use of a mobility assistive device, as outlined above, must also adhere to the following:

- A person shall operate any mobility assistive device in a safe and responsible manner; maximum speed will not exceed more than 8 M.P.H. (“Segway sidewalk/Intermediate” key), so as not to endanger one’s self or any other park visitor.
- A person riding any mobility assistive device upon and along a sidewalk, while crossing a roadway in a crosswalk or on any other surface shall have all the rights and duties applicable to a pedestrian under the same circumstances, except that the mobility assistive device operator must always yield to pedestrians (park visitors and employees).

Justification: This provides for the use of mobility assistive devices within the park for individuals with disabilities and protection of the park resources against recreational activities inconsistent with park management.

The following restrictions and/or conditions are in effect for the specific uses or activities noted:

Passenger Carrying Busses:

- Engines must be shut down when not underway. Engine may be turned on as passengers load or unload from the bus to aid in climate control, but idling should be allowed for no more than five minutes.

Justification: The idling of bus engines adds unnecessary exhaust fumes to the air and diminishes the enjoyment by visitors of the peace and tranquility of the park.

Climbing

- Climbing is permitted in Joshua Tree National Park. Climbing with fixed anchors is permitted in the areas where fixed anchors were installed prior to the issuance of this compendium. Until the completion of a revised Climbing Management Plan, the installation, removal, and replacement of all bolts is suspended unless authorized by the superintendent through a Special Use Permit. The use of a motorized drill is prohibited for the installation, removal or replacement of a bolt unless authorized by the superintendent through a Special Use Permit.
- No one may initiate or terminate a climb in an occupied campsite unless given permission by the occupant of that site.
- Glue, epoxy, cement, or any other adhesive may not be used to attach or reinforce hand and/or footholds for climbing or scrambling.
- Chipping or enhancing hand and/or footholds is not allowed while climbing or scrambling.
- Vegetation may not be removed for the purpose of climbing and scrambling nor may they be used as anchors.

- Only neutral or rock-colored stainless-steel fixed anchors and corresponding hangers, rappel rings, quick links and chain are permitted including replacement fixed anchors.
- The placement of new fixed anchors in wilderness is prohibited unless authorized by the Superintendent.
- Cords, rope and climbing equipment may not be placed in a horizontal position within a campground for purposes such as “slack lines” and clothes lines.
- Power-drilling devices may not be used for placing or replacing bolts except when authorized by the Superintendent.

Justification: These conditions are necessary to reduce the impact to natural resources, prevent safety hazards and promote a satisfactory visitor experience. Authorization for placement of fixed anchors and power-drilling devices may be obtained through the park’s special use permit office in Twentynine Palms, CA.

Public Water Use

- No one may take water from a non-pay park public water dispenser for domestic purposes outside the park.

Justification: Water supplied to the public is for the benefit and use of park campers and not for local residents.

Unmanned Aircraft

- Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Joshua Tree National Park is prohibited except as approved in writing by the Superintendent.

Unmanned aircraft is defined to mean a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g., model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.

Justification: This is necessary to provide for visitor health and safety, protection of environmental, wilderness, and scenic values; protection of natural and cultural resources; avoidance of conflict among visitor use activities; impacts to view sheds; and reduction of unreasonable noise.

Remote Controlled Toys

- No person shall operate any radio-controlled or other remotely operated model, toy or similar device, including but not limited to cars, helicopters, rockets, airplanes or gliders.

Justification: This is necessary to provide for visitor safety, protection of property, and reduce unnecessary noise.

Wheeled Apparatus

- Any apparatus with integrated or attached wheels, including, but not limited to, coolers, strollers, tri-pods, props, and light fixtures, is prohibited from being moved by means of its wheels on the ground outside of designated campgrounds, parking areas, and visitor center areas. Wheelchairs and mobility assistive devices are excluded from this prohibition provided that they are being used by a person with a disability requiring the use of such a device.

Justification: This is necessary to prevent damage to vegetation near developed areas and the degradation of existing trails.

Vehicle Length

- The Parking lots located in the Lost Horse Mine, Split Rock, and Wall Street Mill Day Use areas are closed to RVs (The combination of the Trailer and tow vehicle, or any Class RV) whose size exceed 25' in length.

Justification: The Parking lots located at Lost Horse Mine, Split Rock, and Wall Street Mill do not have the space available for an RV to safely maneuver the vehicle in the lot.

II. 36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT

(f) The following is a compilation of those activities for which a permit from the superintendent is required. Permits for front country camping can be obtained at the campgrounds and through the NPS reservation system. Backcountry camping permits may be obtained at the backcountry trailhead boards. All other permits must be obtained through the Park Headquarters at 74485 National Park Drive, Twentynine Palms, CA 92277.

- §1.5(d) The following activities related to Public Use Limits:
 - A new fixed anchor may not be placed in the wilderness unless authorized by the Park Superintendent.

Justification: This is necessary to reduce impacts to the wilderness experience and the natural and cultural resources that may be associated to the attraction of recreational users to a new bolted route.

- Group sizes larger than 24 in the backcountry transition zone and 12 in wilderness require a special use permit.

Exhibit 5

2023 - Approved and signed by Don Striker, Superintendent, March 20, 2023

[Appendix maps](#)

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations (“36 CFR”), Chapter 1, Parts 1-7, authorized by Title 54 United States Code, the following provisions apply to all persons entering, using, visiting or otherwise within the lands and waters administered by the National Park Service, within the boundaries of North Cascades National Park Service Complex. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

Written determinations, which explain the reasoning behind the Superintendent’s use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

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motorized wheeled vehicles, conveyances and devices, such as bicycles, Segways™ and other Electric Personal Assistance Mobility Devices (EPAMD), carts, game carriers, canoe dollies, wheel barrows, wagons, strollers, ski kites, sailboats/boards, hang gliders and paragliders. Wheelchairs as defined in Title V Section 507(c) of the Americans with Disabilities Act (ADA) may be used by persons with disabilities.

Justification: The Wilderness Act of 1964 prohibits these uses in designated wilderness. Allowing such use would place the park in violation of the Wilderness Act.

Fixed Anchors

- Fixed anchors are not authorized at any location within the Stephen Mather Wilderness of North Cascades National Park Service Complex.

Note: Temporary anchors that do not require the drilling and altering of the natural feature may be left in place.

Justification: Current National Park Service policy, Director's Order 41 (Wilderness) issued May 13, 2013, prohibits installation of new fixed anchors unless specifically authorized through a plan or through a permit system. Until the Park can meet this planning requirement or approves a permit, fixed anchors (bolts) remain prohibited.

Unmanned Aircraft Closures:

- Launching, landing or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of North Cascades National Park Service Complex is prohibited except as approved in writing by the superintendent.

Justification: this Closure is necessary to maintain public health and safety and to protect park resources and values until the NPS can determine whether specific uses of unmanned aircraft on lands and waters administered by the NPS are appropriate and will not cause unacceptable impacts on park resources and values.

These closures by the superintendent implement Section 1.5 of NPS Management Policies 2006, which provides that a new form of park use may be allowed within a park only after a determination has been made in the professional judgement of the superintendent that it will not result in unacceptable impacts on park resources and values. This compendium closure is a necessary, interim measure until the NPS considers how to address this new use on a long-term basis. Allowing the use of unmanned aircraft before the park has properly evaluated whether this use is appropriate could result in unacceptable impacts to park resources, park values, and visitor safety.

Fishing Restrictions:

- Fishing in North Cascades National Park Service Complex is restricted by Washington State Sport Fishing Rules promulgated by Washington State Department of Fish and Wildlife.

Justification: This is necessary to conserve the fisheries resource for natural resource protection and recreational fishing opportunities.

- Ruby Creek is closed to fishing from “No Fishing” markers on Ross Lake upstream to the headwaters.
- Big Beaver is closed to fishing from “No Fishing” markers on Ross Lake upstream 1/4 mile.

Justification: These closures required to protect fish resources in the reservoir environment and avoid over fishing to ensure continued recreational fishing opportunities.

Hunting Closures:

- Within ¼ mile of any trail signed as a nature trail.
- Within ¼ mile of the Thunder Creek Trail from the trailhead to the Thunder Creek Bridge.
- Within ¼ mile of the Happy Creek Boardwalk.
- Within ¼ mile of the Thunder Knob Trail from the trailhead to the summit of Thunder Knob.
- Within ¼ mile of the North Cascades Environmental Learning Center
- Within ¼ mile of the Hozomeen Road, Ross Lake Resort, Colonial Creek Campground, Newhalem Campground or Goodell Campgrounds (Upper and Lower)
- Within ¼ mile of the towns of Newhalem and Diablo, or within ¼ mile of Gorge Dam, Diablo Dam, and Ross Dam and their associated Powerhouses.
- Within ¼ mile of the Ross Dam Trail from Highway 20 to Ross Dam or the Ross Dam Haul Road upstream from the dam.
- Within ¼ mile surrounding the Buckner Homestead historic area.
- Within ¼ mile surrounding any visitor center, ranger stations and concession facilities or the Environmental Learning Center.

Justification: This is necessary to protect park visitors within the National Recreation Areas who maybe unaware of hunting activities. Closing these areas to the discharge of firearms, even during hunting seasons, does not affect a person's ability to otherwise conduct successful hunting activities elsewhere in the recreational area.

- Trapping is prohibited in all areas of the North Cascades National Park Service Complex.

Justification: The Enabling Legislation for the North Cascades Complex allows for hunting in the National Recreation Areas, but trapping was not specifically mandated by Federal statutory law and is prohibited by 36 CFR 2.2(b)(3).

Lake and River Closures:

- The Skagit River channel below the high-water line between Gorge Dam and the Gorge Dam Powerhouse.
- The Skagit River between the Gorge Dam Powerhouse and the mouth of Goodell Creek.
- Gorge Lake from the Gorge Dam upstream to the first log boom.
- Gorge Lake from the entrance of “Box Canyon” upstream to Diablo Dam.
- Diablo Lake from the Diablo Dam upstream to the first log boom.

- Diablo Lake from the Seattle City Light Boat house at Ross Powerhouse to the Ross Dam.
- Ross Lake from Ross Dam upstream to the first log boom.

Justification: This is necessary to protect park visitors from the inherent dangers of hydroelectric facilities.

- Motor boats will be excluded on the Skagit River within Ross Lake NRA except for emergency, law enforcement, NPS and SCL operational, research, and monitoring needs.

Justification: This restriction is described in the Ross Lake National Recreation Area General Management Plan (2012), and cites that restricting motor boats within this reach of the river will not significantly change visitor use on the Skagit River overall, rather it will serve to enhance the visitor experience for the majority of NRA visitors who experience the river by self-propelled boat.

- A motorboat closure of the Stehekin River above the designated and signed area. This demarcation runs from the downstream end of the Stehekin River Resort property across the river to the south bank as shown on the attached map. The intent is to allow motorboat access to the Resort from downstream.

Justification: Both WDFW and the Park Service are concerned about conservation of wild cutthroat trout. This point represents where the lake influence ends and typical river habitat begins.

- Motorboats that do not meet the Environmental Protection Agency Rules (at a minimum meet the 2006 EPA rules and requirements) for gasoline spark-ignition marine engines are prohibited on all lakes within the Ross Lake NRA. This applies to NPS, concession, personal and private vessels operating on the lakes within Ross Lake NRA, e.g., Ross, Diablo, Thunder and Gorge Lakes.

Justification: As per the Ross Lake National Recreation Area General Management Plan (2012), the National Park Service requires a Clean Engine Requirement for motorboats operating within the Ross Lake NRA. Environmental Protection Agency Rules for gasoline spark-ignition marine engines must be met, e.g., the exclusive use of four-stroke engines, direct injection two-stroke engines or equivalent technology. Vessels that are NPS operated diesel engines will be replaced with cleaner technology upon their regular replacement schedule.

Motor Vehicle Road Closures:

- All roads signed as closed.
- Road from the Environmental Center to Buster Brown Campground.
- Roads in the Hozomeen area below full lake level (elevation 1602') that are exposed during periods of Ross Lake drawdown.
- Upper Stehekin Valley Road – Car Wash Falls (MP 12.9) to Cotton Wood Camp (MP 22.8).

Justification: Finding of “No Significant Impact” documents the decision of the National Park Service to officially close 9.9 miles of the Upper Stehekin Valley Road from Car Wash Falls to Cottonwood. The road between mileposts 12.9 (Car Wash Falls) and 15.3 (near Bridge Creek) has been

decommissioned and will be partially rehabilitated. The road between milepost 15.3 and Cottonwood Camp (milepost 22.8) will continue to be maintained as a non-motorized, non-mechanized trail.

Bicycles Restrictions:

- Unless otherwise designated, possession of bicycles on trails in Ross Lake National Recreation Area and Lake Chelan National Recreation Area is prohibited.
- Possession of a bicycle is prohibited on the Upper Stehekin Valley Road above mile 12.9.
- E-bikes are allowed in North Cascades National Park Service Complex where traditional bicycles are allowed. E-bikes are prohibited where traditional bicycles are prohibited. Except where use of motor vehicles by the public is allowed, using the electric motor to move an e-bike without pedaling is prohibited.
- A person operating an e-bike is subject to the following sections of 36 CFR part 4 that apply to the use of traditional bicycles: sections 4.12, 4.13, 4.20, 4.21, 4.22, 4.23, and 4.30(h)(2)-(5).
- Except as specified in this Compendium, the use of an e-bike within North Cascades National Park Service Complex is governed by State law, which is adopted and made a part of this Compendium. Any violation of State law adopted by this paragraph is prohibited.

Range Closures:

- Effective June 14th, 2021, the Newhalem Shooting Range and Stehekin Shooting Range are closed to the discharge of all firearms.

Justification: Remediation of lead contaminated soil and removal of the Stehekin, and Newhalem Firing Ranges within North Cascades National Park Service Complex is being conducted in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

Camping Closures:

- All campgrounds that are signed as closed.
- Outside designated campsites in the following areas:
Park Creek Pass
Easy Pass
Whatcom Pass, including basins East and West of the Pass
Cascade Pass and vicinity to include: Pelton Basin, Sahale Arm, Mix –up Arm, Doubtful Lake
Within ¼ mile of the high-water line of Ross Lake, Diablo Lake and Lake Chelan
- All areas less than 1/2 mile from developed roads, or trails or less than one mile from designated camps.

Justification: These conditions are necessary to reduce the impact to natural and cultural resources, prevent safety hazards and promote a satisfactory wilderness experience.

Fire Closures:

- Any portion of North Cascades National Park Service Complex may be temporarily closed, due to wildfire and/or fire management activities, which pose a threat to visitor safety.
- The following 2015 Fire closures remain in effect until closure signs are removed by the National Park Service:
 - Riddle Creek boat dock and developed area.
 - Any area posted as closed in the vicinity of Ryans Wall Climbing Management Area.

Justification: This is necessary to protect park visitors from the real or potential hazards posed by wildfires.

(a)(2) The following areas have been designated for a specific use or activity, under the conditions and/or restrictions as noted:

Sport Climbing:

- Sport climbing, including the placement and replacement of fixed anchors, is only allowed within designated Climbing Management Areas (CMAs) boundaries. Current CMAs are:
 - Diablo Crag
 - Newhalem Crag East
 - Newhalem Crag West
 - Town Crag (On NPS land only)

The boundaries of the Climbing Management Areas are designated in the attached maps.

New Climbing Management Areas or changes to existing CMA boundaries will be considered by the NPS with a written request to the park superintendent by the CMA proponent.

Justification: These conditions are necessary to protect park resources. The Ross Lake National Recreation Area General Management Plan (2012) states: Due to the manipulative actions required to establish sport climbing routes, the NPS will continue to allow sport climbing in the four areas already agreed upon between NPS and the climbing community. The NPS will allow new routes that require the placement of fixed anchors and replacements within designated Climbing Management Areas (CMAs). New CMAs will be evaluated, authorized, and managed on a case by case basis, subject to funding and personnel and following appropriate site-specific surveys and assessments.

Bear Spray:

- Bear spray may be carried by individuals within the North Cascades National Park Service Complex for the strict purpose of protecting one's self or others from bodily harm against aggressive wildlife. It should not be applied to people, tents, packs, other equipment or surrounding area as a repellent. 36 CFR § 1.5 (a)(2)

The Superintendent has determined that the use of Bear Spray in a manner consistent with IGBC recommendation is appropriate as a deterrent to negative human/bear encounters.

Exhibit 6

Determination to Change: KNP Complex Fire Area Closures, June 5, 2023

Determination to Change: Upper Colby Meadow Grazing Rights

Determination to Change: Baxter Drift Creek Meadow Grazing Closure

Determination to Change: Upper Crabtree Meadow Grazing Closure

Determination to Change: Big Pete Meadow Closure

36 CFR Part 1 — General Provisions

Section 1.5 — Closures and public use limits

(a)(1) Visiting hours, public use limits, closures, and area designations for specific use or activities.

PUBLIC USE LIMITS

- The Pinewood Picnic Area is closed to all use from dusk to dawn, except by permit.¹
- The Moro Rock/Crescent Meadow Road is closed to single vehicles over 22 feet long and all combination vehicles when the Park's shuttle bus system is in operation and closure signs are posted.²
- Snow play is prohibited within fifty feet of buildings and roads, except in designated snow play areas (Wolverton, Columbine and Big Stump Picnic Areas). The Superintendent may close areas to snow play by posting signs in conspicuous locations; snow play in violation of posted signs is prohibited.³
- Recreational vehicles (RVs) are prohibited in all group camp sites except Dorst. A maximum of two RVs or trailers are permitted for each Dorst group site. Use is limited to the inside of the RV (cooking, sleeping, recreation, etc.) All other activities must take place out of the parking area.⁴
- Possession of a glass container within 50 feet of any river is prohibited, except in designated campsites and picnic areas.⁵
- Cloth Face Coverings⁶

When the COVID-19 Community Level is LOW or MEDIUM in the county or all the counties where the park is located based on data provided by the Centers for Disease Control and Prevention (CDC), individuals are not required to wear masks.

When the COVID-19 Community Level is HIGH in the county or all the counties where the park is located based on data provided by the CDC, all individuals over the age of two must wear masks, regardless of vaccination status, in all common areas and shared workspaces in buildings owned, leased, or otherwise controlled by the National Park Service, including, but not limited to, park visitor centers, administrative offices, lodges, gift shops and restaurants.

When the COVID-19 Community Level is HIGH in one or more, but not all, of the counties where the park is located based on data provided by the CDC, the superintendent

- The Shepherd Saddle Road (except bicycles).¹²
- The following former roads, which are located within recommended or eligible wilderness, are closed to public vehicular traffic, including bicycles: ¹³
 - Colony Mill Trail from the Crystal Cave Road to the Sequoia National Park boundary.
 - North Fork / West Boundary Trail from Yucca Flat to Hidden Spring.
 - Redwood Canyon Trail
- Moro Rock / Crescent Meadow Road is closed to all vehicular traffic each Saturday, Sunday, and federal holiday weekend while the park shuttle is operating except for:¹⁴
 - Vehicles transporting visitors with valid wilderness permits for the Crescent Meadow Trailhead,
 - Vehicles bearing disabled placards,
 - Commercial passenger carrying motor vehicles less than 22 feet in length, or
 - Sequoia National Park shuttles
- The following areas are closed to public entry, except when accompanied by a park official, or when entry is authorized by the Superintendent:
 - All facilities and buildings used for the storage, treatment, or transmission of electricity, gas, telephone, waste disposal, and domestic water. The roads that service these facilities are also closed to public access when gated and/or posted.¹⁵
 - All park helibases and helispots.¹⁶
 - All management class 4, 5, and 6 caves.¹⁷
- Moro and Chimney Rocks are closed to rock climbing from April 1 through August 15 in the areas described below. All or parts of the closure may be rescinded if it is determined by the Superintendent to be unnecessary to protect nesting Peregrine Falcons. When a closure has been lifted, signs on the areas bulletin boards will be posted showing all or parts of the areas that are open to rock climbing.¹⁸
 - CHIMNEY ROCK SEASONAL AREA CLOSURE DESCRIPTION
 - The following describe a triangle that encompasses the area closure (GPS Data Format UTM NAD83) (Attachment 1 – Chimney Rock Seasonal Peregrine Closure Map):
 - From 332897e, 4058397n southeasterly along the USFS/NPS border to 333321e, 4057713n From 333321e, 4057713n northwesterly, in a straight line to 332486e, 4058128n
 - From 332897e, 4058397n in a straight line southwesterly to 332486e, 4058128n
 - This closure includes, but is not limited to, the following climbing areas: Chimney Rock and Chimney Spire, The Monk, Camp Ridge (Crystal Wall), and Chartreuse Dicephalon. Access to Sasquatch Spire, Moccasin Ridge, and Moccasin Spire is also closed during closures.
 - MORO ROCK SEASONAL AREA CLOSURE DESCRIPTION:

All rock climbing routes between (and including) “South Face” and “Full Metal Jacket”.

- Unmanned Aircraft Closure:
 - Definition: The term “unmanned aircraft” means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communications links). This term includes all types of devices that meet this definition (e.g., model airplanes, quadcopters, and drones) that are used for any purpose, including recreation or commerce.
 - Closure: Launching, landing or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Sequoia and Kings Canyon National Parks is prohibited except as approved in writing by the Superintendent.¹⁹
- Storing non-food items in shared food storage lockers is prohibited.
- Storing caches of food in shared food storage lockers is prohibited. The owner of food in a shared food storage locker must remain camped nearby.

(a)(2) Specific use or activity designations, conditions, and restrictions

- Climbing or attempting to climb Giant Sequoia (*Sequoiadendron giganteum*) trees is prohibited without a permit.²⁰
- Prior to entering park caves, clothing (worn or carried) and other supplies and equipment (cameras, purses, packs, pads, food, or other portables) that have been inside any cave, mine or other environment that could potentially expose these items to white-nose syndrome fungus must first be disinfected according to the US Fish and Wildlife Service protocols.²¹
- The use of flotation devices, boats, or rafts is prohibited on the South Fork of the Kings River from Bubbs Creek Bridge downstream to the Kings Canyon National Park boundary.²²
- Generators may not be used in the following campground areas: Lodgepole sites 36- 60 (RV’s and tents) and sites 69 – 150 (tents only) and Dorst sites 74 – 127 (tents only).²³
- Generators use is restricted in Lodgepole and Dorst Campgrounds to the following hours: 8 a.m. – 11 a.m. and 5 p.m. – 8 p.m. in designated sites.²⁴
- Passenger buses are subject to the following condition/restriction on all park roads within Sequoia and Kings Canyon National Parks:²⁵
 - Buses must shut down their engines when not underway.
 - Buses are allowed to idle up to 15 minutes to allow the driver to complete their legally required Pre-Trip Vehicle Inspection.
 - All other idling shall not exceed 5 minutes.

Section 1.6(f) – Activities requiring a permit²⁶

§1.5(a)(2) Outdoor filming activities in of areas managed as wilderness; outdoor filming involving six or more persons or equipment that cannot be carried at all times, except for small tripods used to hold cameras.

§2.4(d) Carrying or possessing a weapon, trap, or net

Exhibit 7



**National Park Service
U.S. Department of the Interior**

**Yosemite National
Park**

P.O. Box 577
Yosemite National Park
California 95389

Superintendent's Compendium
of Designations, Closures, Permit
Requirements and Other
Restrictions Imposed Under
Discretionary Authority.

209-372-0200

Approved:

/s/ Cicely Muldoon

Cicely Muldoon
Superintendent

8/18/2022

Date

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7 and Part 34, authorized by Title 54 United States Code, Section 100751, the following regulatory provisions are established for the proper management, protection, government and public use of those portions of the El Portal Administrative Site under the jurisdiction of the National Park Service. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7 as incorporated in Part 34.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by Section 1.5(c), appear in this document identified by italicized print.

This restriction is necessary to reduce impact to species of frogs, who are Federal Candidate Species for listing under the Endangered Species Act, and their habitats.

Yosemite Valley

Portions of the Mist Trail, the John Muir Trail, and Four Mile Trail are closed when signed.

These restrictions are necessary to provide for public safety and use.

Slopes along the Merced River, woodlands, and meadows are closed when they are fenced or signed.

These restrictions are necessary to restore vegetation and protect natural resources.

Under the authority of 36 Code of Federal Regulations 1.5(a)(2), the following areas have been designated for a specific use or activity, under the conditions and/or restrictions as noted:

Badger Pass Ski Area

Non-concessions operated sledding, inner-tubing, and tobogganing is prohibited within the ski area boundary when Badger Pass Ski Area concession is operating.

These restrictions are necessary as sledding is non compatible with downhill skiing and poses a hazard to sledders and skiers, as well as other ski area visitors.

Bridges and other structures

Jumping or diving from any bridge or from O'Shaughnessy Dam is prohibited.

This restriction is necessary for the safety of both jumpers and boaters (who are threatened by people jumping from bridges in areas with vessel use) and for the protection of fish and other components of aquatic ecosystems which experience the detrimental effects of water turbidity and shock waves which are caused by people jumping from bridges.

Affixing any rope, line, or other device to a bridge or structure is prohibited.

This restriction is necessary to protect persons and structures from the hazards posed by ropes and lines.

Climbing

Camping, bivouacking, or sleeping overnight in the vicinity of the base of any cliff, mountain or route to be climbed, and which is located outside designated Wilderness, is prohibited. 36 CFR §2.10(a); 36 CFR §2.10(b)(10)

This restriction is necessary for orderly management of the park and to provide for consistency with camping and wilderness permit requirements.

The use of any motorized drilling device for the purpose of placing bolts or climbing equipment is prohibited.

This restriction is necessary to protect the wilderness character of climbing routes and is in accord with the Wilderness Act which prohibits motorized equipment in all wilderness areas.

The possession of a motorized drill in a non-developed area is prohibited.

This restriction is necessary to protect the wilderness character of climbing routes and is in accord with the Wilderness Act which prohibits motorized equipment in all wilderness areas.

The use of glue, epoxy, cement, or any other adhesive to attach, reinforce, or alter handholds and/or footholds for rock climbing is prohibited.

This restriction is necessary to protect the natural features of various climbing routes.

Fixed or temporary rock climbing anchors, but not climbing ropes, whether used for ascents or descents, may be left in place indefinitely. 36 CFR §2.22(a)(2)

This exception is necessary to allow safe rock climbing (a well-established visitor activity in the park) while minimizing the overall impact of rock climbing on the resource and other visitor groups. Unattended lines may be removed and impounded.

Commercial Photography/Filming:

The following types of low-impact filming activities may occur in areas of the park open to the public without a permit and without advance notice to the NPS:

- Outdoor filming activities (outside of park areas managed as “wilderness”) involving five persons or less and equipment that will be carried at all times, except for small tripods used to hold cameras.

The organizer of any other type of filming activity must provide written notice to the Superintendent least 10 days prior to the start of the proposed activity. Based upon the information provided, the Superintendent may require the organizer to apply for and obtain a permit if necessary to:

- Maintain public health and safety;
- Protect environmental or scenic values;
- Protect natural or cultural resources;
- Allow for equitable allocation and use of facilities; or
- Avoid conflict among visitor use activities.

Exhibit 8

Intermountain Region
National Park Service
U.S. Department of the Interior



ZION NATIONAL PARK
36 CFR 1.7(b), COMPENDIUM
2023

The Zion National Park Compendium as dated is hereby approved and will remain in effect until either rescinded or superseded.

Approved by
Superintendent: _____

Date: June 23, 2023

Document with original signature on file in the Zion National Park Chief Ranger's Office

(a)(1)(xii) **Research Natural Areas (RNAs) are closed to all recreational use. They include the following areas:**

Kolob Mesas: Mesa tops of Timber Top Mountain and Nagunt Mesa overlooking the Kolob Canyons. Also includes the canyon draining west from Timber Top Mountain.

Shune's Creek: Shune's Creek Canyon below the Navajo Sandstone cliffs along the southern boundary of the park, excluding the administrative zone around the water right diversion.

Hanging Garden: Five hanging gardens in Zion and Parunuweap Canyons. Includes the immediate vicinities of Grotto Spring, Weeping Rock, Sinawava Hanging Garden, and two unnamed springs in Parunuweap Canyon.

Isolated Mesa Tops: Isolated mesa tops that are surrounded by high cliffs of Navajo Sandstone. These include Burnt Mountain (south of La Verkin Creek), Greatheart Mesa, Inclined Temple, Church Mesa, three unnamed high mesas west of Horse Pasture Plateau, and two closely associated unnamed mesas north of Wynopits Mountain.

Goose Creek: The sandstone slot canyons and canyon walls of Goose Creek, which drains east from Lava Point and Horse Pasture Plateau. A five-mile long tributary of the North Fork of the Virgin River with deep narrow canyons and perennial stream flow in the lower reaches.

Crazy Quilt Mesa: The top of Crazy Quilt Mesa and adjacent slopes, west of Checkerboard Mesa

Slickrock: An area of slickrock buttes, slopes and traverses, south of Clear Creek, east of Gifford Canyon and around the head of Crawford Wash.

Southeast Pinyon Juniper: An area of relatively deep sandy soils supporting relict pinyon-juniper forests in the southeastern most corner of the park.

Parunuweap: Includes Parunuweap and most of Shune's Creek Canyons below the Navajo Sandstone, and Transview Mountain above the Navajo Sandstone.

Justification: In concurrence with the approved General Management and Wilderness Management Plans, the above areas are closed to recreational use. These RNAs are field ecological areas designated primarily for research and education and/or to maintain biological diversity. Baseline inventory and long-term ecological observations will be emphasized in these areas, with the primary purpose of creating an ecological/environmental benchmark over time.

(a)(1)(xiii) The area 50-60 meters northeast of the "Chimney" in the "Practice Cliffs" area north of the Court of the Patriarchs is closed to climbing. This area includes the following routes named "Roof to hands, 5.9 corner and Casual Sex"

Justification: In 2009 this area was closed to protect archeological resources in the area.

(a)(1)(xiv) **The placement of fixed climbing anchors, including climbing bolts, for the creation of bolt intensive face climbs, also called sport climbs, within the Zion Wilderness is prohibited.**

Justification: "The establishment of bolt intensive face climbs is considered incompatible with wilderness preservation and management due to the concentration of human activity which they support and the types and levels of impacts associated with such routes." NPS Director's Order 41.

Road and Vehicle Closures and Use Limits

(a)(1)(xv) **Travel by private vehicles on the Zion Canyon Scenic Drive during the shuttle operation season (usually mid-March into November) is prohibited without a permit. When the road is open to private vehicle travel, vehicles**

Addendum B

Exhibit 1

2.0 PLAN ALTERNATIVES

There are two alternatives presented in this plan: Alternative A, the Preferred Alternative/Proposed Action, and Alternative B, No Action/Current Management. In formulating the proposed plan, a variety of management options were considered that met the purpose and need in different ways. However, many of these options were duplicative with less environmentally damaging or less expensive alternatives, were not raised as important issues during scoping, and/or were not within the authority of this planning action (e.g., would require changing current regulations). Based on these considerations, these options were not developed in an official alternative, and two alternatives were ultimately considered.

Section 2.1 Alternative A includes a detailed description of the issues and items that comprise the plan elements. Some issues and items are required by law and policy leading to actions that must be done a certain way. These are consistent between the two alternatives and will be discussed only in Alternative A.

Other issues and items do not have required actions and may be addressed in a variety of ways. These issues and items form the difference between the two alternatives. Section 2.2 Alternative B focuses on those issues and items where actions are different between the two alternatives. Table 2-1, at the end of this chapter, provides a comparison of standards between the two alternatives.

Throughout the discussion of the two alternatives, the terms “Minimum Concept Requirement” and “Minimum Concept Analysis” are used. The reader is referred to Section 2.1.4.1 for an explanation of these terms.

2.1 Alternative A, Preferred Alternative (Proposed Action)

2.1.1 Management Classes/Desired Future Conditions

All backcountry/wilderness areas of Rocky Mountain National Park (RMNP or the Park) are designated in one of four Management Classes. Each Management Class is described in terms of the desired social, resource and managerial conditions for that area. While social and resource indicators generally remain the same across Management Classes, standards in each may be different. These descriptions provide guidance for management decisions related to backcountry/wilderness resources and use. All actions and activities, which may be different among Management Classes, will follow wilderness laws and policies.

Management Classes are designated based upon the following criteria:

1. Type and amount of use;
2. Accessibility and challenge;
3. Opportunity for solitude;
4. Acceptable resource conditions;
5. Management use.

2.1.1.1 Management Class 1

Management Class 1, approximately 170,236 acres, generally includes Research Natural Areas, tundra areas, and other areas not in Management Classes 2, 3 or 4. (See Figure 2-1).

techniques are generally the norm. It is incumbent on the local climbing community, along with the Park, to inform and educate climbers new to the area of this fact for the ultimate protection and maintained access to climbing areas.

Many impacts (e.g., soil compaction and erosion, wildlife disturbance, noise) that are often related to climbing activities are also associated with other forms of recreation (e.g., fishing, backpacking, day hiking) while other impacts are directly related to climbing (use of chalk, fixed anchors). It is the intent of this section to focus on the impacts directly related to climbing and when necessary general impacts at specific climbing areas. Climbing bivouacs are covered in Section 2.1.4.4 Backcountry Permit and Reservation System.

Littering/Human Waste.

Non-degradable litter is common in all areas of visitation. Litter as it relates to climbing, is deposited by climbers, climbing spectators and at bivouac (bivy) sites. Athletic tape is sometimes found at the base of crack climbs due to its loss of adhesion. Ledges and the base of cliffs have been found to have fecal matter scattered around. Some bivy sites pose a problem, since waste cannot be buried. Decomposition of waste is a problem at high elevations due to cold temperatures. Exposed waste pose health problems to other climbers or wildlife and aesthetically degrades the user experience.

Climbers should clean up after themselves and pack out trash and garbage. Climbers will be encouraged to pack out human waste when in an area where cat holes or other appropriate means of human waste disposal (e.g., privies, smear technique in sun-exposed areas away from drainages and travel routes) are not available or appropriate.

Erosion.

Off the rock - climbers and mountaineers often bushwhack and scramble to gain access to the base of the cliff. Numerous steep approach trails have resulted. These access trails typically are braided with other trails to the same climb. Because they travel straight up the grade, water is diverted onto the trails, causing soil loss, trenching and loss of vegetation. At the base of climbs in high use areas (e.g., Lumpy Ridge), the ground is typically compacted and denuded of vegetation. Social trails often contour along the base of the rock formation to the start of other climbs.

Access trails to the base of well-known and heavily used climbing routes will be identified, delineated, hardened and maintained in order to prevent further erosion problems, loss of vegetation and to establish a pattern of use. In certain instances, signs may be placed to direct climbers away from problem or sensitive areas in order to protect resources. Social trails that have developed over long periods of time, but currently see infrequent use, will be rehabilitated to discourage future travel. Travel in high use areas (e.g., Lumpy Ridge, Management Class 4) will be on established access trails and corridors. Dispersed travel to the base of climbs will be encouraged in climbing areas where access trails are not provided.

On the rock - through continuous use, the rock surface becomes smoother and freer of lichens, moss and dirt. Ledges and cracks also loose dirt and vegetation from climbing traffic. Toe and finger holds become worn off, or are not in a useful location for some climbers. To make a climbing route more accommodating, a few climbers alter routes by gluing on artificial holds or they may chip or pry the rock to create or improve holds.

The gluing and chipping of holds will not be allowed. Aggressive, intentional "gardening" or cleaning the rock of soil and vegetation will not be allowed.

Social Impacts.

While climbing is widely accepted within RMNP, the activity has not previously been addressed through an approved policy or regulation. Under the Code of Federal Regulations, various aspects of climbing recreation are managed in order to protect park resources. Individually, climbers come from a broad spectrum of backgrounds with equally broad sets of values and ethics. This has occasionally led to conflicts among users. In many instances, climber-agency relations have suffered due to imposed regulations and/or restrictions to climbing or access. The climbing community and park staff will continue to work together to mitigate user conflicts.

Noise.

Climbers frequently utilize vocal signals to communicate specific needs during a climb to facilitate safe ascent or descent. Such noise can disrupt wildlife or impact hikers adjacent to climbing areas. Other noises (e.g., rock hammers) are also considered intrusive in the wilderness setting.

Climbers will be encouraged to be sensitive to the value of natural quiet. Rock hammers must be used judiciously during sensitive times for wildlife (e.g., breeding, nesting) and in areas where other visitors may be disturbed.

Wildlife.

Many of the popular climbing areas in the Park are also prime habitat for some species of wildlife. Birds of prey frequently nest on rocks along and adjacent to established climbing routes. Concerns exist for both birds and climber safety.

The spring raptor area closures program has been a very successful means to reduce impacts. This program will continue. Temporary closures will be used to protect nesting raptors during critical phases of the courtship, nesting, and fledging periods. Prophylactic closures will occur in early spring of areas historically used by raptors. Raptor activity will be monitored and those areas or routes with current raptor use will be closed. Other areas where activity is discovered will also be closed. Closures will be in effect long enough to ensure protection and non-disturbance of the birds. Temporary closures may be effected for other wildlife protection as necessary.

Visual Impacts/Chalk.

Visual impacts associated with climbing vary depending on the viewer's attitude towards climbing in general and their proximity to the activity. Bright colored slings, shiny metal bolts, white chalk and the sight of climbers and ropes on an otherwise undisturbed formation can be viewed as intrusive. The use of chalk may also cause a change in pH when it comes in contact with lichens, inhibiting growth or destroying the plant.

Climbers will be encouraged to wear clothing and use protection, slings, and other equipment that blend in with the natural surroundings. The use of chalk will be allowed, however climbers will be encouraged to be sensitive to visual and environmental impacts that could occur.

Hardware/Equipment.

A wide range of equipment and hardware has been developed over time to be used as protection for the climber. Hammer driven pitons which widened and scarred cracks have been generally replaced by removable devices, assisting in "clean climbing" practices. However, the exploration of steeper, more difficult face climbing has led to an increase in the placement of fixed, artificial protection (e.g., bolts) by some climbers.

The use of removable and fixed anchors, as well as other climbing equipment, is appropriate in wilderness. However, fixed anchors must be placed judiciously and closely managed in order to prevent the degradation of wilderness resources and character. Where anchor points are necessary for climber safety, the use of removable equipment is desired and highly recommended. Fixed anchors should not be placed merely for convenience or to make an otherwise "unclimbable" route climbable.

Fixed anchors (e.g., webbing, bolts, pitons, chains) currently in place may remain. They may be replaced, or removed, by individual climbers, during a climb, or the NPS, during park operations. Safety remains a responsibility of the climber. The NPS will not, as policy or practice, monitor fixed anchors to evaluate their condition or accept any responsibility for fixed anchors.

The placement of new fixed anchors may be allowed when necessary to enable a safe rappel when no other means of descent is possible, to enable emergency retreat, during self rescue situations. The infrequent placement of new fixed anchors is allowed when ascending a route to connect terrain that is otherwise protected by removable anchors (e.g., one crack system or other natural feature to another) or when there are no features which will accommodate removable equipment but the occasional placement of a fixed anchor may provide a modicum of safety during the ascent (e.g., traditional face climbing). New, bolt intensive climbing routes (e.g., sport climbs, bolt ladders) are not appropriate in wilderness and should not be created. The Park may place and maintain fixed anchors for administrative and emergency purposes.

When a climber determines the need for anchor placement or replacement, this must be accomplished in compliance with regulated and permitted standards (e.g., power drills prohibited). At this time there is no permit or approval system in place, or proposed, with regard to the placement of fixed anchors; however, one may be developed and implemented if the Park determines it is necessary, through research and monitoring, to protect natural and cultural resources.

Patrol, Education and Enforcement program.

Without a visible patrol and education/enforcement program, educational efforts, policies and regulations will have minimal effect. An important aspect of the patrol function is the incorporation of education, research, monitoring and impact mitigation. Park patrols are predicated on the commitment to protect the resource, educate visitors, guard against illegal activities, provide necessary assistance and perform search and rescue functions in cases of emergency incidents. Patrols will focus primarily on 1) the education of visitors as to resource impact issues, minimum impact techniques and preventative search and rescue and 2) the enforcement of applicable laws and regulations when necessary and appropriate.

The Park will conduct a strong educational effort promoting minimum impact techniques and sound climbing ethics as outlined in the Conscious Climbing brochure and Leave No Trace Outdoor Skills and Ethics: Rock Climbing booklet. In essence, climbers will be encouraged to:

- Use colors that blend in with natural environment of the area
- Pack out all litter
- Use existing trails to approach climbs
- Know and respect environmentally sensitive areas (Raptor closures)
- Know and abide by all regulations
- Avoid placing permanent protection
- Be considerate of wildlife and other users

Exhibit 2

APPENDIX J:
CLIMBING MANAGEMENT STRATEGY

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CLIMBING MANAGEMENT STRATEGY

BACKGROUND

The National Park Service (NPS) recognizes climbing as a legitimate and appropriate activity for realizing unconfined and self-reliant recreational opportunities in wilderness. Aspects of climbing may affect wilderness character, including the qualities of natural, undeveloped, and opportunities for solitude (see wilderness character discussion in chapter 3). This climbing management strategy (strategy) is intended to provide guidance of climbing activities in wilderness while preserving wilderness character. Climbing has been a popular activity in the area comprising Sequoia and Kings Canyon National Parks (hereafter the parks), and the Sierra Nevada since the mid-1800s. The wide variety of peaks and rock formations in the parks provide excellent opportunities for a wide spectrum of climbing including rock, big wall, snow and ice, bouldering, canyoneering, caving, and mountaineering. It is a popular area for local, regional, national and international climbers.

For the purposes of this strategy, climbing is defined as ascending or descending very steep terrain, usually by using hands and feet to maintain balance, and typically utilizing ropes and anchors to prevent falls. This includes rock climbing, ice climbing, canyoneering, caving, rappelling, and other similar activities. The requirements for fixed anchors described below apply equally in all areas of the parks' wilderness, including above and below ground locations. The parks are in the process of developing an updated Cave Management Plan (CMP) and it is anticipated that the CMP will adopt the general guidelines of this strategy but expand on cave specific activities.

Climbing in its various forms continues to be a popular activity with the visiting public. Because climbing has resource impacts, managers strive to find a balance between allowing climbing to continue as freely as possible and controlling impacts on environmental resources and other visitors of the parks. A voluntary commitment to Leave No Trace® climbing techniques on the part of the climbing community is an important factor in ensuring the preservation of resources and wilderness character.

The parks and other areas in the Sierra Nevada have long been known for a strong traditional climbing ethic. The local climbing community in general does not accept practices that create undue impacts, such as adding bolts to existing routes or establishing new bolt-intensive routes. Chipping or gluing new holds is considered unethical and is prohibited. Clean-climbing techniques are generally the norm. It is incumbent on the local and national climbing community, along with the parks, to inform and educate climbers new to the area of this fact for the ultimate protection of resources and to maintain access to climbing areas.

Definitions of Key Terms

Clean climbing — a rock climbing term that describes techniques and equipment that climbers use in order to avoid damaging the rock by widening cracks or drilling holes. Clean climbing techniques may date back to the 1920s and possibly earlier. The term itself likely emerged around 1970 with the widespread and rapid adoption of nuts (also called chocks), hexes, and cams in the United States and Canada. These were adopted for use in preference to pitons, and at times bolts, which damage rock and are more difficult and time-consuming to install.

Fixed Anchors — consist of webbing, bolts, pitons, chains, and other devices and equipment permanently or semi-permanently attached to rocks (or other natural features) that are left in place after a rock climbing activity. These may be divided into two categories: 1) permanent anchors (e.g., bolts and pitons), and 2) removable or abandoned anchors (e.g., slings, nuts) with or without accompanying hardware such as carabiners.

Many impacts related to climbing, such as soil compaction and erosion, wildlife disturbance, or noise, are also associated with other forms of visitor use. However, other impacts are associated solely with climbing, such as the use of chalk or fixed anchors. These are discussed in more detail below.

The intent of this appendix is to focus on a limited set of issues, impacts, and mitigations that are directly related to climbing in wilderness. This appendix is not intended as a comprehensive climbing management plan, but will serve as interim guidance on climbing activities in the absence of such a plan. A future climbing management plan would more thoroughly document and analyze use levels and patterns, identify significant concerns, and implement detailed management actions to comprehensively address climbing related issues.

POLICY AND LAW

Climbing management in National Park wilderness is directly guided by relevant laws, NPS Management Policies, Director's Orders, and Reference Manuals. The U.S. Code of Federal Regulations, and the parks' Superintendent's Compendium also provide indirect and direct management control of climbing and related activities. Director's Order #41: Wilderness Stewardship, and its Reference Manual #41 (DO #41 and RM #41), provides specific guidance on the management of climbing in wilderness. In section 7.2 Climbing, it states: "If climbing activities occur in wilderness, climbing management strategies will be included as part of the park's Wilderness Stewardship Plan, or other activity- level plan. . . Wilderness climbing education and impact monitoring will be important components in climbing management programs . . . climbing practices with the least negative impact on wilderness resources and character will always be the preferred choice." Reference Manual #41 adds that, "Climbing has a history that predates the Wilderness Act, but wilderness is a unique resource that has overriding implications for all recreation uses, including climbing. Wilderness has a special status that compels all visitors to a higher standard of ethics and conduct."

Climbers accessing wilderness are subject to the rules and regulations of wilderness use as described in the WSP/FEIS and established in the Superintendent's Compendium. This includes possessing a valid wilderness permit for overnight use.

Specific federal regulations that relate to climbing and resource preservation include:

- Title 36 CFR 2.1 Preservation of natural, cultural and archeological resources - Prohibits practices of possessing, destroying, injuring, defacing, removing, digging, trundling (rolling rocks) or disturbing (chipping, gluing or gardening) from their natural state any park features.
- Title 36 CFR 2.2 (a)(2) Wildlife Protection - Prohibits feeding, touching, teasing, frightening, or intentional disturbing of wildlife nesting, breeding, or other activities.
- Title 36 CFR 2.12 Audio Disturbances - Prohibits the practice of utilizing motorized equipment or machinery that creates unreasonable noise, particularly in undeveloped areas (e.g., motorized rock drills, amplified sound devices).
- Title 36 CFR 1.5 (f) Closures and Public Use Limits - Temporary closures of specific climbing routes and areas will be enforced to ensure prudent management of raptor nesting areas where they coincide with popular climbing routes.

OBJECTIVES

- Provide opportunities for the pursuit of the traditional activity of climbing in the park's wilderness.
- Ensure that climbing activities do not unacceptably impact wilderness character or resources.
- Emphasize clean-climbing as the proper method to realize the benefits of climbing in wilderness.
- Promote strategies that “will address ways to control, and in some cases reduce, the number of fixed anchors to protect the parks’ wilderness resources or to preserve the ‘untrammelled,’ ‘undeveloped,’ and ‘outstanding opportunities for solitude’ qualities of the park’s wilderness character.” (RM#41)
- Work cooperatively with climbers and the climbing community to advance the practices of responsible climbing in wilderness.
- Provide education to the public on responsible climbing practices in wilderness.

IMPACTS OF CLIMBING AND MITIGATIONS

LITTERING / HUMAN WASTE

Non-degradable litter is common to all aspects of visitation. Litter as it relates to climbing, is deposited by climbers, climbing spectators and at bivouac (bivy) sites. Athletic tape is sometimes found at the base of crack climbs. Ledges and the base of cliffs have been found to have fecal matter scattered around. Some bivy sites pose a problem, since waste cannot be buried. Decomposition of waste is a problem at high elevations due to cold temperatures. Exposed waste poses health problems to other climbers or wildlife and degrades the aesthetics of the user experience.

Climbers, and other wilderness users, are required to clean up after themselves and pack out trash and garbage and follow waste management regulations. Climbers will be expected to pack out human waste when in an area where cat holes or other appropriate means of human waste disposal (e.g., privies) are not available or appropriate. Waste should never be dropped while on a climb (it should be tubed or bagged for later proper disposal).

EROSION

Off the Rock: Climbers and mountaineers often bushwhack and scramble to gain access to the base of their route. Very steep informal trails can result. These informal trails may be braided with other informal trails to the same climb. Because they travel straight up the grade, water is diverted along the path, causing soil loss, gullying and loss of vegetation. At the base of climbs in high use areas, the ground is typically compacted and denuded of vegetation. Informal trails often contour along the base of the rock formation to the start of other climbs.

When informal approach trails to the base of heavily used climbing routes are identified, climbers and the parks’ management will increase education efforts to discourage / disperse use in order to establish a sustainable pattern of use. In rare occasions, signs may be placed to direct climbers away from problem or sensitive areas in order to protect resources (after conduct of a minimum requirement analysis). Informal trails associated with climbing routes will be managed according to the guidelines in the Trail Management and Classification System (see appendix K). Dispersed travel to the base of climbs may be encouraged in specific cases.

On the Rock: Through continuous use, the rock surface becomes smoother and freer of lichens, moss and dirt. Ledges and cracks also lose dirt and vegetation from climbing traffic. Toe and finger holds become worn off. Some climbers alter routes by gluing on artificial holds or chipping or prying the rock to create or improve holds. The gluing and chipping of holds, and the intentional "gardening" or cleaning the rock of soil and vegetation, and rolling of rocks deemed as hindrances (trundling), are not legal, or ethical, in wilderness.

SOCIAL IMPACTS

While climbing is widely accepted in the parks, the activity has not previously been addressed through an approved plan, policy, or regulation. Under the Code of Federal Regulations, various aspects of climbing recreation are managed in order to protect the parks' resources. Climbers, and other wilderness users, have a variety of individual experiences and personal perspectives. The climbing community and the parks' staff will continue to work together to mitigate user conflicts and enact appropriate administrative actions.

NOISE

Climbers frequently yell to communicate during a climb. Such noise can disrupt wildlife or impact hikers adjacent to climbing areas. Other noises (e.g., rock hammers) are also considered intrusive in the wilderness setting. Climbers will be encouraged to be sensitive to the value of natural quiet. Rock hammers, when allowed, must be used judiciously during sensitive times for wildlife (e.g., breeding, nesting) and in areas where other visitors may be disturbed.

WILDLIFE

Many of the popular climbing areas in the parks are also prime habitat for sensitive species of wildlife. Birds of prey frequently nest on rocks along and adjacent to established climbing routes. Concerns exist for both birds and climber safety.

The raptor area closures program has been a very successful means to reduce impacts. This program will continue. Temporary closures will be used to protect nesting raptors during critical phases of the courtship, nesting, and fledging periods. Precautionary and usually seasonal closures will occur in areas historically used by raptors (e.g., Moro Rock and Chimney Rock). Raptor activity will be monitored and those areas or routes with current raptor use will be closed. Other areas where susceptible wildlife activity is discovered will also be closed. Closures will be in effect long enough to ensure protection and non-disturbance of the birds. Temporary closures may be enacted for other wildlife protection as necessary (e.g., bighorn sheep).

VISUAL IMPACTS / CHALK

Visual impacts associated with climbing vary with user's attitudes towards climbing and their proximity to the activity. Bright colored slings, shiny metal bolts, white chalk and the sight of climbers and ropes on an otherwise undisturbed formation can detract from the scenic purpose of wilderness and the opportunities for solitude quality of wilderness character. The use of chalk may also cause a change in pH when it comes in contact with lichens, inhibiting growth or killing the plant.

Climbers will be encouraged to use protection, slings, and other equipment that blend in with the natural surroundings. The prudent use of chalk will be allowed, with balls preferred over loose chalk. Climbers will be encouraged to be sensitive to visual and environmental impacts that could occur and make attempts to clean rock of visual intrusions as practicable.

HARDWARE / EQUIPMENT

A wide range of equipment and hardware has been developed to be used as protection and aids for climbers. Hammer-driven pitons which widened and scarred cracks have been generally replaced by removable devices, as part of clean-climbing practices. However, the exploration of steeper, more difficult face climbs has led to an increase in the placement of fixed, artificial protection (e.g., bolts) by some climbers.

The use of permanent fixed anchors (e.g., bolts) is rarely appropriate in wilderness. Removable or abandoned (semi-permanent) fixed anchors (e.g., slings with or without accompanying hardware such as carabiners) must be placed judiciously and closely managed in order to prevent the degradation of wilderness resources and character. Where anchor points are necessary for climber safety, the use of removable equipment is the overwhelming preference. Permanent fixed anchors should not be placed merely for convenience or to make an otherwise un-climbable route climbable.

PUBLIC USE OF FIXED ANCHORS

Fixed anchors consist of webbing, bolts, pitons, chains, and other devices and equipment permanently or semi-permanently attached to rocks (or other natural features) that are left in place after the activity. These are, for the purposes of this strategy, divided into two categories: 1) permanent anchors (e.g., bolts), and 2) removable or abandoned (semi-permanent) anchors (e.g., slings with or without accompanying hardware such as carabiners).

NPS Director's Order #41 (DO #41) establishes that "Authorization will be required for the placement of new fixed anchors or fixed equipment. Authorization may be required for the replacement or removal of existing fixed anchors or fixed equipment. The authorization process to be followed will be established at the park level and will be based on a consideration of resource issues (including the wilderness resource) and recreation opportunities. Authorization may be issued programmatically within the Wilderness Stewardship Plan or other activity-level plan, or specifically on a case-by-case basis, such as through a permit system." And "If unacceptable impacts are occurring in wilderness as a result of climbing, the park superintendent may deem it necessary to restrict or prohibit the placement of fixed anchors."

For the purposes of this strategy, those fixed anchors, both permanent and removable/abandoned, which are currently in place may remain.

- Permanent fixed-anchors (e.g., bolts or pitons), may be placed, or replaced by individual climbers only with prior approval (see permit system below) or in the rare case of emergency. Existing bolts may be removed by individual climbers, without prior permission, if they are deemed unusable or unsafe. The climber should then communicate details of the removal to the parks (through the Chief Ranger's Office).
- Removable (or abandoned and semi-permanent) fixed-anchors (e.g., slings, nuts, or other clean climbing hardware) may be replaced or removed by individual climbers as necessary without prior approval. New semi-permanent rappel or retreat fixed-anchors may also be placed by individual climbers without prior approval, with the strong advisory to leave only the minimum necessary slings or hardware to safely descend or retreat from wilderness climbing routes, in order to keep wilderness climbing routes as free of abandoned slings and hardware as possible. The setting up of fixed-anchors for top-roping is strongly discouraged. When replacing existing slings or hardware, it is incumbent on the individual climber to carry old equipment out of wilderness and to dispose of it properly. Climbers are also strongly encouraged to remove any unsafe/unusable equipment from wilderness for proper disposal.

New, bolt-intensive climbing routes (i.e., “sport climbs”) are not appropriate in wilderness and are expressly prohibited.

ADMINISTRATIVE USE OF FIXED ANCHORS

Per DO #41 “Proposals for the placement of fixed anchors or fixed equipment for the administrative purpose of facilitating future rescue operations must be evaluated through a MRA. [Minimum Requirement Analysis]” The parks may place and maintain permanent or removable fixed anchors for administrative and emergency purposes, but only after a MRA is completed, with the exception of emergencies. The NPS will not, as policy or practice, monitor any fixed anchors to evaluate their condition or accept any responsibility for the soundness of fixed anchors. The NPS, when it encounters them during park operations, may remove those fixed anchors deemed unsafe, unnecessary, or intrusive to wilderness.

SAFETY

Personal safety in climbing, as in all wilderness activities, remains the responsibility of the climber / wilderness user. RM #41 states, “Climbing is a “high risk” sport, and climbers are solely responsible for their own safety. Many climbing routes traverse hazardous terrain, and the National Park Service is not obligated to assess or mitigate these hazards, nor is it responsible for assessing or maintaining the safety of fixed anchors or fixed equipment. While the National Park Service has the authority to provide search and rescue services to the parks’ visitors in need of assistance, there is no legal requirement to do so. All rescue activities in wilderness will be managed to provide necessary treatment and services to the sick, injured and stranded, keeping in mind the safety and well-being of rescue personnel, the victim and the public, plus “light on the land” and “minimum requirements/tool” rescue actions.”

PATROL, EDUCATION AND ENFORCEMENT PROGRAM

Without a visible patrol and education/enforcement program, educational efforts, policies and regulations will have minimal effect. An important aspect of the patrol function is the incorporation of education, research, monitoring, and impact mitigation. Patrols are predicated on the commitment to protect the resource, educate visitors, guard against illegal activities, provide necessary assistance, and perform search and rescue functions in cases of emergencies. Patrols will focus primarily on 1) the education of visitors as to resource impact issues, minimum impact techniques and preventative search and rescue and 2) the enforcement of applicable laws and regulations when necessary and appropriate.

The parks will conduct a strong educational effort promoting minimum impact techniques and sound climbing ethics as outlined in Leave No Trace® Outdoor Skills and Ethics: Rock Climbing booklet in general, and specifically these parks’ wilderness regulations and restrictions. The parks will maintain a “Rock Climbing” page on the parks’ official website (www.nps.gov/seki), which will contain this strategy, and other climbing guidelines, rules and restrictions pertaining to climbing, as well as pertinent links to related websites. This page will also communicate any information on removal of fixed-anchors, performed by the climbing community or the parks.

Climbers are required to comply with specific regulations and should always:

- Pack out all litter and manage human waste properly (leave it cleaner than you found it)
- Use existing trails to approach climbs
- Know and respect environmentally sensitive areas (e.g., raptor closures)

- Know and abide by all regulations
- Avoid the use of all fixed anchors, as much as possible
- Request and obtain permission for placement or replacement of permanent fixed anchors
- Communicate to the parks any actions involving bolt removal, and on other issues involving the climbing environment
- Be considerate of wildlife and other users
- Share the climbing resource with others and practice and encourage clean-climbing techniques

As enforcement measures become necessary, patrol staff will enforce applicable regulations (e.g., no power drills for bolt placement, no pets in the wilderness, illegal guiding activities, violation of raptor closures, illegal camping and bivouacs, or resource degradation for the purpose of enhancing a climbing route).

RESEARCH AND MONITORING

The parks have sporadically conducted informal surveys of a small proportion of known and potential climbing areas. Given this limited information, a comprehensive inventory would be of value in assisting the proper management of climbing. It is a goal of the parks to develop and maintain an inventory and monitoring program to gather detailed information on how climbing activities affect wilderness character and resources. This inventory would be conducted prior to or in conjunction with the future development of a comprehensive climbing management plan.

SUMMIT REGISTERS

More than 170 summit (or peak) registers exist in the parks. They generally consist of a sealable weather-resistant container (metal, plastic, or glass) holding a small notebook in which people record dates and details of their climbs. The parks recognize that a limited number of summit registers is compatible with wilderness character, provided registers are in appropriate locations, of appropriate size and construction, and are well maintained. It is a desired condition of this WSP/FEIS to reduce developments and installations in wilderness; therefore, the parks will work toward reducing the number of registers and will not permit placement of new registers. In the near future, the parks will pursue the development of a general agreement (e.g., Memorandum of Understanding) between the NPS and the Sierra Peaks Section of the Sierra Club, which would determine locations, maintenance standards, and other conditions under which registers could remain.

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**ATTACHMENT 1:
APPLICATION FOR SPECIAL USE PERMIT**

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OBTAINING A PERMIT

To request permission to place a new permanent fixed anchor, or replace an existing permanent fixed anchor complete the Special Use Permit (Form 10-930) application below and submit to:

Superintendent, Sequoia and Kings Canyon National Parks
47050 Generals Highway
Three Rivers, CA 93271

INSTRUCTIONS

Within the permit, provide detailed information on:

- What you propose to do; place a new permanent fixed anchor, or replace an existing permanent fixed anchor.
- Where you propose to accomplish the above – provide as much detail as possible – area, route, etc.
- The description and justification of the proposed action (i.e., provide in detail, why you need to do what you are proposing. Attach any diagrams, maps, and additional pages if necessary):
- The dates of the proposed action
- Will you be accomplishing the action by yourself or with assistance of others? Please describe.

Regulations and restrictions for all wilderness users, as well as specific required conditions for permittees, include:

- Permittee will be required to comply with all wilderness regulations, including obtaining a wilderness permit (if staying overnight) and abiding by all camping restrictions and guidelines, and ensuring that other group members conduct themselves accordingly.
- The use and possession of motorized equipment (e.g., drills) is prohibited.
- The permittee is responsible for their personal safe conduct and that of other group members.

You may provide additional information and justification by attaching additional pages. You will be notified of the disposition of the application and the necessary steps to secure your final permit. Applications should be submitted at least 4 weeks before the date of the proposed action.

**National Park Service
Sequoia and Kings Canyon National Parks
47050 Generals Highway, Three Rivers, CA 93271
559-565-3111**

Application for Special Use Permit

Please supply the information requested below. **Attach additional sheets, if necessary, to provide required information.** A nonrefundable processing fee of \$20.00 must accompany this application unless the requested use is an exercise of a First Amendment right. You must allow sufficient time for the parks to process your request; check with the parks for guidelines. You will be notified of the status of the application and the necessary steps to secure your final permit. Your permit may require the payment of cost recovery charges and proof of liability insurance naming the United States of America as also insured.

Enter either a social security number OR a tax ID number: we do not require both.

Applicant Name:	Company/Organization Name:
Social Security #:	Tax ID #
Street/Address:	Street/Address:
City/State/Zip Code:	City/State/Zip Code:
Telephone #:	Contact name:
Cell phone #:	Telephone #:
Fax #:	Fax#:
Email:	Email:

Description of Proposed Activity (attach diagram, attach additional pages if necessary):

Requested Location(s): _____

Date(s):

Set up begins: (date and time)	Activity begins: (date and time)	Activity ends: (date and time)	Removal completed (date and time)

Maximum Number of Participants: _____ (Please provide best estimate)

Maximum Number of vehicles: (attach parking plan)

_____ Cars _____ Vans/lit.trucks _____ Utl.vans/trucks _____ Buses/oversized vehicles

Support equipment (list all equipment; attach additional pages if necessary):

List support personnel including addresses and telephones; attach additional pages if necessary:

Individual in charge of activity on-site (include cell phone number) and authorized to make decisions related to the permitted activity: _____

- Is this an exercise of First Amendment Rights? Y N
- Have you visited the requested area? Y N
- Have you obtained a permit from the National Park Service in the past?
(If yes, provide a list of permit dates and locations on a separate page.) Y N
- Do you plan to advertise or issue a press release before the event? Y N
- Will you distribute printed material? Y N
- Is there any reason to believe there will be attempts to disrupt, protest or prevent your
event? (If yes, please explain on a separate page.) Y N
- Do you intend to solicit donations or offer items for sale?
(These activities may require an additional permit.) Y N

You are encouraged to attach additional pages with information useful in evaluating your permit request including: staging, sound systems, parking plan, security plans, sanitary facilities, crowd control, emergency medical plan, use of any building, site clean-up, etc.

The applicant by his or her signature certifies that all the information given is complete and correct, and that no false or misleading information or statements have been given.

Signature _____ Date _____

Printed Name _____ Title _____

Note: This is an application only, and does not serve as permission to conduct any special activity in the park. The information provided will be used to determine whether a permit will be issued. Send the

completed application along with the application fee in the form of a credit card payment, cashier's check, money order or personal check made payable to **National Park Service** to:

Superintendent,
Sequoia and Kings Canyon National Parks
47050 Generals Highway
Three Rivers, CA 93271

If your request is approved, a permit containing applicable terms and conditions will be sent you. The permit must be signed by the responsible person and returned to the parks for final approval by the Superintendent before the permitted activity may begin.

Notice to Customers Making Payment by Personal Check: When you provide a check as payment, you authorize us either to use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. When we use information from your check to make an electronic fund transfer, funds may be withdrawn from your account as soon as the same day we receive your payment, and you will not receive your check back from your financial institution.

NOTICES

Privacy Act Statement: The Privacy Act of 1974 (5 U.S.C. 552a) provides that you be furnished with the following information in connection with information required by this application. This information is being collected to allow the parks' manager to make a value judgment on whether or not to allow the requested use. Applicants are required to provide their social security or taxpayer identification number for activities subject to collection of fees and charges by the National Park Service (31 U.S.C. 7701). Information from the application may be transferred to appropriate Federal, State, and local agencies, when relevant to civil, criminal or regulatory investigations or prosecutions.

Paperwork Reduction Act Statement: We are collecting this information subject to the Paperwork Reduction Act (44 U.S.C. 3501) to provide the parks' managers the information needed to decide whether or not to allow the requested use. All applicable parts of the form must be completed in order for your request to be considered. You are not required to respond to this or any other Federal agency-sponsored information collection unless it displays a currently valid OMB control number.

Estimated Burden Statement: Public reporting burden for this form is estimated to average 30 minutes per response including the time it takes to read, gather and maintain data, review instructions and complete the form. Direct comments regarding this burden estimate or any other aspect of this form to the Information Collection Clearance Officer, National Park Service, 1849 C Street NW. (1237), Washington, D.C. 20240

Title 18 U.S.C. Section 1001 makes it a crime for any person to knowingly and willfully make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

Exhibit 3



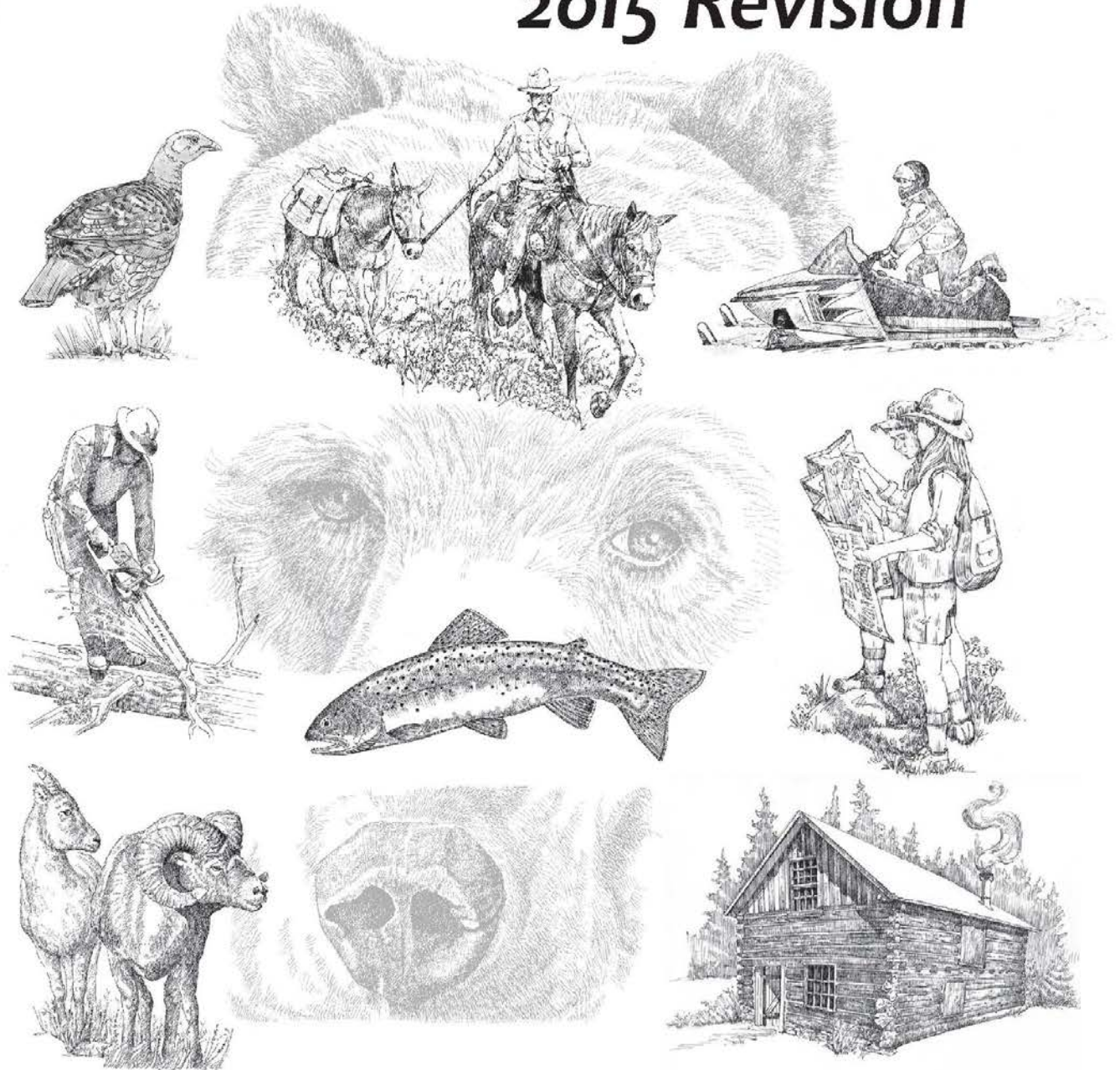
United States
Department of
Agriculture

Forest
Service

May 2015



Land Management Plan *2015 Revision*



Shoshone National Forest

Cody, Wyoming

Special uses

New outfitter and guide permits should not be issued in areas of high public use unless a site specific capacity analysis has been conducted. (MA1.1-GUIDE-04)

Outfitter and guide permit renewals should be reevaluated when unacceptable resource damage is documented. (MA1.1-GUIDE-05)

Outfitter and guide livestock use should follow the same utilization standards as general livestock grazing. (MA1.1-GUIDE-06)

Outfitters and guides should be instructed to practice and teach Leave No Trace principles. (MA1.1-GUIDE-07)

Recreation

Leave No Trace camping guidelines should be visible at trailheads and other highly used entry points. (MA1.1-GUIDE-08)

Fixed anchors are appropriate and allowed where necessary to enable a rappel when no other safe means of descent are available, in areas impassable by the use of removable anchors, and in areas where resource conflicts do not exist. (MA1.1-GUIDE-09)

Scenery

Manage for a scenic integrity objective of very high. (MA1.1-GUIDE-10)

Roads and trails

Only the minimum signing necessary should be provided. Examples include signing for resource protection, directional signs at trail junctions, and wilderness boundary signing on mainline trails. (MA1.1-GUIDE-11)

When selecting and falling possible hazard trees, techniques should be used to reduce, as much as possible, the impacts to wilderness characteristics and the area's natural conditions. (MA1.1-GUIDE-12)

Land adjustments

Wilderness boundary posting should be maintained at recurring wilderness trespass locations and along motorized routes immediately adjacent to wilderness. (MA1.1-GUIDE-13)

Management approach

Management emphasis for designated wilderness on the Shoshone includes:

- **Food/carcass storage infrastructure:** Identify minimum food/carcass storage infrastructure needed to reduce bear/human conflicts and be consistent with wilderness values.
- **Invasive species management:** Limit threats from invasive plants, aquatic invasives, and white pine blister rust. Management of invasive species will employ methods determined to have the least impact on wilderness values in the long run. Use of herbicides will require regional forester approval, via submittal of pesticide use proposals and a Minimum Requirements Decision Guide. Requests for herbicide use will involve full coordination at the local level including wilderness, range, botany, wildlife, recreation, and other disciplines.

- **Reintroduction of Yellowstone cutthroat trout:** Coordinate the need to reestablish Yellowstone cutthroat trout and be consistent with wilderness values. Follow the direction contained in Policies and Guidance for Fish and Wildlife Management in National Forest Service and Bureau of Land Management Wilderness (Association of Fish and Wildlife Agencies et al. 2006). Fish and wildlife management activities should emphasize the sustainability of natural processes and locally native species.
- **Hazard trees:** When selecting and falling hazard trees, the impacts on wilderness character and the increased assumption of personal risk in wilderness should also be considered. Once a determination to fall hazard trees has been made, techniques such as feathering the edges of cut areas; flush cutting, scoring, and camouflaging stumps; use of prima-cord to fall trees; multi-direction falling, etc., should be used to reduce the impacts on the wilderness characteristics and natural appearance.
- **Funding:** Multi-finance wilderness management.

Education and indirect management techniques are the primary tools for protecting wilderness resources. Public education and interpretation programs foster wilderness values and help maintain environmental qualities and primitive recreation experiences. Existing programs will be reviewed to ensure efficiencies are optimized and take advantage of practical venues for wilderness education.

Natural fires will be allowed to play, as nearly as possible, their natural ecological role within wilderness. Initial response to unplanned ignitions in the management area favors consideration of managing fires to accomplish resource benefit objectives. A wilderness resource advisor should be designated for all wilderness fires. Prescribed fire is one tool that managers may use to enhance conditions to safely allow fire to play a natural role in wilderness. Under an approved prescribed burn plan, prescribed fire may be used to reduce the risk and consequences of wildfire escaping from wilderness.

Human impacts in wilderness will be minimized by considering:

- Limiting the number of outfitter and guide camps
- Encouraging the use of self-contained stoves and discouraging the use of wood-fueled fires
- Use of a permit system
- Further limitations on party size and pack animals
- A required self-registration system to collect use data and educate visitors to wilderness regulations and Leave No Trace practices when biological, physical, or social conditions dictate the need for additional information about use levels and patterns and the need to disseminate wilderness regulations and information to visitors

Climbing, including the use and placement of fixed anchors where necessary to ensure climber safety, is an appropriate activity in wilderness. Climbing that does not rely on the use and placement of fixed anchors and is consistent with Leave No Trace ethics and skills should be the norm in wilderness. If fixed anchors are used and deemed necessary for the protection of the wilderness, an authorization may be required to replace or remove an existing fixed anchor, or to place a new fixed anchor.

Wilderness character baseline monitoring data should be completed within 5 years of Plan approval and updated every 5 years as needed.

Exhibit 4

Some of these designated sites are located in flood hazard areas where no suitable alternative locations exist. The risks associated with requiring camping in flood hazard areas and actions to mitigate these risks are identified in the Floodplains Statement of Finding in Appendix F.

Campsites could be designated in other areas of the park if certain resource or social conditions occur (Refer to *Campsite Designation Criteria* below). Designated campsites will be monitored to ensure that the VERP indicators stay within the standards identified in Tables 14 and 15. Monitoring methods are outlined in the *Campsite Monitoring Manual* version 11/1/02 developed by Dr. Jeff Marion (Appendix G).

Campsite Designation Criteria

In the future campsites could be designated in the Primitive Zone because a resource or social standard (Tables 14 & 15) has been exceeded. Sites will be chosen based on the following:

- Resource protection will be of primary importance.
- Campsites will be selected to avoid flood hazard areas where practical.
- Campsites will be placed out of view of the trail.
- Campsites will be placed far enough apart so that you can not hear other campers from your site.
- Sites will be sized to accommodate either 6 or 12 people.
- Campsites will be placed in areas with slopes, buried rocks, or other features that limit the unintended expansion of sites.
- Campsite placement will be subject to cultural resource mitigation outlined in *Mitigation Measures* of this document.

Non-Designated Camp Areas

The majority of the park is open to at-large camping meaning visitors can camp anywhere they choose with the following exceptions where camping is prohibited:

- within 1-mile of any road,
- within ¼-mile of a spring,
- within ¼-mile of the park boundary,
- within site of trails,
- under rock overhangs, or
- on private inholdings.

At-large camping will be monitored according to VERP standards outlined in Table 14. If permanent obvious campsites are found, measures will be taken as outlined in Table 14. A permanent obvious campsite is defined as an area where the campsite is obvious. Meaning the vegetation cover has been lost and/or organic litter pulverized in the primary use area. A site is not considered a campsite if the area is barely distinguishable as such with a slight loss of vegetation cover and/or minimal disturbance of organic litter.

As stated in the 2001 GMP and reaffirmed in this plan, the Pristine Zone will remain open to at-large camping. The Pristine Zone will be monitored and management options implemented if standards are exceeded as identified in Table 14.

Climbing and Canyoneering Management

Erosion off the rock – Climbers and canyoneers often bushwhack and scramble to gain access to the base of the cliff or into/out of a slot canyon. Numerous approach trails have resulted in some areas. These access trails typically are braided with other trails to the same area. Because they travel either straight up or down grade, water flows down the trails, causing soil loss, trenching

and vegetation loss. Also, at the base of some climbs in high use areas, the ground is compacted and denuded of vegetation. Social trails often contour along the base of the rock formation to the start of other climbs.

To remedy these problems access trails to the base of well-known and heavily used climbing routes and slot canyons will be identified and delineated in order to prevent further erosion and loss of vegetation. In some instances signs may be placed to direct climbers away from problem or sensitive areas in order to protect resources. No more than one access route up/down a slope to the base of a climb, area, or canyon will be allowed.

Educational efforts could also be used to encourage visitors to use non-erosional surfaces or to follow one identified access route. Within the Pristine Zone, any efforts to control erosion should be disguised such that it is not apparent that they are human built.

Social trails that have developed over time, but currently see infrequent use, will be rehabilitated to discourage further travel. Travel in high use areas will be on established access routes.

Erosion on the rock – Through continuous use the rock surface becomes smoother and freer of lichens, moss and dirt. Ledges and cracks also lose dirt and vegetation from climbing use. Toe and finger holds become worn off or are not a useful location for some climbers. To make a climbing route more accommodating a few climbers alter routes by gluing an artificial hold or they may chip or pry the rock to create improved holds. The gluing and chipping of holds is prohibited. Aggressive, intentional cleaning the rock or soil and vegetation is prohibited.

Specific climbing routes will be closed (seasonal or permanent) to address a specific resource concern. Examples include nesting species, hanging gardens, or archeological sites. Closures will be kept to the minimum area and duration necessary to protect the affected resource.

Visual impacts associated with climbing vary depending on the viewer's attitude towards climbing in general and their proximity to the activity. Bright colored slings, shiny metal bolts, white chalk and the sight of climbers and ropes on an otherwise undisturbed formation can be viewed as intrusive.

Climbers will be encouraged to use rock climbing protection, slings, and other equipment that blend with the natural surroundings. If anchors detract from the aesthetics of the cliff faces of ZION and thus general visitor's experience, additional management actions will be taken. The use of chalk is allowed, however climbers will be encouraged to be sensitive to this issue. It is also the responsibility of climbers to ensure that their ropes are not left on walls for long periods of time. If problems persist, management actions could include requiring the use of natural colored anchor material, closing area, and/or the creation of a climbing management plan.

Bivouacs are allowed on the wall of climbs only. Overnight camping at the base of the cliff is prohibited.

Climbers must tube or bag human waste and toilet paper and carry it out. Waste must be deposited in an RV dump station. The presence of human waste at the base of climbs will be monitored using the same standard as designated campsites (90 percent of climbs will have no more than two visible piles of human waste near the base of a climb). If a climbing area is found to be out of standard, actions that could be taken include education, requiring the use of a portable toilet system, or closing areas.

Bolts should be considered the tool of last resort by visitors who are creating anchors. As mentioned above climbers, canyoneers, and others creating anchors will be encouraged to use natural colored anchor material (slings and hangers). The park will continue to monitor bolting in the backcountry.

Trails Management

ZION has over 90 miles of designated trails and over 90 miles of non-designated popular routes (Map E). In 1987 ZION compiled a *Trail Standards Guide* that provided a standard of maintenance for park trails, an inventory of park trails, and outlined the park's trail maintenance program. Although this plan is out of date, some of the information is still useful. The park currently does not have funding for a trail maintenance crew, nor does the park have a schedule for maintaining backcountry trails. So generally, little or no backcountry trail maintenance is done, and when it does occur it is only where safety concerns or resource damage becomes severe.

The routes into and out of slot canyons are not constructed: they have been made by hikers going into and out of these canyons. Because of continued use many of these routes are eroding affecting native vegetation, soils and potentially visitor safety. In many of these areas it is not practical or even possible to construct a trail. The park will continue to monitor routes as outlined in Table 14 and will apply the identified management actions if standards are exceeded. The park will also continue to partner with user groups to find solutions to this problem.

As part of the VERP studies some trails were surveyed and a monitoring protocol was established. The *Trail Monitoring Manual (version 4/03)* (Appendix H) developed by Dr. Jeff Marion will be used to monitor the trail and route resource indicators and standards outline in Table 14.

Maintenance, in the form of a trail reroute, has been identified for a portion of the Chinle Trail in the southwest area of the park. It is proposed to reroute a short section (estimated at 1,000 feet in length) of the Chinle Trail within 1-mile of the park boundary. The purpose of the reroute is twofold: the trail is eroding away where it crosses a wash and the trail needs to be moved away from sensitive plant populations. The exact trail reroute has not been identified. When the route is identified, an Environmental Screening Form and a Minimum Requirement Analysis Worksheet (Appendix C) will be completed. Additional consultation with the USFWS will also be required at this time. The reroute will be designed to disrupt as little native vegetation as possible and will not impact any cultural resources.

Historic Trails

Two trail complexes, the West Rim and East Rim, are on the National Register of Historic Places (NRHP). Other backcountry trails may be considered for nomination to the NRHP in the future. Trails that are either on the register or may be considered for the register will be preserved and protected while stabilizing the trail structure for safety and historic preservation. In reconstruction, particular care and attention will be given to matching the historic appearance of the trail.

Trail Maintenance Equipment and Tool Use

The Minimum Requirement Analysis (Appendix C) will be used during trail work planning and operations. Hand tools will be used as a first choice. The use of motorized equipment and mechanized transport will be assessed on a case-by-case basis.

Addendum C

Exhibit 1



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, NW
Washington, DC 20240



DIRECTOR'S ORDER #41: WILDERNESS STEWARDSHIP

Approved: 
Director

Effective Date: May 13, 2013

Duration: This Order will remain in effect until updated or rescinded

This Director's Order (DO #41) supplements *Management Policies 2006*, Chapter 6, Wilderness Preservation and Management. Together with Reference Manual 41 (RM 41), this Order supersedes and replaces any conflicting guidance issued previously.

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|---|--|---|

1. Purpose of this Order

The purpose of this Director's Order is to provide accountability, consistency, and continuity in the National Park Service (NPS) wilderness stewardship program, and to guide servicewide efforts in meeting the requirements of the Wilderness Act (16 U.S.C. 1131-1136). This Order clarifies, where necessary, specific provisions of *Management Policies 2006* and establishes specific instructions and requirements.

This Order should be applied to wilderness stewardship actions carried out within the framework of park general management plans, wilderness stewardship plans, natural resource plans, cultural resource plans, fire management plans, and other activity-level plans.



The NPS will apply the guidance contained in this Order to all of its wilderness stewardship activities. For the purpose of applying this guidance, unless specifically noted, the term "wilderness" includes the categories of eligible, proposed, recommended, and designated. Potential wilderness may be identified within the proposed, recommended or designated categories.

It is important to note that these policies may in some instances be superseded by statutory provisions that apply to individual wilderness areas, by rights reserved by former landowners and, in Alaska, by applicable provisions of the Alaska National Interest Lands Conservation Act (ANILCA).

2. Authority

Authority to issue this Order is contained in the NPS Organic Act (16 U.S.C. 1-4), and delegations of authority contained in the Department of the Interior Manual, Part 245. This Order is intended only to improve the internal management of the NPS, and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

3. Roles and Responsibilities

3.1 Associate Director, Visitor and Resource Protection

- oversee the NPS wilderness stewardship program and develop necessary standards and procedures;
- coordinate with the Associate Directors for Natural Resource Stewardship and Science; Park Planning, Facilities, and Lands; Cultural Resources, Partnerships and Science; and Interpretation and Education to enhance wilderness stewardship across disciplines throughout the NPS;
- issue, review, and revise as appropriate, RM 41, which will provide more detailed procedural guidance on administering the wilderness stewardship program; and
- represent the NPS on the Interagency Wilderness Policy Council.

3.2 Wilderness Leadership Council

- advise the Associate Director for Visitor and Resource Protection on all matters pertaining to wilderness and lead the agency in addressing critical wilderness stewardship issues; and
- assist the Wilderness Stewardship Division in developing and implementing programs and projects that improve the accountability, consistency, and continuity of wilderness stewardship.

3.3 Chief, Wilderness Stewardship Division

- provide goals and direction to the wilderness stewardship program as approved by the Associate Director;
- assist the Director with national policy review and responses to congressional inquiries;
- maintain the servicewide wilderness database for wilderness status, acreage, wilderness character, stewardship planning, training, and other pertinent information;
- develop an annual wilderness report;

- facilitate communication throughout all levels and disciplines of the NPS;
- maintain communication with the Wilderness Leadership Council, sharing information on national issues, challenges, and opportunities;
- serve as the NPS representative on the Interagency Wilderness Steering Committee; and
- oversee NPS involvement with the Arthur Carhart National Wilderness Training Center (ACNWTC) and the Aldo Leopold Wilderness Research Institute (ALWRI).

3.4 Wilderness Training Manager

- serve as the NPS representative to the ACNWTC;
- develop and maintain a strategic plan for wilderness training;
- develop, conduct, and track wilderness stewardship training, and track accomplishments; and
- provide information and advice on wilderness stewardship issues to park, regional, and program area staffs.

3.5 Regional Directors

- strive to ensure that wilderness coordination needs within their regions are met, and that parks with wilderness resources are adequately staffed to meet their wilderness-related responsibilities;
- see that eligibility determinations and studies are complete for parks within their region and on any new roadless areas as soon as practicable after these areas are acquired;
- transmit wilderness eligibility determinations to the Director for final approval;
- ensure that all wilderness parks establish a wilderness character baseline, and that wilderness character is integrated into park planning, management, and monitoring;
- ensure that all superintendents and deputy superintendents of parks with wilderness receive ACNWTC Wilderness Stewardship Training within two years of assuming their duties; and
- ensure that superintendents manage wilderness according to the Wilderness Act and appropriate NPS policy documents.

3.6 Regional Wilderness Coordinators

- promote consistency in wilderness stewardship, provide policy interpretation in their region;
- facilitate wilderness training to staff throughout the region;
- provide communication between the multiple levels and disciplines of the wilderness stewardship program; and
- provide information and advice on wilderness stewardship issues to park, regional, and program area staffs.

3.7 Superintendents

- protect wilderness character by adhering to the Wilderness Act and NPS guidance documents;
- establish an interdisciplinary approach to wilderness stewardship;
- designate a park wilderness coordinator with a percentage of time dedicated to wilderness stewardship appropriate to the size and complexity of the wilderness park;

- ensure that park staff has necessary training and skills to be effective wilderness stewards;
- complete eligibility assessments and wilderness studies;
- complete and maintain Wilderness Stewardship Plans¹;
- monitor plans and operations to ensure compliance with the Wilderness Act;
- ensure wilderness character baseline is established and trends monitored;
- ensure that a minimum requirements process is applied for all actions that could potentially affect wilderness character;
- ensure wilderness character impacts are addressed in National Environmental Policy Act (NEPA) compliance documents;
- ensure proposals for scientific activities in wilderness are evaluated and monitored by park wilderness coordinators;
- incorporate wilderness education into park programs;
- participate in interagency wilderness stewardship coordination; and
- attend ACNWTC Wilderness Stewardship Training within two years of assuming their duties.

3.8 Park Wilderness Coordinators

- work with superintendent to facilitate the integration of wilderness character into park planning, management/operations, and monitoring;
- provide advice on wilderness issues to park staffs;
- coordinate eligibility assessments and wilderness studies;
- develop and maintain Wilderness Stewardship Plans;
- establish wilderness character baseline and monitor trends;
- coordinate and assist in minimum requirements analysis, including the documentation and tracking of all decisions;
- assess wilderness effects in NEPA and National Historic Preservation Act (NHPA) compliance documents, and participate in other planning efforts which involve wilderness resources;
- evaluate proposals for scientific activities in wilderness and monitor effects on wilderness character;
- incorporate wilderness education into park programs; and
- participate in local interagency wilderness stewardship coordination.

4. Training Requirements

Park superintendents and deputy superintendents are required to attend ACNWTC Wilderness Stewardship Training within two years of coming to any park with wilderness. Superintendents and deputy superintendents must ensure that park personnel have the appropriate wilderness training and skills to be effective wilderness stewards. Associate directors and regional directors should encourage senior staff from visitor and resource protection, planning, facilities management, natural resource stewardship and science, cultural resources management, and

¹ Within *Management Policies 2006*, the “wilderness stewardship plan” is referred to as the “wilderness management plan.” The meaning is the same for both.

interpretation and education, as well as select staff from regional directorates, program areas, and service centers to attend wilderness stewardship training.

5. Identification and Designation of the Wilderness Resource

Parks must make a documented determination of whether lands will be considered eligible for inclusion in the National Wilderness Preservation System. This documented determination should be undertaken using an interdisciplinary approach. The first requirement is an agency's evaluation of lands to determine eligibility based on the statutory definition of wilderness, and outlined as primary criteria in *Management Policies 2006*, Section 6.2.1.1. For eligible lands, the second requirement is a wilderness study, with public involvement, followed by an agency proposal, Secretarial recommendation, and the President's suitability recommendation to Congress.

5.1 Wilderness Eligibility Assessments

Parks with lands possessing wilderness characteristics must complete eligibility assessments to identify lands for possible inclusion in the National Wilderness Preservation System. The eligibility assessment is a general evaluation of park lands as a preliminary step to the wilderness study. In preparing an assessment, the park will consider existing park information, such as general management plans, foundation documents, development plans, natural resource plans, and cultural resource plans. This internal process includes two public notifications. The first notification documents an intention to conduct the eligibility assessment. The second notification provides notice of the Director's approval of the findings and determination of eligibility or ineligibility in the park's assessment.

Lands that are determined to be eligible for wilderness will be managed to preserve their wilderness character. Lands that are determined to be ineligible will be managed in accordance with the NPS Organic Act and all other laws, executive orders, regulations, and policies applicable to non-wilderness areas of the national park system.

Some parks, faced with the need to complete an initial eligibility assessment, may decide to include this step within a wilderness study. The assessment would be completed as an initial step in the study process. The findings in the assessment would then be subject to the more comprehensive evaluation required for the wilderness study, including the requirement for public review and comment.

Lands initially determined to be eligible in the eligibility assessment will be further evaluated in the wilderness study to determine whether they should be proposed by the NPS for designation as wilderness.

5.2 Wilderness Studies and Proposed Wilderness

Formal wilderness studies are used to inform decisions on areas contemplated for wilderness designation. These studies include field work, the identification of alternatives, review under the National Historic Preservation Act (16 U.S.C. 470f), analysis of impacts, public involvement and comment. As a result, the land identifications made in the eligibility assessment may be changed, and may result in more or less land advancing in the wilderness designation process.

The initial determination of eligibility is used as a starting point for the wilderness study. A completed wilderness study may result in revised eligibility determinations. The next step entails the NPS using the results of the wilderness study to submit a proposal for wilderness

designation from the Director to the Secretary of the Interior (Secretary). Throughout the study process, eligible lands continue to be managed to preserve their eligibility for designation by protecting their wilderness character.

Wilderness studies involve a much more intensive review than an eligibility assessment, as demonstrated by the preparation of an environmental impact statement and Record of Decision (ROD). The authority to sign the ROD on a wilderness study is delegated to the NPS Regional Director, and notice of the ROD is published in the Federal Register. The ROD identifies lands to be forwarded to the Director for a wilderness designation proposal. If any historic properties are included in the proposal, the ROD will identify the historic properties and will provide an assessment of effects of the proposed designation, per 36 CFR Part 800. The wilderness study serves as the basis for the Director to propose wilderness designation to the Secretary.

The Secretary (through the Assistant Secretary for Fish and Wildlife and Parks) then reviews the bureau's proposal, and makes his/her determination of suitability and unsuitability. The Secretary's suitability determination forms the basis for a recommendation to the President. It is possible that the Secretary's determination will change the proposal put forward by the Director.

Lands originally considered as eligible, and proposed by the Director for wilderness designation, become proposed wilderness and are managed as if they were wilderness. Lands considered eligible, but not proposed, are managed to preserve their eligibility for designation by protecting their wilderness character. Lands determined ineligible through the wilderness study will be managed according to the NPS Organic Act and all other laws, executive orders, regulations, and policies applicable to non-wilderness areas of the national park system.

Wilderness proposals resulting from a formal wilderness study will be reviewed and approved by the Director before being forwarded to the Secretary (through the Assistant Secretary's office).

Notification and coordination with the WASO Wilderness Stewardship Division should occur early in this wilderness study process.

5.3 Recommended Wilderness

Once a wilderness study is completed and a proposal is transmitted from the Director, it becomes the Secretary's responsibility under the Wilderness Act to make a recommendation to the President as to suitability or unsuitability for designation as wilderness. Lands that the Secretary recommends as suitable for designation as wilderness will be managed as if they were wilderness. Lands that have been proposed by the Director, but not recommended by the Secretary, will be managed to preserve their wilderness character.

5.4 Designated Wilderness

Once the President sends the recommendation to both houses of Congress for formal consideration, Congress may enact legislation to include the area in the National Wilderness Preservation System as designated or potential wilderness. Lands designated as wilderness by Congress will be managed as wilderness in accordance with the Wilderness Act and NPS policy. Lands released by Congress from further consideration will be managed in accordance with the NPS Organic Act and all other laws, executive orders, regulations, and policies applicable to non-wilderness areas of the national park system.

5.5 Potential Wilderness

When Congress provides for the designation of potential wilderness lands it also provides the process for the lands to become designated wilderness upon the elimination of the pre-existing nonconforming uses. Pre-existing nonconforming uses might include reserved use and occupancy interests, a road, a structure, or an installation. The National Park Service will seek to remove nonconforming uses that preclude wilderness designation. This process normally provides for the potential wilderness to become designated wilderness upon the elimination of the nonconforming use and the Secretary publishing a Notice in the Federal Register that these lands now meet the qualifications of designation. In limited situations, Congress may also designate in wilderness legislation non-federally owned lands, generally inholdings, as potential wilderness pending Federal acquisition.

5.6 Wilderness Boundaries

Final boundaries of designated wilderness have the full force and effect of Federal law and may be modified only through the legislative process. Wilderness boundaries should be established so they are easily identifiable on the ground. Unless otherwise defined by Congress when the area is designated, the standard boundary setbacks from roads, paved and unpaved, should be 100 feet on land from either side of the centerline. Exceptions to these standards may be proposed on a case-by-case basis to accommodate environmental protection or safety considerations. Any deviation from the standard should be documented on the map and in the legal description that is filed with Congress.

For lands that are designated wilderness, legal descriptions and maps must be filed with Congress, the Wilderness Stewardship Division in WASO (2 copies), the appropriate regional office (2 copies), and at the park. The Associate Director will include in RM 41 further instructions and standards for mapping and otherwise documenting eligible, proposed, recommended, and designated wilderness.

6. Wilderness Stewardship

The goal of wilderness stewardship is to keep these areas as natural and wild as possible in the face of competing purposes and impacts brought on by activities that take place elsewhere in the park and beyond park boundaries. NPS employees should understand this goal, work together and engage other agencies and partners to provide for an enduring resource of wilderness.

6.1 Consistency

Interagency cooperation and coordination is desirable to minimize administrative differences and visitor confusion and to ensure that wilderness resources receive maximum protection. At the national level this will be accomplished through the work of the NPS Wilderness Stewardship Division, Interagency Wilderness Policy Council, Interagency Wilderness Steering Committee, NPS Wilderness Leadership Council, ACNWTC, and ALWRI. Regional staff with wilderness responsibilities should be engaged with their counterparts from the other wilderness management agencies and other appropriate government organizations. Superintendents will ensure that wilderness stewardship within their parks is coordinated with surrounding Federal, State, and local land managers; federally recognized Indian Tribes, Alaska Natives, and Native Hawaiian Organizations; and with other public and private organizations, as appropriate.

In areas where NPS wilderness adjoins wilderness administered by another land management agency, the superintendent must coordinate with land managers of adjacent wilderness units to achieve consistency on regulations, requirements, and management techniques. While the goal is to mitigate problems resulting from the differing agency missions and stewardship, the NPS will not adopt any practice that weakens or compromises the preservation of wilderness within the parks or the parks' fundamental purposes as described in enabling legislation and *Management Policies 2006*. Where appropriate, NPS wilderness stewardship and education programs should explain reasons for differences among neighboring agencies' wilderness stewardship practices.

6.2 Wilderness Character

The Wilderness Act (16 U.S.C. 1133(b)) directs that "each agency administering any area designated as wilderness shall be responsible for preserving [its] wilderness character." Wilderness character is the combination of biophysical, experiential, and symbolic ideals that distinguishes wilderness from other lands. The five qualities of wilderness character are (1) untrammeled, (2) undeveloped, (3) natural, (4) offers outstanding opportunities for solitude or primitive and unconfined recreation, and (5) other features of scientific, educational, scenic, or historical value. Accordingly, each wilderness park will integrate the concept of wilderness character into park planning, management, and monitoring in order to preserve the enduring benefits and values of wilderness for future generations.

Whenever a park planning process that has the potential to affect wilderness character occurs, the park should determine how wilderness character can be both integrated into the planning effort and presented in the planning document. As a foundation, wilderness parks should develop a wilderness character narrative which describes what is unique and special about a specific wilderness, organized by each of the qualities of wilderness character.

Day-to-day management decisions and actions made within a park can significantly affect or be influenced by wilderness character. Wilderness character should be considered in the management and operations conducted by all divisions/work units (e.g., natural and cultural resources management, facilities management, interpretation and education, resource and visitor protection, environmental compliance, and commercial services).

Wilderness parks will conduct a wilderness character assessment, which includes identifying what should be measured, establishing baseline data, and conducting ongoing monitoring of trends. Each measure should be relevant to tracking change in an attribute or element of the park's wilderness character, or relevant to tracking a threat to this attribute. Once a baseline is established, tracking change and reporting on the trend in wilderness character should generally occur every five years.

Specifics on integrating wilderness character into park planning, management, and monitoring can be found in the *NPS Wilderness Character User Guide*, a component of RM 41.

6.3 Wilderness Planning

For every designated wilderness, a Wilderness Stewardship Plan will guide management actions to preserve wilderness character. Parks should notify the WASO Wilderness Stewardship Division Chief and work with their Regional Wilderness Coordinator during the Wilderness Stewardship Planning process. Parks with lands determined to be eligible, proposed, or recommended should also develop plans to preserve wilderness character. Wilderness

Stewardship Plans should be completed within two years of designation, subject to funding. Preservation of wilderness character will be incorporated into appropriate sections of park planning and management documents. Also see *Management Policies 2006*, Section 6.3.4.2.

6.4 Minimum Requirements

Parks must complete a “minimum requirements analysis” (MRA) in order to document the determination of whether a proposed action (project), which involves a prohibited use, is necessary to meet minimum requirements for the administration of the area for the purpose of wilderness. The Wilderness Act in Section 4 (c) identifies the prohibitions (codified at 16 U.S.C. 1133(c)) and Section 2 describes the purpose of wilderness (codified at 16 U.S.C. 1131).

Parks must first determine if the action (project) is necessary for the administration of the wilderness area, to realize the purpose of wilderness. Once the action (project) is determined necessary, parks must next determine the activity (method or tool) to accomplish the action (project) with the least negative impact to wilderness. This MRA should be undertaken using an interdisciplinary approach that includes the project lead, wilderness manager, resource specialists, and superintendent.

NPS Management Policies provide that a MRA must also be applied to all other administrative actions (projects) within wilderness that could potentially affect wilderness character. Also, whenever an environmental assessment or environmental impact statement is prepared for work projects within wilderness, a MRA should be included as part of the document.

Under no circumstances may a MRA be used to allow permanent roads or commercial enterprise within wilderness. The use of motorized equipment and the establishment of management facilities are specifically prohibited when other reasonable alternatives are available.

For newly designated wilderness, parks will prepare a MRA, along with an NHPA Section 106 Determination, to evaluate the retention or removal of administrative facilities, structures, and installations.

Parks in Alaska must consult RM 41 to ensure that their minimum requirement analysis process is consistent with the provisions of ANILCA.

The Associate Director will ensure that additional information, guidance, and detail on applying the MRA are included in RM 41.

6.5 Scientific Activities

The scientific value of wilderness is derived from the preservation of wilderness character. These areas can provide a baseline for study of natural and cultural resources and other related values such as soundscapes and night skies. Wilderness research can help provide a scientific and scholarly basis for wilderness planning, operations, management, interpretive, and education activities.

Scientific activities will be encouraged in wilderness, provided that the benefits of what may be learned outweigh the negative impacts to wilderness character. Managers need to be aware of, and guard against, cumulative effects from simultaneously occurring projects. It is important for scientists to understand that the conduct of their research should be in accord with wilderness preservation principles. Applications for research and other scientific work in wilderness should demonstrate a positive benefit to wilderness or wilderness purposes, and must include a MRA of

the project's methods. Monitoring systems must be implemented to ensure wilderness character is preserved.

Superintendents must use a documented process to determine appropriateness of proposed scientific activities. They should also develop and maintain a comprehensive database to track all scientific activities within the wilderness and their cumulative impact to wilderness character. This database should include an annual certification of continuing need for data collection. The park is responsible for ensuring the removal of scientific equipment by investigators at the end of the authorized research period.

6.6 Climate Change

Climate change will have long-range effects on all aspects of ecosystem function. Wilderness managers and superintendents should collaborate across program areas to develop flexible, sustainable strategies that uphold wilderness values and integrate with park, regional, and national level responses. These strategies must account for any effects on wilderness character from actions taken or not taken.

Superintendents and wilderness staff should fully participate and be leaders in efforts to increase landscape connectivity, improve ecosystem resilience through the reduction of the influence and negative impact of humans on the ecosystem, engage in interagency management collaboration, consider appropriate scientific research, and create relevant climate change communication products.

6.7 Fire Management

Firefighter and public safety are the first priorities in every fire management activity. However, wilderness character must be fully considered during all fire management actions beginning with the development of the Fire Management Plan (FMP) and continuing through the management of individual wildfires and implementation of fuel treatments and post-fire actions. A FMP is required for each park with burnable vegetation. It defines objectives, management requirements, ecological considerations, and potential strategies and tactics for safely managing fire in order to meet overall land management and wilderness objectives. The FMP considers values that require protection from fire (e.g., structures, cultural resources, and other values) as well as those that may benefit from fire within and outside of wilderness.

In many NPS wilderness areas, fires resulting from natural ignitions are considered a natural process that contributes to ecosystem function and is necessary to maintain wilderness in an unimpaired condition. As a result of many factors including past fire management practices within wilderness and the need to control wildfires on adjacent lands, fire may not be adequately functioning as a natural change agent. In those cases, augmenting natural ignitions with prescribed fire or other fuel treatments within wilderness may be necessary to restore or maintain ecological function if that is a goal identified in the park's Wilderness Stewardship Plan or FMP.

To ensure adequate consideration of wilderness resources, a programmatic MRA must be completed as part of the development of the park's FMP and companion environmental compliance document. The programmatic MRA must address management strategies for wildfires and fuel treatments in wilderness. The programmatic statement will establish the need for potential fire management actions in wilderness and will provide guidance for implementing initial wildfire responses. The analysis should specify the minimum activities (strategies, methods, and tools) that are generally permitted for managing wildfires, implementing fuels

treatments, and conducting post-fire activities. For management of long-duration wildfires, an incident specific minimum requirements analysis should be considered to evaluate the methods and tools being applied to manage the event. The analysis should be periodically reviewed throughout the incident to ensure that appropriate strategies, methods, and tools are being used to protect wilderness character.

A MRA must also be developed as part of a Burned Area Emergency Response (BAER) plan for actions in wilderness that are proposed to restore, stabilize, or rehabilitate an area following a wildfire.

Project plans for fuels treatments in wilderness must address the minimum requirement. Project plans should refer to the programmatic MRA developed for the FMP that establishes the necessity for such treatments. If the proposed treatment is confirmed to be within the framework of the programmatic MRA, the project plan is not required to revisit that decision. However, each project plan must contain an analysis of the minimum methods and techniques necessary to accomplish the specific action with the least negative impact to wilderness character.

The application of Minimum Impact Strategies and Tactics (MIST) is required for all fires in wilderness. Qualified wildland fire Resource Advisors should be utilized throughout wildfire incidents, and post-fire activities including emergency stabilization and BAER. Resource advisors must be knowledgeable about wilderness values, objectives, and policies.

A delegation of authority from the park superintendent to an Incident Commander will include appropriate emphasis on the protection of wilderness resources and character, and the minimum requirements concept. Fire management resources must be adequately briefed on the concepts of wilderness stewardship and held accountable for preservation of wilderness character. They must be made aware of specific protections and constraints contained in the park's Wilderness Stewardship Plan and FMP.

Parks lacking an approved FMP must suppress all wildfires in a method that is commensurate with values to be protected and with consideration for the principles of risk management. While parks lacking an approved FMP may not use resource objectives as a primary consideration when selecting a suppression strategy for a wildfire, the impacts of suppression alternatives on wilderness character and other resource values must be considered when response strategies are developed and decisions are approved. Parks lacking an approved FMP may not implement prescribed fire projects. Also see *Management Policies 2006*, [Section 6.3.9](#) and Director's Order #18: Wildland Fire Management.

6.8 Abandoned Mine Lands

Abandoned mine lands, adits, shafts and wells will be evaluated for closure or restoration using the MRA, which includes consideration of public safety, natural and cultural resources, and wilderness character.

6.9 Non-native Invasive Species

Non-native invasive plant and animal species must not be brought into wilderness. Parks should be managed with the goal of early detection and rapid response in areas adjacent to wilderness to prevent the spread into wilderness. Parks should have information and programs to inform the visiting and non-visiting public about the impacts of non-native invasive plants and animals and how to prevent their introduction and spread. Regulations (e.g., requiring certified weed-free

hay, grain and hay cubes for stock) may need to be put in place within a park's compendium in order to prevent the introduction and spread of non-native invasive species.

Parks should use Integrated Pest Management (IPM) to guide invasive species planning and implementation and develop management plans using IPM that may require NEPA and minimum requirements compliance. Elements include prevention, inventory, prioritization, treatment, monitoring, research, education, and outreach. An inventory and assessment of non-native invasive species should be conducted before any treatment actions are proposed. The objective of treatment within wilderness should be the eradication of the invasive species. If eradication is not feasible, the objective of treatment should be to contain the invasion, preventing spreading.

The management of non-native invasive species can result in both positive and negative impacts to wilderness character. A MRA will be conducted on proposed actions to inventory, monitor, control or eradicate non-native invasive species. The MRA will be the basis for managers to determine if the proposed action is necessary and will identify the management activity which has the least negative impact on wilderness. Also see *Management Policies 2006*, [Section 4.4.1](#).

6.10 Natural Sounds and Night Skies

Opportunities to hear the sounds of nature and view the night sky are important components of wilderness character. Experiencing natural soundscapes and viewing night skies unmarred by human-caused noise and light is critical to the primeval character of wilderness, giving the visitor a sense of remoteness and solitude. Wilderness provides us with moments of quiet reflection to experience the natural rhythms of sound in the wild and inspires us to contemplate the mysteries of a star-filled sky, experiences that are rapidly disappearing in the modern world. Anthropogenic noise and light travel long distances. In many wilderness areas, the only perceptible human influence on the landscape is the noise and light from human activity, often occurring many miles away. Effective management of wilderness should involve careful attention to these important resources. Also see *Management Policies 2006*, [Section 4.9](#).

6.11 Air Quality

Managers must protect air quality related values (AQRVs) in wilderness. Managers should define AQRVs for each wilderness, select sensitive indicators, collect baseline data, establish a long-term monitoring program to track changes, and establish the acceptable level of protection needed to protect AQRVs. Proposals for the use of temporary instrumentation to monitor AQRVs will be evaluated using a MRA. Managers should rely on instrumentation outside of the wilderness to the extent possible.

Managers must ensure that agency actions conform to the air pollution regulations and do not contribute to long-term negative impacts to wilderness air quality. Managers will be responsible for reducing the impacts of smoke from wildland fires in wilderness, while understanding and promoting the need to re-introduce the natural role of fire into wilderness ecosystems. As community leaders in environmental stewardship, managers are committed to using sustainable practices in parks that will reduce air pollution, such as the use of alternative energy sources (e.g., solar power, wind energy, and alternative fuels). Interpretation of these and other sustainable practices in parks will help educate visitors on ways they can reduce their contribution to air pollution.

The NPS has no direct permitting or enforcement authority over air pollution sources. Managers will work with Federal and State regulatory agencies to identify air pollution effects and develop protection strategies. Managers should be involved in local and State air quality planning and permitting processes. Managers should review proposed emission source projects with the potential to impact wilderness and make recommendations to mitigate the impacts of these sources.

6.12 Cultural Resources

Wilderness may contain features of scientific, educational, scenic, and historical values that are also cultural resources. There has been prior human use in all areas now designated as wilderness, resulting in archeological sites, historic structures, cultural landscapes, and associated features, objects, and traditional cultural properties located in many wilderness areas that contribute to our appreciation of wilderness. It is important to recognize that all laws intended to preserve our cultural heritage are applicable in wilderness and must be applied in concert with the Wilderness Act. Also see *Management Policies 2006*, Section 6.3.8.

NPS managers must maintain an affirmative cultural resource management program in wilderness, but these sites must additionally be treated in a manner that preserves other wilderness resources and character. Measures to protect and inventory cultural resources in wilderness must comply with the Wilderness Act provisions for minimum requirements analysis.

Cultural resource specialists must fully participate in the development of a park's Wilderness Stewardship Plan. Wilderness stewardship specialists must fully participate in the development of a park's cultural stewardship plan when cultural resources are present in wilderness. In keeping with the Secretary of the Interior's Standards for managing cultural resources, a variety of management actions may be taken, including restoration or stabilization of a site or property, or professional level documentation and removal after appropriate steps have been taken to comply with the National Historic Preservation Act (16 U.S.C. 470f). Parties interested in the historic preservation issue(s) must be consulted, including but not limited to, appropriate tribal government officials, including Tribal Historic Preservation Officers, Alaska Natives, and Native Hawaiian Organizations, State Historic Preservation Officers and, if necessary, the Advisory Council on Historic Preservation.

6.13 Native Americans and Consultation

For Native Americans, wilderness can be a homeland or a place of profound tribal history or traditional use. Managers must engage in government-to-government consultation with associated federally recognized Indian Tribes to assist in culturally sensitive wilderness stewardship. Uses of wilderness in a park may be subject to a treaty right by a formerly occupying tribe to engage in certain activities. Various laws and executive orders reflect our nation's respect for the strongly held tribal relationships to places in wilderness. Additionally, Executive Order 13175 and the Department of the Interior Policy on Consultation with Indian Tribes require that the National Park Service conduct government-to-government consultations with federally recognized Indian Tribes when undertaking any Federal action that may have a direct impact on tribes or tribal lands. Federal actions include policy, guidance, and/or operational activity that affect tribal cultural practices, lands, resources, or access to traditional areas of cultural or religious importance on federally managed lands. Tribes may have concerns about natural and cultural resources that may not necessarily be addressed during the Section 106 process. Also see *Management Policies 2006*, Sections 1.11 and 8.5.

6.14 Interpretation and Education

The Comprehensive Interpretive Plan for parks with proposed, recommended, or designated wilderness should include and address the primary park interpretive themes that reflect the wilderness. Wilderness significance statements and interpretive themes can be found in the NPS Wilderness Education and Partnership Plan, developed by the Wilderness Leadership Council. Wilderness character, resources and stewardship should be included in the park's interpretation, education, and outreach programming and should be included as an integral component of the park's long-range interpretive plan and annual implementation plan.

Staff education is an integral part of wilderness stewardship. Therefore, wilderness awareness training will be incorporated into all appropriate training programs for park staff, including seasonal staff, cooperating association employees, concessions employees, and volunteers.

Leave No Trace (LNT) principles and practices will be applied to all forms of recreation management within wilderness. LNT principles should be incorporated into interpretive activities and products such as hikes, talks, brochures, maps, and websites. All commercial guides leading trips into wilderness should attend LNT workshops and be required to incorporate LNT into their trips. Park staff who work in wilderness should attend LNT workshops and training. Also see *Management Policies 2006*, Sections [6.4.2](#) and [7.1](#).

6.15 Naming of Geographic Features

The U.S. Board on Geographic Names governs the naming of geographic features and has the authority to approve or disapprove any request to name a feature within wilderness. As stated in the Board's Principles, Policies, and Procedures, the Board will not approve proposed names unless an overriding need exists, such as for purposes of safety, education, or area administration. To maintain the untrammled character of wilderness, the NPS will not propose to the Board, or support proposals by others, to apply new names to geographic features within any category of wilderness. A rare exception to this policy may be considered on a case-by-case basis when a proposed name: (a) has a direct influence on the safety of persons within the area; (b) serves a useful wilderness interpretive or educational purpose; or (c) is linked to an historical figure, activity, incident, or resource having a direct association with the geographic feature; and (d) meets all other NPS and Board policies applicable to geographic naming. The NPS Office of Policy coordinates with the Board and should be consulted on naming issues relating to wilderness. Also see *Management Policies 2006*, [Section 9.6.3](#).

7. Wilderness Use Management

7.1 Persons with Disabilities

While section 507(c) of the Americans with Disabilities Act (ADA) (42 U.S.C. 12207(c)) allows for the use of wheelchairs in wilderness, it also states that “no agency is required to provide any form of special treatment or accommodation, or to construct any facility or modify any condition of lands within a wilderness area in order to facilitate such use.” Nevertheless, the NPS is committed to providing opportunities for appropriate enjoyment of wilderness by persons with disabilities.

Wheelchairs (whether manually operated or power-driven) are allowed in wilderness if they meet the definition in the ADA: “...a device designed solely for use by a mobility-impaired person for

locomotion, that is suitable for use in an indoor pedestrian area.” The device must also be a person’s primary mode of locomotion.

The NPS will allow service animals within wilderness when their use is required. Department of Justice (DOJ) regulations (28 CFR Part 36), implementing the ADA define a service animal as any dog that is individually trained to do work or perform tasks for a person with a disability. Other species of animals are not service animals for the purpose of this definition. The training of service animals in wilderness may be allowed if it does not negatively impact wilderness character and only in areas specifically designated for pets by the park superintendent.

The Wilderness Access Decision Tool publication provides further guidance in assisting managers in making appropriate, objective, and consistent decisions regarding the use of wilderness by persons with disabilities. Managers should ensure that decisions concerning wilderness use do not inadvertently discriminate against persons with disabilities. Also see *Management Policies 2006*, Section 6.4.10 and RM 41.

7.2 Climbing

For the purpose of this Order, climbing is defined to include rock climbing, snow and ice climbing, mountaineering, canyoneering, and caving, where climbing equipment, such as ropes and fixed or removable anchors, is generally used to support an ascent or descent. The NPS recognizes that climbing is a legitimate and appropriate use of wilderness. However, any climbing use or related activity must be restricted or prohibited when its occurrence, continuation, or expansion would result in unacceptable impacts to wilderness resources or character, or interfere significantly with the experience of other park visitors.

If climbing activities occur in wilderness, climbing management strategies will be included as part of the park's Wilderness Stewardship Plan, or other activity-level plan. Wilderness parks with climbing use will exchange information on best practices, work together on servicewide implementation, and communicate with stakeholders and wilderness users. Wilderness climbing education and impact monitoring will be important components in climbing management programs. It is recognized that the use of removable anchors may reduce, but does not in every case completely eliminate, the need for fixed anchors. The occasional placement of a fixed anchor for belay, rappel, or protection purposes does not necessarily impair the future enjoyment of wilderness or violate the Wilderness Act. However, climbing practices with the least negative impact on wilderness resources and character will always be the preferred choice.

The establishment of bolt-intensive face climbs is considered incompatible with wilderness preservation and management due to the concentration of human activity which they support, and the types and levels of impacts associated with such routes. Climbing management strategies will address ways to control, and in some cases reduce, the number of fixed anchors to protect the park’s wilderness resources or to preserve the “untrammeled,” “undeveloped,” and “outstanding opportunities for solitude” qualities of the park’s wilderness character.

Fixed anchors or fixed equipment should be rare in wilderness. Authorization will be required for the placement of new fixed anchors or fixed equipment. Authorization may be required for the replacement or removal of existing fixed anchors or fixed equipment. The authorization process to be followed will be established at the park level and will be based on a consideration of resource issues (including the wilderness resource) and recreation opportunities. Authorization may be issued programmatically within the Wilderness Stewardship Plan or other

activity-level plan, or specifically on a case-by-case basis, such as through a permit system. Prior to the completion of the park's Wilderness Stewardship Plan or other activity-level plan, the park superintendent may approve new fixed anchors or fixed equipment on a case-by-case basis.

If unacceptable impacts are occurring in wilderness as a result of climbing, the park superintendent may deem it necessary to restrict or prohibit the placement of fixed anchors. Proposals for the placement of fixed anchors or fixed equipment for the administrative purpose of facilitating future rescue operations must be evaluated through a MRA.

“Clean climbing” techniques should be the norm in wilderness. This involves the use of temporary equipment and anchors that can be placed and removed without altering the environment (e.g. slings, cams, nuts, chocks, and stoppers). Practices such as gluing or chipping holds, and damaging or removing vegetation on or at the base of climbing routes, are prohibited by NPS regulations (36 CFR 2.1). The use of motorized equipment (e.g. power drills) is prohibited by the Wilderness Act and NPS regulations (36 CFR 2.12). Climbers are encouraged to adopt Leave No Trace principles and practices for all climbing activities, including packing out all trash and human waste.

7.3 Commercial Services

Parks must make a documented determination of the types and amount of commercial services necessary to realize wilderness purposes (recreational, scenic, scientific, educational, conservation and historical) in a given area at a given time. This documented determination process should be undertaken using an interdisciplinary approach that includes the wilderness manager, commercial services staff, and other resource specialists. There are two specific legal requirements for allowing commercial services from the Wilderness Act (16 U.S.C. 1133(d)(5)). The first requirement of the Wilderness Act is a determination that a certain activity is necessary in wilderness. For activities that are necessary to realize the wilderness purposes, the second requirement is an evaluation of the minimum amount of commercial service that is necessary to achieve these purposes.

Wilderness areas at, or near, visitor use capacity may not be able to accommodate any commercial services either at all or during peak capacity periods. Commercial services, similar to all other activities, may only be allowed in wilderness if wilderness character is preserved. Commercial services may be limited to preserve opportunities for primitive recreation or other aspects of wilderness character. Specific consideration should also be given to the potential short-term and long-term impacts of commercial service activities. The use of motor vehicles, motorized equipment, or mechanized transport is not allowed in wilderness for commercial services.

Commercial filming is considered a commercial service for purposes of the Wilderness Act. Parks must apply the same two legal requirements for commercial services to any commercial filming request in wilderness. For example, is it necessary, why does the commercial filming need to take place in park wilderness? If necessary, what wilderness purposes (recreational, scenic, scientific, educational, conservation and historical) will be realized from this use? In most cases, park managers should work with the applicant to find locations outside of wilderness that can accommodate this use. If wilderness locations are justified, then the activities should minimize impacts to other visitors' enjoyment of wilderness and only use the minimum amount of the wilderness needed for the activity for the shortest possible period of time.

minimize impacts to other visitors' enjoyment of wilderness and only use the minimum amount of the wilderness needed for the activity for the shortest possible period of time.

Commercial still photography activities that include the use of models, sets, or props, or promote a product or service are prohibited in wilderness.

Commercial air tours are inconsistent with preservation of wilderness character. Existing air tours over a proposed wilderness area will not preclude consideration for wilderness designation. Ways to prevent or minimize negative impacts to wilderness character should be addressed in Wilderness Stewardship and Air Tour Management Plans. Parks should also work with air tour operators and the FAA to further prevent or minimize negative impacts to wilderness character.

8. Further Guidance

Additional resources available for guidance are:

- [Wilderness Act](#) (16 U.S.C. 1131-1136)
- [Title 43, Part 19 of the Code of Federal Regulations](#)
- [NPS Management Policies 2006, Chapter 6](#)
- [Reference Manual 41: Wilderness Stewardship](#)
- [Director's Order #18: Wildland Fire Management](#)
- [Director's Order #53: Special Park Uses](#)
- [NPS Wilderness Stewardship Division](#) (internal NPS web site)
- <http://wilderness.nps.gov>
- <http://www.wilderness.net/>

----End of Director's Order----

Exhibit 2

NPS WILDERNESS DEFINITIONS

-A-

Adequate Access: The combination of routes and modes of travel that the National Park Service has determined will have the least-lasting impact on the wilderness resource and character, and at the same time, will serve the reasonable purposes for which State or private entities have legal rights.

Air Quality Related Values: Air quality related values (AQRVs) have been defined as; “a scenic, cultural, physical, biological, ecological, or recreational resource which may be affected by a change in air quality as defined by the federal land managers for federal lands”. Class I areas are given additional protection for AQRVs against air pollution. Visibility is specifically identified in the CAA as an AQRV. NPS includes night sky visibility in this category.

Aircraft: Any device that is used or intended to be used for human flight in the air, including powerless flight. (See 36 CFR 1.4, Definitions).

Aircraft, Landing of: Bringing down to the surface of the earth (land, water, snow, or ice) any aircraft or anything attached to or carried by an aircraft, during or after a flight.

-B-

Backcountry: The National Park Service uses the term “backcountry” to refer to primitive, undeveloped portions of parks. Backcountry is not the same as wilderness. Rather, it refers to a general condition of land that may include wilderness. Management of the wilderness portions of the parks require different administrative practices than backcountry because the Wilderness Act and NPS Management Policies impose additional conditions and constraints.

Bicycle: Any device propelled solely by human power upon which a person or persons may ride on land, having one, two, or more wheels, except a manual wheelchair. (See 36 CFR 1.4, Definitions).

-C-

Cherry-Stemmed Route: A dead-end route where the boundary of the wilderness extends up one side of the route, around its terminus, and down the other side.

-D-

Designated Wilderness: Federal land designated by Congress as wilderness and a component of the National Wilderness Preservation System where the NPS is required to manage according to the Wilderness Act of 1964.

-E-

Eligible Wilderness: An area that possesses the qualities and character, as identified within the Wilderness Act, which would qualify it for designation within the National Wilderness Preservation System. An area where, based upon a wilderness eligibility assessment, the Director has approved the managerial determination of eligibility for wilderness designation and has published notice of eligibility in the Federal Register.

Emergency: A situation that requires immediate action because of imminent danger to the health or safety of people.

-I-

Inholding: Land owned or managed by an entity other than the National Park Service that is within the designated, recommended, proposed, eligible wilderness boundary.

Installation: Anything made by humans that is not intended for human occupation and is left unattended or left behind when the installer leaves the wilderness.

-M-

Mechanical Transport: Any vehicle, device, or contrivance for moving people or material in or over land, water, snow, ice, or air that has moving parts as essential components of the transport and which apply a mechanical advantage, regardless of power source. This includes (but is not limited to) wheeled vehicles, devices, or contrivances, such as bicycles, Segways™ and other Electric Personal Assistance Mobility Devices (EPAMD), game carriers, carts, wheelbarrows, and wagons. "Mechanical transport" does not include skis, snowshoes, sleds, travois, non-motorized river craft including drift boats, rafts, or canoes, or similar primitive devices. Wheelchairs or other mobility devices that meet the definition of "wheelchair" in the Americans with Disabilities Act, Section 508(c) are not prohibited in wilderness.

Minimum Requirements Analysis: A two-step process, based on Section 4(c) of the Wilderness Act, that documents 1) the determination as to whether or not a proposed management action is necessary for the administration of the area as wilderness and does not have a significant impact to the wilderness resources and character; and, 2) the determination of the management activity (method or tool) that causes the least amount of impact to the wilderness resources and character.

Minimum Activity: The least intrusive method, tool, equipment, device, force, regulation or practice that will achieve the wilderness management objective. It is commonly referred to as "minimum tool".

Motorboat: Any type or description of craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water that is powered by a motor, engine, or other non-living power source. This includes, but is not limited to, airboats and personal watercraft.

Motor Vehicle: Any vehicle that is self-propelled, including any vehicle that is propelled by electric power but not operated on rails or upon water. This includes, but is not limited to cars, trucks, all-terrain vehicles (ATV) and motorcycles. (See 36 CFR 1.4, Definitions).

Motorized Equipment: Any machine that applies force by transferring energy from a motor, engine, or other non-living power source. This includes, but is not limited to, such machines as aircraft, drones, snowmobiles, motorboats, chainsaws, weed whackers, power drills, power saws, generators, compressors, windmills or turbines, and snow or leaf blowers. "Motorized equipment" does not include shavers, wrist watches, clocks, flashlights, cameras, camping stoves, solar panels, batteries, explosives, Geiger counters, cellular telephones, portable electronic media devices, radio receivers or transmitters, GPS units, or other similar small, battery-powered, hand-carried personal camping equipment.

-N-

Natural: Ecological systems which are substantially free from the effects of modern civilization.

-O-

Other Features of Value: Attributes not required of or found in every wilderness that reflect the wilderness character of a specific wilderness. Based on the last clause of Section 2(c) of the Wilderness Act which states that a wilderness “may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.” It captures important elements of the wilderness that are not covered in the other four qualities of wilderness character, such as cultural or paleontological resources.

-P-

Potential Wilderness: Lands which possess wilderness characteristics which would normally qualify them for designation within the National Wilderness Preservation System but contain temporary non-conforming or incompatible conditions (such as structures or roads) or uses (such as in-holdings, valid mining claims or operations) which prevent their being immediately designated as wilderness. These lands may be identified as “potential wilderness” in NPS wilderness proposals, wilderness recommendations, and by Congress in legislation designating other portions of a park as wilderness. Designated potential wilderness should be converted to designated wilderness once the non-conforming uses have been extinguished by publishing a notice in the Federal Register.

Proposed Wilderness: The findings and conclusions of a formal wilderness study that have been submitted as the NPS proposal by the Director to the Department of the Interior, but has not been approved by the Secretary.

-R-

Recommended Wilderness: An eligible wilderness area that has been studied and proposed by the NPS, recommended for wilderness designation by the Secretary to the President, and then transmitted by the President as his recommendation for wilderness designation to Congress.

Road, Permanent: A route constructed, maintained or used by motor vehicles or mechanical transport for an indefinite period of time.

Road, Temporary: A route constructed, maintained or used by motor vehicles or mechanical transport for a finite period of time.

-S-

Solitude: The state of being alone or remote from habitations or the sights and sounds of other people; the experience of being in an unfrequented or secluded place.

Structure: Anything made by humans that is intended for human occupation, or their possessions, and is left behind when the builder leaves the wilderness.

-U-

Undeveloped: Retaining its primeval character and influence, and is essentially without permanent improvement or modern human occupation.

Untrammeled: Essentially unhindered and free from the intentional actions of modern human control or manipulation.

-V-

Valid Existing Rights: Those property rights in existence on the date of wilderness designation or on such date as provided for in the particular Act that designated an area as wilderness; that were created by a legally binding conveyance, lease, deed, contract, or other document; or as otherwise provided by Federal law.

-W-

Wheelchair: A device designed solely for use by a mobility-impaired person for locomotion, that is suitable for use in an indoor pedestrian area (Section 508(c)(2) of the Americans with Disabilities Act).

Wilderness: For the purpose of applying NPS policies, wilderness includes the categories of eligible, proposed, recommended, and designated wilderness. Potential wilderness may be a subset of any of these categories.

Wilderness Character: The combination of biophysical, experiential, and symbolic ideals that distinguishes wilderness from other lands. The five qualities of wilderness character are Untrammeled, Undeveloped, Natural, Solitude or a Primitive and Unconfined Type of Recreation, and Other Features of Value.

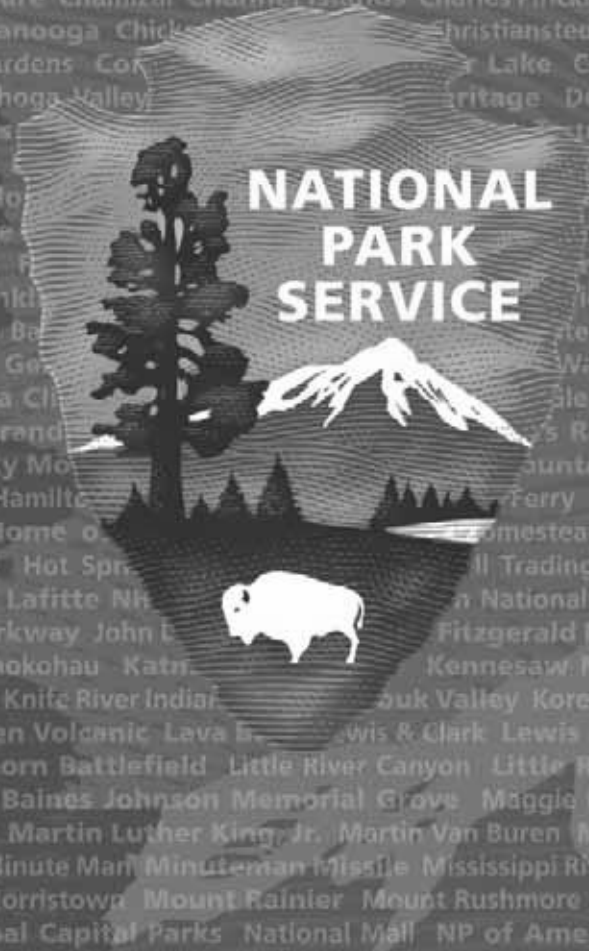
Wilderness Study: A formal study that evaluates the acreage that has been determined to be eligible for wilderness designation through the completion of a wilderness eligibility assessment. The purpose of the wilderness study is to provide a detailed review necessary to develop official proposals and recommendations for wilderness designation to the Director, the Department, the President and Congress.

---End of Guidance---

Exhibit 3

Management Policies 2006

Abraham Lincoln Birthplace Acadia Adams African Burial Ground Agate Fossil Beds Algnak River Alibates Flint Quarries Allegheny Portage Railroad Amistad Andersonville Andrew Johnson Aniakchak Antietam Apostle Islands Appalachian Trail Appomattox Court House Arches Arkansas Post Arlington House Assateague Island Aztec Ruins Badlands Bandelier Bent's Old Fort Bering Land Bridge Big Bend Big Cypress Big Hole Big South Fork River Big Thicket Bighorn Canyon Biscayne Black Canyon of the Gunnison Blue Ridge Parkway Bluestone River Booker T. Washington Boston Boston African American Boston Harbor Islands Brices Cross Roads Brown v. Board of Education Bryce Canyon Buck Island Reef Buffalo River Cabrillo Canaveral Cane River Creole Canyon de Chelly Canyonlands Cape Cod Cape Hatteras Cape Krusenstern Cape Lookout Capitol Reef Capulin Volcano Carl Sandburg Home Carlsbad Caverns Carter G. Woodson Home Casa Grande Ruins Castillo de San Marcos Castle Clinton Catactin Mountain Cedar Breaks Cedar Creek & Belle Grove Chaco Culture Chamizal Channel Islands Charles Pinckney Chattahoochee River Chesapeake & Ohio Canal Chickamauga & Chattanooga Chickasaw Christiansted City of Rocks Clara Barton Colonial Colorado Congaree Constitution Gardens Corcoran Crater Lake Craters of the Moon Cumberland Gap Cumberland Island Curecanti Cuyahoga Valley De Soto DeWitt DeWitt Clinton DeWitt Clinton Heritage De Soto Death Valley Delaware River Delaware Water Gap Denali Devils Postpile National Monument Dugas Ebey's Landing Edgar Allan Poe Eisenhower Eisenhower Memorial Eugene O'Neill Everglades Federal Hall Fire Island First Ladies Flight 93 Flight 93 National Memorial Fort Donelson Fort Frederica Fort Laramie Fort Mifflin Fort Mifflin National Historical Site Fort Mifflin National Historical Site Fort Raleigh Fort Scott Fort Smith Fort Snelling Fort Sumner Fort Union Trading Post Fort Vancouver Fort Vancouver National Historical Site Frederick Douglass Frederick Law Olmsted Gates of the Arctic Gateway Gauley River George Washington Carver George Washington Parke Custis National Historical Park Glen Canyon Golden Gate Golden Spike Grand Canyon National Park Grant's Ranch Great Basin Great Egg Harbor Great Smoky Mountains Guilford Courthouse Gulf Islands Hagerman Fossil Beds Haleakala Hamilton Harriet Tubman Harriet Tubman National Historical Site Harry S. Truman Hawaii'i Volcanoes Homestead NM of America Hopewell Culture Independence Indiana Dunes Indiana National Expansion Jewel Cave Jimmy Carter John D. Rockefeller Jr. Memorial Parkway John L. Sullivan Fitzgerald Kennedy John Muir Johnstown Flood Joshua Tree Kalaupapa Kaloko Honokohau Katmai Kennecott Kennesaw Mountain Keweenaw Kings Canyon Kings Mountain Klondike Gold Rush Knife River Indian Villages National Monument Kook Valley Korean War Veterans Lake Clark Lake Mead Lake Meredith Lake Roosevelt Lassen Volcanic Lava Beds Lewis & Clark Lewis & Clark Trail Lincoln Boyhood Lincoln Home Lincoln Memorial Little Bighorn Battlefield Little River Canyon Little Rock Central High School Longfellow Lowell Lyndon B. Johnson Lyndon Baines Johnson Memorial Grove Maggie L. Walker Mammoth Cave Manassas Manzanar Marsh Billings-Rockefeller Martin Luther King, Jr. Martin Van Buren Mary McLeod Bethune Council House Mesa Verde Mindoka Internment Minute Man Minuteman Missile Mississippi River Missouri River Mojave Monocacy Montezuma Castle Moores Creek Morristown Mount Rainier Mount Rushmore Muir Woods Natchez Natchez Trace Parkway Natchez Trace Trail National Capital Parks National Mall NP of American Samoa Natural Bridges Navajo New Bedford Whaling New Orleans Jazz New River Gorge Nez Perce Nikodemus Ninety Six Niobrara River Montak North Cascades Obed River Ocmulgee Olympic Oregon Caves Organ Pipe Cactus Ozark Riverways Padre Island Palo Alto Battlefield Pea Ridge Pecos Pennsylvania Avenue Perry's Victory Petersburg Petrified Forest Petroglyph Pictured Rocks Pinnacles Pipe Spring Pipestone Piscataway Point Reyes Potomac Heritage Trail Poverty Point Prince William Forest Pu'uhonua o Hōnaunau Puukohola Heiau Rainbow Bridge Redwood Richmond Rio Grande River Rock Creek Rocky Mountain Roger Williams Rosie the Riveter/World War II Home Front Ross Lake Russell Cave Sagamore Hill Saguaro Saint Croix Island Saint Croix Riverway Saint Gaudens Saint Paul's Church Salem Maritime Salinas Pueblo Missions Salt River Bay San Antonio Missions San Francisco Maritime San Juan San Juan Island Santa Monica Mountains Saratoga Saugus Iron Works Scotts Bluff Sequoia Shenandoah Shiloh Sitka Sleeping Bear Dunes Springfield Armory Statue of Liberty Steamtown Stones River Sunset Crater Volcano Tallgrass Prairie Thaddeus Kosciuszko Theodore Roosevelt Theodore Roosevelt Birthplace Theodore Roosevelt Inaugural Theodore Roosevelt Island Thomas Jefferson Memorial Thomas Stone Timpanogos Cave Timucuan Tonto Tumacacori Tupelo Tuskegee Airmen Tuskegee Institute Tuzigoot Ulysses S. Grant Upper Delaware River USS Arizona Memorial Valley Forge Vanderbilt Mansion Vicksburg Vietnam Veterans Memorial Virgin Islands Virgin Islands Coral Reef Voyageurs Walnut Canyon War in the Pacific Washington Monument Washita Battlefield Weir Farm Whiskeytown Unit White House White Sands Whitman Mission William Howard Taft Wilson's Creek Wind Cave Wolf Trap Women's Rights World War II Memorial Wrangell-St. Elias Wright Brothers Wupatki Yellowstone Yosemite Yucca House Yukon-Charley Rivers Zion



Superintendents will provide the information needed to prepare an annual wilderness report to Congress and to report to the Director on the status of wilderness management in the national park system. Based on this information, the Associate Director for Visitor and Resource Protection will provide the Directorate with recommendations and advice to permanently establish a system of accountability, consistency, and continuity for NPS wilderness management.

6.3.3 Consistency

The National Park Service will seek to achieve consistency in wilderness management objectives, techniques, and practices on both an agency and an interagency basis. Accordingly, the National Park Service will seek to maintain effective intra-agency and interagency communications, and will encourage, sponsor, and participate in intra-agency and interagency training and workshops designed to promote the sharing of ideas, concerns, and techniques related to wilderness management. However, the need for interagency consistency will in no way diminish any established NPS wilderness standards and values.

6.3.4 Wilderness-related Planning and Environmental Compliance

Policies on wilderness planning and compliance include the following.

6.3.4.1 Zoning for Wilderness

When necessary, all categories of wilderness may be zoned for visitor experiences and resource conditions consistent with their wilderness values within the established management zoning system for each park. However, management zoning or other land use classifications cannot and will not diminish or reduce the maximum protection to be afforded lands with wilderness values. Transition zones adjacent to wilderness may be identified to help protect wilderness values, but no transitional or “buffer” zones are appropriate within wilderness boundaries.

6.3.4.2 Wilderness Management Planning

The superintendent of each park containing wilderness resources will develop and maintain a wilderness management plan or equivalent planning document to guide the preservation, management, and use of these resources. The wilderness management plan will identify desired future conditions, as well as establish indicators, standards, conditions, and thresholds beyond which management actions will be taken to reduce human impacts on wilderness resources.

The park’s wilderness management plan may be developed as a separate document or as an action component of another planning document. Whether prepared as a stand-alone plan or as part of another planning document, all wilderness management plans must meet the same standards for process and content as specified in this section 6.3.4. Wilderness management plans will be supported by appropriate documentation of compliance with the National Environmental Policy Act and the National Historic Preservation Act. The plan will be developed with

public involvement and will contain specific, measurable management objectives that address the preservation and management of natural and cultural resources within wilderness as appropriate to achieve the purposes of the Wilderness Act and other legislative requirements.

(See *Visitor Carrying Capacity* 8.2.1)

6.3.4.3 Environmental Compliance

Proposals having the potential to impact wilderness resources will be evaluated in accordance with NPS procedures for implementing the National Environmental Policy Act. Those procedures include the use of categorical exclusions, environmental assessments (EAs), or environmental impact statements (EISs). Administrative actions impacting wilderness must be addressed in either the environmental assessment or environmental impact statement accompanying the approved wilderness management plan or as a separate environmental compliance document.

Managers contemplating the use of aircraft or other motorized equipment or mechanical transportation within wilderness must consider impacts to the character, esthetics, and traditions of wilderness before considering the costs and efficiency of the equipment.

In evaluating environmental impacts, the National Park Service will take into account (1) wilderness characteristics and values, including the primeval character and influence of the wilderness; (2) the preservation of natural conditions (including the lack of man-made noise); and (3) assurances that there will be outstanding opportunities for solitude, that the public will be provided with a primitive and unconfined type of recreational experience, and that wilderness will be preserved and used in an unimpaired condition. Managers will be expected to appropriately address cultural resources management considerations in the development and review of environmental compliance documents impacting wilderness resources.

(Also see *Director’s Order #12: Conservation Planning, Environmental Impact Analysis, and Decision-making*)

6.3.5 Minimum Requirement

All management decisions affecting wilderness must be consistent with the minimum requirement concept. This concept is a documented process used to determine if administrative actions, projects, or programs undertaken by the Service or its agents and affecting wilderness character, resources, or the visitor experience are necessary, and if so how to minimize impacts. The minimum requirement concept will be applied as a two-step process that determines

- ◆ whether the proposed management action is appropriate or necessary for administration of the area as wilderness and does not cause a significant impact to wilderness resources and character, in accordance with the Wilderness Act; and

Exhibit 4

Wilderness Stewardship Division
Wilderness Stewardship Program

National Park Service
U.S. Department of the Interior



Wilderness Stewardship Plan Handbook

PLANNING TO PRESERVE WILDERNESS CHARACTER

January 2014

Wilderness Stewardship Plan

Completion of the building blocks can provide interim guidance for managing wilderness areas and tracking trends in wilderness conditions, but this foundation is not a substitute for a complete wilderness stewardship plan. A wilderness stewardship plan is a decision-making document completed with an appropriate level of NEPA and NHPA compliance, and includes participation from the public, other agencies, and associated tribes. A wilderness stewardship plan sets long term goals and objectives, identifies issues and opportunities, and provides a decision-making framework and appropriate actions to preserve and, if necessary, improve wilderness character now and into the future. A wilderness stewardship plan identifies desired future conditions, and establishes measures and standards to guide wilderness character preservation.

For a wilderness stewardship plan to be relevant and useful upon release the planning process should incorporate an adaptive management approach, reinforcing the connection between the monitoring of wilderness character and the strategy for adapting management actions to preserve wilderness character in the face of rapid environmental and social change. The process begins by setting goals, selecting indicators and measures, setting standards, and identifying a range of management actions. Conditions are monitored, and if conditions or trends are unacceptable, appropriate management actions are implemented. Conditions are then monitored in the future to determine if the actions were effective in restoring acceptable conditions. This cycle of implementing management actions and monitoring continues in order to achieve desired outcomes. Monitoring may show that in some situations the measures may need to be adjusted. The process for developing the plan through an adaptive management approach, also known as the wilderness stewardship planning framework, is illustrated in figure 1.



Photo: NPS/Todd Esque,
Joshua Tree Wilderness,
Joshua Tree National Park

Addendum D

Exhibit 1

on the original proposal—that this would also be the world's most ridiculous example of obsolete, outmoded, and retrogressive engineering. There can be little benefit gained either technologically or in world prestige by wasting critically needed taxpayers' dollars to build an antique teakettle.

There is no doubt that the United States already enjoys the world's leadership in development of nuclear energy for peaceful purposes. We do not have to make ourselves appear to be foolishly striving for bigness, regardless of the contribution which such bigness might make in the refinement of reactor technology.

4. Economic studies submitted by the Atomic Energy Commission indicate that the entire capital cost of the generating facility will be paid for with interest in 9 years of dual-purpose operation.

I have already addressed myself to this point in the first part of my remarks. For this reason, I think it will be sufficient merely to reiterate that the increase in cost per kilowatt of installed capacity of almost 22 percent in this new proposal would certainly have an adverse effect on the economics of the proposition which the House has three times rejected.

Mr. Speaker, the attempts of the conferees to force half a Hanford loaf on the House of Representatives in no way negates the 10 compelling reasons listed in the separate statement attached to the Joint Committee report on the original AEC authorization bill and the position previously taken by the House of Representatives. Under the circumstances, I sincerely urge my colleagues in this body to rise in even greater force to announce that they will not tolerate such a complete disregard of the need for economy at a time when we are already involved in the most expensive defense effort we have ever undertaken. I feel it is the responsibility which every one of us has to our constituents and to the Nation to assure the most prudent and effective expenditure of Federal funds. The Hanford proposal contained in the conference report is indeed a question of

waste. However, it is not a question of wasting steam, but a question of wasting more precious Federal dollars.

Pay Increases for Postal Workers

EXTENSION OF REMARKS OF

HON. LESTER HOLTZMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 1, 1961

Mr. HOLTZMAN. Mr. Speaker, today I am introducing in the House of Representatives a bill which will amend the law relating to longevity step increases for postal workers. This bill is a companion measure to legislation previously introduced by other Members of Congress in the House and the Senate.

Over the years it has been the intent of the Congress to eliminate some of the discrimination against postal employees, and this bill will give them benefits comparable to those now enjoyed under the Classification Act by other Federal employees.

Under the law now in effect regular civil service employees receive longevity increases after 10, 13, and 16 years' service in the same grade. However, as a result of the antiquated law affecting postal employees they receive such increases only after 13, 18, and 25 years' service in grade.

The approval of this legislation will bring the benefits of postal employees more in line with those accorded other employees of the Federal Government, and will correct an inequity which has been in existence far too long.

The Senate has already acted on similar legislation, having passed S. 1459 on July 17; and I am very pleased to see that our Committee on Post Office and Civil Service had referred the legislation to the Subcommittee on Postal Operations, which held hearings on the same yesterday. I am hopeful that prompt and favorable consideration of the bill can be completed in the near future.

Labor Day, 1961

EXTENSION OF REMARKS OF

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 1, 1961

Mr. MATHIAS. Mr. Speaker, as America pauses to observe Labor Day, 1961, it is fitting that we as Americans pause to reflect upon the special meaning and significance of Labor Day this year.

In the past, the labor of our people has resulted in the strongest and freest nation which this world has yet known. It was by labor that we expanded from our earliest beginnings in New England past our western continental boundaries to those great new and far distant States of Hawaii and Alaska. But these accomplishments should not lead us to believe that our labor has ended; in fact, the challenges of today cause us to rededicate ourselves to toil not only for the benefit of our great Nation but also for the entire world.

The international challenges of today are extreme. The free world looks to us for leadership; the entire world looks to us for the establishment and endurance of a lasting peace. Therefore, on this day which we set aside to pay tribute to labors past we must pause to reflect on the Nation's future and on our world's future. For the great burden of preserving our democratic heritage rests upon the American citizen whose work and individual initiative has molded this Nation into a land of free ideals.

With a renewed dedication Americans must labor with deeper conviction than ever before that the preservation of our individual freedom and democratic principles rests upon the shoulders of Americans themselves—Americans who are dedicated to this land of opportunity and its destiny of freedom.

On this Labor Day let each man resolve to give new meaning to his labor in order that we may rise to the challenges of the day and provide a lasting peace for tomorrow.

SENATE

TUESDAY, SEPTEMBER 5, 1961

The Senate met at 9 o'clock a.m., and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our fathers' God, eternal, sure, and still omnipotent, when the world seems falling to pieces around us, and so many fair hopes are being dashed to the ground, help us in the midst of the whelming flood to stay our minds on Thee and in the strength of the everlasting values that nothing can destroy.

Through all the mystery of life, Thy strong arm alone can lead us to its

CVII—1139

mastery. Forgive us the distrust of ourselves, of life, and of Thee, and the doubts which besiege us, when, if we but had eyes to see, we would know that the heights about us are full of the chariots of God and the horsemen thereof.

As we spend our years as a tale that is told, may it be to the last page a tale of service well done, of tasks faced without flinching, of honor unsullied, and of horizons stretched out, as daily we fare forth toward journey's end when our work is done. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, September 1, 1961, was dispensed with.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on Friday, September 1, 1961, he presented to the President of the United States the following enrolled bills:

S. 561. An act to amend the act relating to the small claims and conciliation branch of the municipal court of the District of Columbia, and for other purposes;

S. 1656. An act to amend chapter 50 of title 18, United States Code, with respect to transmission of bets, wagers, and related information;

S. 1657. An act to provide means for the Federal Government to combat interstate crime and to assist the States in the enforcement of their criminal laws by prohibiting the interstate transportation of wagering paraphernalia;

S. 1983. An act to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the

stated in the establishment of, or pertaining to, any park, monument, or other unit of the national park system, or any national forest, wildlife refuge, game range, or other area involved, except that any agency administering any area within the wilderness system shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes as also to preserve its wilderness character. Except as otherwise provided in this Act, the wilderness system shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use. Subject to the provisions of this Act, all such use shall be in harmony, both in kind and degree, with the wilderness environment and with its preservation.

Prohibition of certain uses

(b) Except as specifically provided for in this Act and subject to any existing private rights, there shall be no commercial enterprise within the wilderness system, no permanent road, nor shall there be any use of motor vehicles, motorized equipment, or motorboats, or landing of aircraft nor any other mechanical transport or delivery of persons or supplies, nor any temporary road, nor any structure or installation, in excess of the minimum required for the administration of the area for the purposes of this Act, including such measures as may be required in emergencies involving the health and safety of persons within such areas.

Special provisions

(c) The following special provisions are hereby made:

(1) Within national forest areas included in the wilderness system the use of aircraft or motorboats where these practices have already become well established may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable. In addition, such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary of Agriculture deems desirable.

(2) Within national forest and public domain areas included in the wilderness system, (A) the President may, within a specific area and in accordance with such regulations as he may deem desirable, authorize prospecting (including exploration for oil and gas), mining (including the production of oil and gas), and the establishment and maintenance of reservoirs, water-conservation works, transmission lines, and other facilities needed in the public interest, including the road construction and maintenance essential to development and use thereof, upon his determination that such use or uses in the specific area will better serve the interests of the United States and the people thereof than will its denial; and (B) the grazing of livestock, where well established prior to the effective date of this Act with respect to areas established as part of the wilderness system by this Act, or prior to the date of public notice thereof with respect to any area to be recommended for incorporation in the wilderness system, shall be permitted to continue subject to such restrictions and regulations as are deemed necessary by the Secretary having jurisdiction over such area.

(3) Other provisions of this Act to the contrary notwithstanding, the management of the Boundary Waters Canoe Area, formerly designated as the Superior, Little Indian Sioux, and Caribou roadless areas in the Superior National Forest, Minnesota, shall be in accordance with regulations established by the Secretary of Agriculture in accordance with the general purpose of maintaining, without unnecessary restrictions on other uses, including that of timber, the primitive character of the area, par-

ticularly in the vicinity of lakes, streams, and portages: *Provided*, That nothing in this Act shall preclude the continuance within the area of any already established use of motorboats. Nothing in this Act shall modify the restrictions and provisions of the Shipstead-Nolan Act, Public Law 539, Seventy-first Congress, July 10, 1930 (46 Stat. 1020), the Thye-Blatnik Act, Public Law 733, Eightieth Congress, June 22, 1948 (62 Stat. 568), and the Humphrey-Thye-Blatnik-Andresen Act, Public Law 607, Eighty-fourth Congress, June 22, 1956 (70 Stat. 326), as applying to the Superior National Forest or the regulations of the Secretary of Agriculture. Modifications of the Boundary Waters Canoe Area within the Superior National Forest shall be accomplished in the manner provided in section 3(e).

(4) Commercial services may be performed within the wilderness system to the extent necessary for activities which are proper for realizing the recreational or other purposes of the system as established in this Act.

(5) Any existing use or form of appropriation authorized or provided for in the Executive order or legislation establishing any national wildlife refuge or game range existing on the effective date of this Act may be continued under such authorization or provision.

(6) Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(7) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

(8) Nothing in this Act shall be construed to prevent, within national forest and public domain areas included in the wilderness system, any activity, including prospecting, for the purpose of gathering information about mineral resources which is not incompatible with the preservation of the wilderness environment.

RECORDS AND REPORTS

SEC. 7. The Secretary of the Interior and the Secretary of Agriculture shall each maintain available to the public, records of portions of the wilderness system under his jurisdiction, including maps and legal descriptions, copies of regulations governing them, copies of public notices of, and reports submitted to Congress regarding pending additions, eliminations, or modifications. Within a year following the establishment of any area within the national forests as a part of the wilderness system, the Secretary of Agriculture shall file a map and legal description of such area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such descriptions shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal descriptions and maps may be made with the approval of such committees. Within a year following the establishment of any area in the national park system or in a wildlife refuge or range as a part of the wilderness system, the Secretary of the Interior shall file a map and legal description of such area with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives. Clerical and typographical errors in such legal descriptions and maps may be corrected with the approval of such committees. Copies of maps and legal descriptions of all areas of the wilderness system within their respective jurisdictions shall be kept available for public inspection in the offices of regional foresters, national forest superintendents, forest rangers, offices of the units of the national park system, wildlife refuge, or range.

CONTRIBUTIONS AND GIFTS

SEC. 8. The Secretary of the Interior and the Secretary of Agriculture are each authorized to accept private contributions and gifts to be used to further the purposes of this Act. Any such contributions or gifts shall, for purposes of Federal income, estate, and gift taxes, be considered a contribution or gift to or for the use of the United States for an exclusively public purpose, and may be deducted as such under the provisions of the Internal Revenue Code of 1954, subject to all applicable limitations and restrictions contained therein.

LAND USE COMMISSIONS

SEC. 9. With respect to any State having more than 90 per centum of its total land area owned by the Federal Government on January 1, 1961, there shall be established for each such State a Presidential Land Use Commission (hereinafter called the Commission). The Commission shall be composed of five persons appointed by the President, not more than three of whom shall be members of the same political party, and three of whom shall be residents of the State concerned. The Commission shall advise and consult with the Secretary of the Interior on the current utilization of federally owned land in such State and shall make recommendations to the Secretary as to how the federally owned land can best be utilized, developed, protected, and preserved. Any recommendations made to the Congress by the Secretary of Interior pursuant to the provisions of this Act shall be accompanied by the recommendations and reports made with respect thereto by the Commission.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, during my 5 years in the Senate, I look back upon three bills, reported from the Senate Interior and Insular Affairs Committee, which have great historic significance. The first such bill admitted Alaska to statehood; the second admitted Hawaii. As I am proud to have had an active role in the enactment of the two statehood bills, so I am proud to present to the Senate today the third of these truly momentous measures, S. 174, the wilderness bill.

It is, Mr. President, the successor of a series of wilderness bills, each of them a refinement upon an earlier version. The issue has been before the Interior Committee throughout my term in the Senate. The committee, composed almost entirely of western Senators, whose States will be most directly benefited, has labored long and earnestly to fashion legislation equitable to all.

There is no question but what the whole American people have much to gain from the establishment of a wilderness preservation system. Nevertheless, the pending bill is of primary importance to westerners. We will be its chief beneficiaries. In most other parts of America, people have come to know only the domesticated life of congested cities and clipped countrysides. It is in the West

alone that a person can still escape the clutter of roads, signposts, and managed picnic grounds. The vanishing wilderness is yet a part of our western heritage. We westerners have known the wilds during our lifetimes, and we must see to it that our grandchildren are not denied the same rich experience during theirs. This is why the West needs a wilderness bill. The entire country shares in the same need.

Because the areas covered by the pending bill have already been set aside in their primitive state for some measure of preservation, the proposed wilderness system can be established, if we act now, with no adverse effect on anyone. The tracts involved have already been excluded from timber sales, and consequently do not form any part of the cutting circle for any community or lumber company. Such grazing as now occurs may continue, subject only to the provisions of existing law. Established mining operations—there are only half a dozen of them within the whole of the proposed system—will remain in business, since the restrictions as to the use of wilderness areas are expressly made subject to all existing rights. So there will be no economic dislocations resulting from the enactment of this wilderness bill.

I regret, Mr. President, that the author of the bill, Senator CLINTON P. ANDERSON, of New Mexico, the distinguished chairman of the Senate Interior and Insular Affairs Committee, who, on behalf of himself and 13 other Senators, introduced this measure on January 5, cannot be here to direct the course of the debate. He learned last week from his doctors that he had to undergo an operation which will keep him away from the Senate for at least 2 weeks more. Before he departed, on last Thursday, he made an extended statement on the bill, which begins at page 17016 of the CONGRESSIONAL RECORD for August 24.

I hope the Members of the Senate will read his excellent explanation of the bill, its purposes, and provisions, as well as his reply to those who would emasculate it.

In his statement, the chairman outlined in some detail how this measure superimposes, in respect to areas already set aside for some measure of preservation in their natural state, a directive to the administering Federal agencies to maintain the wilderness character of the tracts involved.

Three types of areas are affected. They are: First, national parks and monuments; second, wildlife ranges and refuges; and third, designated wilderness type areas in the national forests.

None of the Taylor grazing lands are involved. No Indian lands are involved. Any areas placed in the wilderness system beyond the three categories covered in the bill would have to be added by an affirmative act of Congress in which the House, the Senate, and the President all concurred.

The committee has been careful to preserve States rights within the proposed wilderness system. No change is

made in regard to the application of State water laws. State jurisdiction over fish and wildlife will extend equally to those parts of the national forests which become wilderness areas, so that no added Federal interference with hunting or fishing is in any way involved. Where the use of aircraft or motorboats has become well established, the practice may be permitted to continue. In addition, such measures may be taken to protect the national forests from fire, insects, and disease, as the Forest Service deems necessary.

There has been predominant agreement among the members of our committee and the witnesses who have appeared before it—the committee has heard more than 500 witnesses—that this Nation must preserve some of its wild, scenic lands in their natural, unspoiled state. We must do this while we still can, for wilderness is not a renewable resource. Once occupied, cut over, or exploited, it is lost forever.

The problem has been how to go about it. How much should be preserved? What should be the rules for classifying primitive tracts as wilderness? How should the wilderness be administered afterwards?

The rules adopted in the pending bill require that each tract becoming part of the wilderness system must be carefully reviewed by the Federal agency administering it, then made the subject of a recommendation by the President to the Congress, where it must lie for at least one full session, and where it is subject to disapproval by either the Senate or the House of Representatives. Each branch of the Congress, retaining the same prerogative it would have to reject any proposed bill up for affirmative enactment, may, by passing a resolution of disapproval, prevent the inclusion of any area recommended to be part of the wilderness system. Thus, the power of Congress to make the final determination is fully guaranteed.

Once an area is placed in the wilderness system, the bill before us provides that it may be reopened for particular developments, if the President of the United States should decide, upon appropriate application, that the use proposed to be made serves a greater public interest than its continued preservation as wilderness. The Congress, of course, retains the power to authorize any activity in a wilderness area, should this prove advisable in the future. By the same token, Congress could alter or abolish any or all wilderness areas, once established, if the public interest were ever to so require.

Moreover, it is not made impossible to enter wilderness areas in search of critically needed metals. Under the bill, limited prospecting for any metal may take place, without need for permission, providing it does not disrupt the wilderness environment. Permission is to be given for more extensive prospecting and mining, if there is need for it. The bill simply assures that the decision to contravene the wilderness character of any of these tracts shall be made at the

highest level of government, by the President or by the Congress.

I represent a State in which most of the land is owned by the Federal Government. Many people in my State earn their livelihood through permissive use of Federal land. I would oppose the pending bill if it constituted any threat to these people. I support the multiple-use principle in the administration of our public lands wherever it makes sense, that is, wherever the land is suited for multiple use.

I recognize the importance of lumbering and mining to the economy of Idaho, and I do my best to represent their legitimate interests in this Senate. Although both industries oppose the pending bill, I believe it will, in the long run, prove to be an actual benefit to them. Let me explain why I believe this to be the case:

The Federal Government, which once owned all of Idaho, still owns nearly two-thirds of it. Under existing law, the Government has locked up over 3 million acres in now established primitive areas, comprising nearly a tenth of its total holdings. In these areas, lumbering is prohibited and mining is subjected to severe restrictions. As a matter of fact, there are no mines at all now operating in any of these primitive areas. Moreover, the areas may now be created, their boundaries altered, and new tracts added, by administrative decision alone, without need of any review or approval by the Congress. This is the highly unstable condition under present law.

The pending bill would establish a wilderness system in Idaho based on these existing primitive areas. But before these areas could become a permanent part of the system, each one would have to be reviewed for wilderness values within 10 years following the enactment of the bill. Those portions found to be more suitable for multiple-use—for lumbering, mining, and grazing, as well as recreation—would be released from their present restrictive classification and would revert to ordinary forest lands; the remaining acres, where wilderness values clearly predominate, would then be recommended for retention in the wilderness system. Each such recommendation would be submitted to Congress and made subject to veto by either the House or Senate. At the end of the 10-year period, after the wilderness system has been so established, no new areas could be added without an affirmative act of Congress.

Thus the wilderness bill returns to the Congress its rightful supervision and control over our public lands; it promises greater stability in the management and classification of these lands for the benefit of those industries which depend upon them, even while it sets aside wilderness areas for preservation in their natural state, to be enjoyed by all of us now living, and by our descendants through the years to come.

Mr. President, the loudest arguments that have been heard against this bill make the least sense. Those who protest, "We can't make a living off wilder-

ness," overlook the fact that wilderness preserves will constitute an attraction of increasing appeal as the population grows, and more and more people seek some respite from the clutter of clustered life—from the confusion of congested cities. These wilderness areas will become a mighty magnet for the tourist trade, already vital to our economy in the West. Few industries have as much potential for us. Taking wise precautions now to preserve some of our untamed land, while it is still intact, is just good business for the future.

Opponents of the bill have countered that wilderness only appeals to a minority of our people, that the majority prefer to take their outings by automobile, to park a trailer or pitch a tent in a developed campground, or to enjoy the comforts of organized life at resort hotels, motels, or dude ranches.

I concede this to be true. But should the majority trample underfoot the rightful entitlement of the minority? What a novel doctrine. One would think America big enough to set aside wilderness preserves for the many of our citizens who seek to escape the incessant crowd, to search for solace in solitude amidst a sanctuary far removed from the banality of beer ads and cigarette commercials.

Indeed, this very fact has led other opponents of the wilderness bill to charge that its object is to create vast playgrounds in the West for rich easterners. What poppycock. I would think that the business any vacationer brings to the West is welcome, from whatever part of the country he may come. I am thankful that many do come to Idaho from afar to witness the unique attractions of our primitive areas. But the fact remains that most of the hikers, hunters, and fishermen who enjoy the wild lands of my State come from the farms and towns of Idaho itself. As for the rest, the big majority are westerners from neighboring States. Every Senator voting to report this bill favorably to the Senate represents a State that is west of the Mississippi River.

Perhaps the most ridiculous argument of all against the wilderness bill is that somehow it represents some sort of creeping socialism. Such a charge is so patently absurd that it ought not to be dignified with reply. Yet people are easily frightened by this label, which doubtlessly accounts for its injection into the controversy over the wilderness bill. There is, of course, no substance whatever to the charge. All the land involved is already owned and managed by the Federal Government and is subject to its plenary jurisdiction. Furthermore, insofar as the primitive areas in the national forests are concerned, restrictions concerning their creation, extension, and general use, can now be imposed by administrative action of the Forest Service alone, with no provision under existing law for review or approval by the Congress.

One of the virtues of the wilderness bill is that it restores to the Congress,

the elected representatives of the people, a larger measure of supervision and control over the management of our public lands than Congress now enjoys. If it is the specter of a spreading, indifferent, and unresponsive Federal bureaucracy that people who cry creeping socialism fear, then they should applaud the wilderness bill as a step toward returning unduly delegated power to Congress, where it properly belongs. For these people to oppose the wilderness bill makes no sense at all.

Mr. President, amendments have been offered to the pending measure which would give to the appropriate departmental secretaries and the Federal Power Commission the authority to permit intrusions upon the wilderness system. The amendments are not needed, for these agencies will make their recommendations to the President, in any case, to whom this very authority is given. The adoption of the amendments would weaken the integrity of the wilderness system proposed, since each intrusion would be left to the final judgment of agencies which are in fact engaged in serving a specialized clientele.

I am not critical of persons who evaluate hydroelectric power, or timber, or minerals, above continued preservation of a wilderness area. Our population has grown until there is great pressure among conflicting uses for land. We develop city plans and adopt zoning ordinances to keep order in our towns and cities, and we are rapidly moving toward rural zoning. There are a great many disagreements about zones and zoning. These disagreements occur between entirely sincere men. Industrialists sometimes find it hard to understand why an industry is not preferable to the maintenance of a residential area, or more desirable than a playground.

We do not, however, let the industrialists, or the realtors interested in shopping centers and apartment developments, have the final decision on the modification of city zones, nor do we leave the final decision to the appointed public officials who deal with them. The power of decision we reserve to elected officials, the mayor and the city council, who are responsible to all the people.

So, Mr. President, in this bill we properly leave such final decisions to the elected Chief Executive who is accountable to the whole people, in this case the President of the United States, and to the Legislature, which in this case is the Congress of the United States.

I think it is regrettable that so reasonable and constructive a measure as the pending bill has been subjected to such heated and ill-considered attacks. Yet this is the case in my own State and in many others, so much so that an old cynic once remarked to me, "Whenever you are asked where you stand on the wilderness bill, you'd better say: 'Some of my friends are for it, and some of my friends are against it, and I always stand with my friends.'"

This kind of doubletalk by elected officeholders, plus the distorted claims and counterclaims of alarmists on both sides,

has engulfed the wilderness bill in a storm of nonsense. Neither friend nor foe has sought shelter long enough to inquire just what the bill, as amended by the Senate Interior and Insular Affairs Committee, actually provides. The prevailing attitude seems to be, "Don't bother me with facts. My mind is made up."

In such a situation, the members of the committee have had to use their best judgment in drafting legislation which, while fair to the special interests involved, is designed to promote the general interest. With this as our objective, we adopted a number of amendments to the bill as originally introduced. I, myself, proposed three amendments, all of which the committee approved. I believe the resulting bill, as amended by the committee, fully protects the needs of our economy, while establishing a wilderness system of lasting recreational value for all the people.

In view of the fine exposition of the Senator from New Mexico [Mr. ANDERSON] of the contents and purposes of the pending measure, before he left for the hospital, and because a number of my colleagues desire to speak on the bill, I shall not take more time.

I close by urging the Senate to approve this wilderness bill. If it becomes law, we will have taken another historic step forward along the path charted by Theodore Roosevelt, pioneered by Gifford Pinchot, and traveled by all the great conservationists who followed them.

We will have preserved, for now and for generations unborn, areas of unspoiled, pristine wilderness, accessible by a system of trails, unmarred by roads or buildings, but open to the considerate use and enjoyment of hikers, mountain climbers, hunters, fishermen, and trail riders, and of all those who find, in high and lonely places, a refreshment of the spirit, and life's closest communion with God.

Mr. ELLENDER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. METCALF in the chair). The Senator will state it.

Mr. ELLENDER. What is the pending business?

The PRESIDING OFFICER. The business is S. 174, the wilderness bill.

Mr. ELLENDER. Mr. President, I move to commit the bill, with all amendments, to the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana.

Mr. KUCHEL. Mr. President, will the Chair repeat the motion?

The PRESIDING OFFICER. The motion is to recommit the pending business, S. 174, to the Committee on Agriculture and Forestry. The question is on agreeing to the motion.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Exhibit 2

Resolved, That a committee of Senators be appointed by the Presiding Officer of the Senate to attend the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an engrossed copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased the Senate do now adjourn until 10 o'clock a.m. tomorrow.

ADJOURNMENT UNTIL TOMORROW AT 10 A.M.

Accordingly (at 11 o'clock and 14 minutes a.m.) the Senate adjourned until tomorrow, Friday, July 31, 1964, at 10 a.m.

HOUSE OF REPRESENTATIVES

THURSDAY, JULY 30, 1964

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

I Thessalonians 3: 12: And the Lord make you to increase and abound in love one toward another, and toward all men.

Our Heavenly Father, gratefully and humbly, we are turning unto Thee in the sacred attitude of prayer, mindful of Thy blessings in all our yesterdays and encouraged by Thy gracious promises of help for each new day.

Grant that we may have a clear vision and understanding of our many difficult problems and be constrained to see them in their right perspective and always face them courageously.

Inspire us to cultivate and covet the spirit of unity and concord for without these our beloved country cannot maintain its liberty and continue to have a place of influence and power in wisely shaping the life and destiny of mankind.

May all our citizens earnestly seek to add splendor and nobility to our Republic by embracing those spiritual virtues which were the secret of the strength and greatness of the Founding Fathers.

Hear us in the name of our Lord and Saviour. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate had passed a resolution as follows:

S. RES. 344

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of Honorable CLAIR ENGLE, late a Senator from the State of California.

Resolved, That a committee of Senators be appointed by the Presiding Officer of the Senate to attend the funeral of the deceased.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an engrossed copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the

Senate do now adjourn until 10 o'clock a.m. tomorrow.

The message also announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 7419. An act to authorize the conclusion of agreements with Mexico for joint construction, operation, and maintenance of emergency flood control works on the lower Colorado River, in accordance with the provisions of article 13 of the 1944 Water Treaty With Mexico, and for other purposes;

H.R. 9689. An act declaring a portion of Bayou Black and Bayou Terrebonne, La., nonnavigable waterways of the United States;

H.R. 11622. An act to permit the vessel U.S.S. *Alabama* to pass through the Panama Canal without payment of tolls;

H.R. 11754. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes; and

H. Con. Res. 45. Concurrent resolution expressing the sense of the Congress that the Administrator of the St. Lawrence Seaway Corporation should cooperate with other governmental authorities in the United States and with Canadian authorities to reduce oil pollution.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7301. An act to amend section 341 of the Internal Revenue Code of 1954.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 10939. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1965, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. RUSSELL, Mr. HAYDEN, Mr. HILL, Mr. McCLELLAN, Mr. ELLENDER, Mr. BYRD of Virginia, Mr. SALTONSTALL, Mr. YOUNG of North Dakota, and Mrs. SMITH to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2470. An act to authorize the Veterans' Administration to extend aid on account of defects in properties purchased with financing assistance under chapter 37, title 38, United States Code; and

S. 2905. An act to provide for the appointment of a Commissioner General for U.S. participation in the Canadian Universal and International Exhibition, and for other purposes.

COMMITTEE ON PUBLIC WORKS

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight Friday, July 31, to file a report on H.R. 11946.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

WHEAT SHIPMENTS TO RUSSIA

Mr. BENNETT of Florida. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BENNETT of Florida. Mr. Speaker, not one grain of wheat has been shipped to Russia or any Communist bloc country under the controversial legislation of 1963 allowing the Export-Import Bank to extend credit for the sale of wheat to Russia.

The Department of Commerce has informed me that no credit has been extended under this law for the shipment of wheat and no such license is contemplated.

The legislation, passed in the closing hours of the first session of the 88th Congress, only gave President Johnson the same power that President Eisenhower had in selling nonstrategic goods to Communist bloc countries but some people have tried to make quite an issue of this.

As a matter of fact, the new law somewhat restricted President Johnson in allowing him to use the credit of the Export-Import Bank compared to the power President Eisenhower had, but in any event it is not being used as the agitators suggest. Some people seem desperate for issues.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1965

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10939) making appropriations for the Department of Defense for the fiscal year ending June 30, 1965, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

The Chair hears none and appoints the following conferees: Messrs. MAHON, SHEPPARD, SIKES, FORD, and OSTERTAG.

COMMITTEE ON GOVERNMENT OPERATIONS

Mr. ROSENTHAL. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations be given leave until midnight Friday, July 31, to file certain reports.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

THE LATE HONORABLE CLAIR ENGLE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to insert in the Record my written tribute on the life and services of our friend and colleague, the late U.S. Senator CLAIR ENGLE.

the intention of the members of the committee having jurisdiction in the name of the House to hold firm in conference when this matter goes to conference.

Mr. ASPINALL. Mr. Chairman, if my friend from Washington will yield, it has always been my thought that the conferees from the House would hold as firmly as possible on matters under their jurisdiction in the conference.

My friend realizes, however, it will be a conference. Sometimes there is a question of playing back and forth a little bit. I hope my friend has confidence enough in the chairman of the committee having jurisdiction over this bill to know that he will stand as firm as he possibly can.

Mr. HORAN. I wish to say here and now that I have every confidence in the gentleman from Colorado. There have been actions by the other body, though, with which I did not agree, and which I would not like to see come out of conference and be enacted into law. It was in that regard I was wondering about the intention of the gentleman from Colorado when the bill goes to conference.

Mr. ASPINALL. If the gentleman will yield further, I shall stand just as firm as it is humanly possible for a Member of this body to stand on the House position on this legislation and on any other legislation.

I believe my colleague from Washington knows that there have been times when there have not been conference reports because of the position the gentleman from Colorado now speaking took in order to uphold the position of the House.

Mr. HORAN. Mr. Chairman, that entirely satisfies me. I have memories of how, during the past 2 or 3 years, the gentleman from Colorado has been castigated in the press for his position and his firmness in this matter. I know of his great convictions. For my own part, I feel them also.

I do want the gentleman from Colorado to know that I feel satisfied after this colloquy.

Mr. SAYLOR. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I should like to ask the gentleman from Colorado a question. Do I correctly understand that no land can be acquired in any amount except upon the authorization and approval of the Congress?

Mr. ASPINALL. With the exception that there may be donations or contributions, the gentleman is right in his understanding. So far as taking land, in holdings or otherwise, the gentleman is correct.

Mr. GROSS. Without regard to the size of the tract?

Mr. ASPINALL. The gentleman is correct.

Mr. GROSS. On page 17 of the bill, near the bottom of the page, the language is as follows: "has outstanding opportunities for solitude or a primitive and unconfined type of recreation."

I wonder what "a primitive and unconfined type of recreation" might be.

I trust this has nothing to do with topless bathing suits.

Mr. ASPINALL. Mr. Chairman, will my colleague from Iowa yield to me?

Mr. GROSS. Of course.

Mr. ASPINALL. I knew in some way or other my genial colleague would get some humor into this debate, and I am glad to add that I do not think this has anything to do with topless bathing suits, or anything like that at all, nor nudist camps, but it just simply means that there will not be any manmade structures about in order to embarrass and handicap the enjoyers of this particular area.

Mr. GROSS. I thank the gentleman for his lucid explanation.

Mr. ASPINALL. Mr. Chairman, I yield such time as he may desire to the gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I support this proposal.

Mr. Chairman, the wilderness preservation legislation we are debating here today is the end product of unceasing and concentrated effort which began in the 84th Congress.

In the space of time involved, 70 bills have been introduced in the Chambers of Congress. Numerous hearings have been held and from these hearings further refinements have been adopted. Finally, after a decade of debate, we have evolved in H.R. 9070 one of the most significant and farsighted pieces of resource conservation legislation developed in our time.

Thousands of Americans have long urged the Congress to work its will to establish a national policy and program to preserve for posterity a part of our unspoiled wilderness. The American people feel that the time has been too long delayed and that Congress should take positive action to assure the permanent reservation of suitable wilderness areas now.

By the enactment of the bill, we would bring about the establishment of a National Wilderness Preservation System of approximately 9.2 million acres of suitable wilderness lands—wilderness areas that currently are being administered as wilderness in our national forests. This bill would provide legislative authority for permanently maintaining these wilderness areas as wilderness for the benefit and enjoyment of all the American people.

In emphasizing, above all, the importance of preserving the wilderness areas in perpetuity on the public lands of this country, I do not wish to detract from the use of wilderness those recreational pleasures that go with it—of hunting, fishing, hiking, swimming, mountain climbing, camping, nature photography, and the general enjoyment of natural scenery and wildlife habitat.

In 1964, with our fast growing population in excess of 192 million, we, especially in the northeastern areas of the United States, are deeply aware of the disappearance of wilderness and other open space recreation resources. We are deeply aware of the rapidity, with which our land resources are being committed

and developed to commercial uses. Opportunities to set aside and develop our lands for outdoor recreation uses are in many instances in danger of being lost forever. We must move with rapidity while there is yet time. Wilderness preservation is an essential part of an action program designed to secure permanent outlets for our outdoor recreation resource needs.

Wilderness recreation has values not present in any other type of recreation. Doctors have testified as to the therapeutic value of an experience in a natural area. Many witnesses in their pleas for passage of the wilderness bill have confirmed that both the intangible spiritual and therapeutic values and other benefits claimed for wilderness recreation are realities which greatly enrich the lives of those who experience them.

We should recognize that true wilderness is not a renewable resource. If these areas are not set aside and given permanent status and protection as wilderness by Congress, the influences of man are going to rapidly erode and consume all that we have.

Time is of the essence, for by the year 2000 there will be more than 300 million people in the United States competing for a share of our country's outdoor recreation facilities. We must act now to preserve these unique areas of remaining wilderness for the benefit of succeeding generations of Americans.

Mr. Chairman, I have received hundreds of letters from constituents in favor of the National Wilderness Preservation System legislation, and I have pointed out to members of the Committee on Interior and Insular Affairs the urgency in getting legislation through Congress in this session. The committee members have been most cooperative, and I want to commend Chairman ASPINALL and the members of his committee for producing this bill we have before us today. I hope that the legislation passes by an overwhelming margin.

Mr. ASPINALL. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. CLARK].

Mr. CLARK. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I am very pleased that Mr. ASPINALL's committee has brought this much-needed legislation before the House for further consideration.

The wilderness bill has long been described as the outstanding conservation legislation before Congress.

I support this bill in its objectives to establish a strong National Wilderness Preservation System.

I believe the amendment to withdraw the already-established San Geronio Wild Area for a commercial ski resort is inconsistent with the purpose of this basic legislation to preserve wilderness and should be eliminated from the bill. The people are permitted now to ski in the San Geronio Wild Area, and many thousands have been doing so.

It has rightfully, I think, been decided that Congress after proper study should determine which areas go into the National Wilderness System. Again, to be consistent, Congress should likewise determine which primitive area if any,

Exhibit 3

DESIGNATING CERTAIN ENDANGERED PUBLIC LANDS FOR PRESER-
VATION AS WILDERNESS, PROVIDING FOR THE STUDY OF ADDI-
TIONAL ENDANGERED PUBLIC LANDS FOR SUCH DESIGNATION,
FURTHERING THE PURPOSES OF THE WILDERNESS ACT OF 1964,
AND FOR OTHER PURPOSES

JULY 27, 1977.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. UDALL, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

together with

SUPPLEMENTAL AND MINORITY VIEWS

[To accompany H.R. 3454]

The Committee on Interior and Insular Affairs, to whom was re-
ferred the bill (H.R. 3454) to designate certain endangered public
lands for preservation as wilderness, to provide for the study of addi-
tional endangered public lands for such designation, to further the
purposes of the Wilderness Act of 1964, and for other purposes, having
considered the same, report favorably thereon with an amendment
and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, beginning on line 3, strike out all after the enacting clause
and insert in lieu thereof the following:

That this Act may be cited as the "Endangered American Wilderness Act of
1977".

STATEMENT OF FINDINGS AND POLICY

SECTION 1. (a) The Congress finds that—

(1) many areas of undeveloped public lands possess and exhibit outstand-
ing natural characteristics giving them high value as wilderness and will,
if properly preserved, contribute as an enduring resource of wilderness for
the benefit of the American people;

(2) certain of these undeveloped public lands meet all statutory criteria
for suitability as wilderness as established by subsection 2(c) of the Wild-
erness Act (78 Stat. 890), but are not adequately protected and lack statu-
tory designation pursuant to the Wilderness Act as units of the National
Wilderness Preservation System;

SECTION-BY-SECTION ANALYSIS

SECTION 1—FINDINGS AND POLICY

This section sets out congressional findings relating to the need to add lands to the National Wilderness Preservation System. These findings are: (1) that many undeveloped public lands have outstanding natural characteristics and are capable of providing an enduring resource of wilderness for future Americans; (2) that certain of these lands are obviously of wilderness caliber but lack formal statutory protection; (3) that many of these lands are threatened by immediate plans for development or extraction of resources; and (4) that these threatened lands are not being adequately protected by the Federal agency responsible for their administration.

On the basis of these findings, Congress has determined that these lands need formal statutory protection to preserve their paramount wilderness values.

SECTION 2—DESIGNATION OF WILDERNESS AREAS

Section 2(a) designates the following areas of the public lands as components of the National Wilderness Preservation System:

(1) *Pusch Ridge Wilderness, Arizona*.—This 56,430 acre wilderness is located in the Coronado National Forest. The area provides a scenic backdrop for the City of Tucson, and its close proximity to the city provides an opportunity to preserve an outstanding primitive recreation experience for the residents of this rapidly growing area. The land to be encompassed by the wilderness is currently the most popular in southern Arizona for activities such as hiking, horseback riding and climbing, and wilderness designation will insure that these activities can continue permanently in their present unspoiled surroundings. While the proposed wilderness has no commercial timber values, its range in altitude affords a chance to study the entire system of life zones in this region of the country, including a small herd of bighorn sheep which inhabits the area. During markup, the committee deleted 80 acres from the original wilderness proposal to exclude an existing archery range and to accommodate citizen requests to develop four trailheads which will provide improved access. Two other exclusions had been proposed; however, after some discussion, the committee concluded that the Forest Service could and should take appropriate steps using existing authority to acquire lands to assure reasonable public access at these and perhaps other locations. A map showing the location of the four exclusions and the other two sites has been placed in the committee files for reference.

(2) *Golden Trout Wilderness, California*.—This 179,625 acre wilderness is located in the Inyo and Sequoia National Forests, and is within a 3-hour drive of Los Angeles. While the area is popular for hiking, horseback riding, hunting, and fishing, the paramount value lies in the controversial watersheds of the Kern and Little Kern Rivers. These rivers provide the native habitat of California's State fish, the golden trout, and a threatened subspecies, the Little Kern Golden Trout. The area is also home for the rare wolverine, burrowing and