



January 26, 2024

Charles F. Sams III  
Director, National Park Service  
1849 C Street NW  
Washington, DC 20240

RE: Evaluation and Authorization Procedures for Fixed Anchors and Fixed Equipment in National Park Service (NPS) Wilderness Areas

NPS Officials:

## **INTRODUCTION**

The New Mexico Climbers' Resource and Advocacy Group (NM CRAG) is pleased to submit these comments on the proposed draft NPS guidance "Evaluation and Authorization Procedures for Fixed Anchors and Fixed Equipment in NPS Wilderness Areas" issued on November 16, 2023. NM CRAG is a New Mexico 501(c)(3) nonprofit corporation that represents climbers across the State of New Mexico to protect access to New Mexico climbing areas while improving and preserving these resources for the future. NM CRAG works with landowners and land managers, educates climbers, and engages in stewardship projects across the State of New Mexico. NM CRAG is an affiliate of the Access Fund.

The breadth of climbing in New Mexico is incredibly diverse from desert to alpine environments. As the federal government manages nearly one-third of the land in New Mexico, much of the climbing resources within the state are on federal lands. The Congressional Research Service in its review of *Federal Land Ownership: Overview and Data*, February 21, 2020, notes that 31.7 % of New Mexico's land is federally managed as of 2018, with approximately 12 % of New Mexico land managed by the NPS and the U.S. Forest Service.

NM CRAG recognizes that although the NPS does manage lands in New Mexico such as at Chaco Culture National Historical Park or Carlsbad Caverns National Park, there is not the same tradition of climbing at the National Parks in New Mexico as compared to Rocky Mountain, Joshua Tree, or Yosemite National Parks. But many of our members travel to climb in these iconic destinations and would be directly impacted by this proposed policy. We therefore have provided a brief comparative history of rock climbing in NM areas that have been designated Wilderness to provide the NPS with an overview and background for NM CRAG's concerns and comments.

In New Mexico, climbers have been recreating on public lands and utilizing fixed anchors well before and during the nearly 60 years since the enactment of the Wilderness Act in 1964. For example, the first documented climb of Organ Needle in the Organ Mountains near Las Cruces was in the early 1900s, and Stephen Christensen established the first technical rock-climbing route up the Wedge in that same range on May 17, 1934. Other climbers explored the Sandia Mountains near Albuquerque in the 1930s. David Brower, one of the most influential people in helping establish the Wilderness Act, placed some of the first bolts on a climb in New Mexico with his team's ascent of Shiprock in 1939. Climbing clubs in New Mexico were established in Los Alamos and Albuquerque in the early 1950s.

Harry Davis and William Ficklin used over 20 pitons and expansion bolts on their first ascent of Sugarloaf in the Organ Mountains, now located within the Organ Mountain Wilderness in the Organ Mountains-Desert Peaks National Monument, on October 30, 1955, only to discover a summit register with the names of German rocket scientists who had made the climb nearly 10 years earlier in 1946. Before 1960, Dick Ingraham, Ron Hahn, and others had established technical rock-climbing routes on each of the 25 major peaks in the Organ Mountain range. Considered cutting-edge for its time, David Hammack and Reed Cundiff made a first ascent of the Southwest Ridge of the Needle in the Sandia Mountains in 1959—now located within the Sandia Mountains Wilderness—and climbers today still use some of the fixed pitons from the early ascents of this route. Then, as now, climbers must rappel off the Needle from fixed anchors to descend this steep formation safely, as well as many of the other routes in the Sandia Mountains Wilderness.

In 1964 when the Wilderness Act was signed into law and climbing was recognized as a valid activity compatible with Wilderness characteristics, climbing in New Mexico and the Organ and Sandia Mountains—as well as other ranges—was already a well-established practice that had always included the use of fixed anchors as demonstrated above.

The proposed NPS draft guidance which cites to NPS Reference Manual 41 (2013) are both premised on a completely new concept that fixed anchors are prohibited “installations” under the Wilderness Act—a finding not supported by the language of or the legislative history of the Wilderness Act. The proposed NPS draft guidance fundamentally ignores the long history of climbing on NPS and other federal lands that predates the Wilderness Act and continues to this day, almost 60 years later. It also fails to recognize how climbing has been managed on NPS and other federal lands, what a fixed anchor is and how fixed anchors are used, and most importantly, that fixed anchors are part of the safety system for climbing and have a long historical precedence. The proposed NPS draft guidance appears to have been constructed without consultation with the climbing community and in utter disregard for public safety.

## **INSTALLATIONS**

The proposed NPS draft guidance is structured on the erroneous premise that fixed anchors are prohibited “installations” under the Wilderness Act. This is a new interpretation of the Wilderness Act unsupported by the language in the Act, its legislative history, and ignores nearly 60 years of climbing in designated Wilderness using fixed anchors. The proposed NPS draft guidance notes:

*This Reference Manual 41 directive clarifies that fixed anchors and fixed equipment (hereinafter referred to as “fixed anchors”) are a type of installation under §4(c) of the Wilderness Act, consistent with the definition of that term in Reference Manual 41 §3.1 as “anything made by humans that is not intended for human occupation and is left unattended or left behind when the installer leaves the wilderness.”*

The NPS commits a key self-referential error by suggesting the proposed NPS draft guidance of the Reference Manual 41 directive is supported by a clear definition of an installation as including fixed anchors; however, that definition is only found in NPS guidance (Reference Manual 41 §3.1) rather the original text in §4(c) of the Wilderness Act. When reviewing the original text of §4(c) of the Wilderness Act, there is no clear indication that a fixed anchor for climbing would be considered an “installation” nor are there indications from contemporary Congressional records in 1964 at the time of the passage of the Wilderness Act that the U.S. Congress intended a fixed anchor for climbing to be considered an “installation.”

This proposed NPS draft guidance interpretation that fixed anchors in Wilderness are prohibited as “installations” ignores the safety of those seeking to climb, and places the public at risk, as fixed anchors are an essential part of the safety system for climbing. Since the adoption of the Wilderness Act, if a climber needs to place a bolt to allow for a safe descent or ascent, they have to hand-drill the hole for the bolt, which is a long, arduous effort, and as a result, has only been used sparingly and when essential for safety. In this way, Wilderness has been protected, fixed anchors have been limited, and climbers have been able to safely recreate in federal Wilderness.

Further, fixed anchors as defined in this proposed NPS draft guidance include all forms of protection that climbers may use to safely ascend or descend a route. For example, often the only means to safely descend routes on isolated formations such as the Petit Grepon in Rocky Mountain National Park or Lost Arrow Spire in Yosemite National Park are to rappel off the tops of the formations using a variety of anchors, from slings wrapped around trees, to pitons, fixed nuts, or bolts. Considering these fixed anchors as “installations” prohibited under the Wilderness Act is equivalent to a de facto ban on climbing in many of these Wilderness areas, as there would be no way to get off many of these formations.

## **MINIMUM REQUIREMENTS ANALYSIS**

The proposed NPS draft guidance states:

*Although fixed anchors may be small, there is no ‘de minimis’ exception to the Wilderness Act’s restriction on installations, and the combined impact of many fixed anchors in a single area or rock wall can have a significant effect on wilderness character. Therefore, fixed anchors constitute a prohibited use pursuant to the Wilderness Act §4(c) and may only be authorized if they are determined to be ‘necessary to meet minimum requirements for the administration of the area for the purpose of [The Wilderness Act]’ through a minimum requirements analysis (MRA).*

As described above in our comments, NM CRAG considers the NPS conclusion that fixed anchors are “installations” to be in error and unsupported by Congressional intent or the last 60 years of federal management with the Wilderness Act. Further, the NPS conclusion that “combined impact of many fixed anchors in a single area or rock wall can have a significant effect on wilderness character” does not provide a usable threshold to avoid each decision maker at a park bringing their own biases as to when there are too many fixed anchors in an area. This failing extends to Director’s Order 41 that suggests “bolt-intensive face climbs [are] considered incompatible with wilderness preservation and management” and does not define what that means. For example, some climbs in Wilderness may have primarily fixed anchors for protection; however, those fixed anchors may be very limited in number across an entire route and considered bold or even dangerous such as many routes in Joshua Tree or Yosemite National Parks.

NM CRAG appreciates the NPS attempt to create a balanced approach to managing fixed anchors such as they describe in Section 4 where a park should “discuss effects on different aspects of wilderness character caused by different levels of fixed anchor use, and possible trade-offs between those effects” and “consider whether climbing is identified as an important recreational activity in the unit’s enabling legislation.”

NM CRAG agrees that various issues should be considered when managing climbing in Wilderness, but the NPS appears to abandon this balanced approach in Appendix B—the MRA outline. For example, in Appendix B when the NPS discusses the five aspects of Wilderness Character, the NPS seems to be pre-decisional when indicating that “Recreational climbing typically does not preserve” the Untrammelled, Undeveloped, Natural, or Other Features of Values Qualities for Wilderness, leaving Solitude or Primitive and Unconfirmed Recreation as the only Quality wherein the NPS feels climbing is compatible with Wilderness. Given how the NPS proposes to make their decisions using these pre-determined conclusions, it seems highly likely that the NPS will decide most fixed anchors are not allowed in NPS Wilderness even though Director’s Order 41 affirms that “climbing is a legitimate and appropriate use of wilderness.”

Park staff and decision makers typically lack any experience to know when a fixed anchor may require replacement and would not have sufficient judgement to evaluate the appropriateness of proposed fixed anchors for new climbing routes. Appendix A, the Backcountry and Wilderness Use Permit Application (Fixed Anchors and Fixed Equipment), demonstrates a lack of understanding how many climbers establish routes from the ground up and cannot know whether a fixed anchor may be necessary for safety depending on the rock condition, availability of protection, etc. Further, many climbers considering this type of ground-up climbing the embodiment of unconfined, primitive recreation and the NPS’s proposed bureaucratic process for establishing new routes in Wilderness diminishes the ability for climbers to have unconfined, primitive recreation.

## **MRA AND MANAGEMENT OF FIXED ANCHORS**

The proposed draft NPS guidance is completely inadequate for replacement and maintenance of existing fixed anchors. This places decision makers with no understanding of climbers or climbing routes in a position to decide their needs for safety. To require an MRA is unsafe and unworkable and

would only endanger the public. In an emergency, safety must be prioritized and not subject to additional administrative processes. Maintenance of existing fixed anchors supports public safety and is best addressed by the users who depend on these resources.

For example, the proposed draft NPS guidance states “On routes that have not yet been evaluated [by an MRA], climbers may make emergency replacements of pre-existing fixed anchors if necessary to exit the climb in the safest and most expeditious manner possible.” By choosing to limit emergency replacements of fixed anchors to exits from climbing routes with pre-existing fixed anchors, the NPS demonstrates a clear lack of understanding of climber needs in emergencies (e.g., storms, rockfall, etc.) that can include choosing to replace a fixed anchor or even placing a new fixed anchor to continue up a route for safety rather than descending long distances.

A further significant consideration is the instances where replacement of existing, unsafe fixed anchors needs to occur on a non-emergency basis given that the proposed draft NPS guidance is unfunded and there is no clear timeline for agency staff to complete any MRAs, programmatic or individual, that would allow climbers to replace any unsafe existing fixed anchors. Essentially, the NPS currently lacks the money to identify fixed anchors or their purported impacts on Wilderness character and this proposal includes no additional funding to update formal park plans or Wilderness Stewardship Plans to address wilderness climbing, much less complete MRAs—the proposed action is therefore a recipe for inaction by the agency.

In New Mexico, we have a clear example of what happens when a federal agency creates an unfunded mandate to manage climbing, however well intended. In 2012, the BLM Taos Field Office issued their Resource Management Plan that included a simple statement “Installation of new rock-climbing routes or hardware will require pre-approval by the BLM.” Over the decade that followed, various climbers approached the BLM staff to ask how this pre-approval process would work and if they could get approved to replace old hardware with new hardware or if they could establish new routes. Some climbers got verbal approval from various BLM staff and other climbers got responses indicating that there was no formal process to approve new hardware. In the meantime, fixed anchors became unsafe with no administrative process to approve their replacement with new hardware. Only after 11 years did the BLM issue an environmental assessment (EA) to create a process for how climbers could get new hardware or routes approved in the Taos BLM Field Office. Now more than a year later, the BLM has indicated that they do not have enough staff to complete the EA and issue a decision on how to approve new climbing hardware or routes. Meanwhile, there is no approved way to maintain safety for climbing hardware on the BLM-managed land in the Taos Field Office.

NM CRAG is sympathetic to the funding shortcomings at federal agencies, which is why we organize various trail maintenance and clean-up days at local crags each year and routinely volunteer our time to help agencies. Agencies, however, are chronically understaffed and underfunded, with fighting fires or other efforts taking precedence over managing climbing resources. It is a reasonable conclusion to assume that if this unfunded, unstaffed NPS proposal is adopted for management of climbing and fixed anchors on NPS-managed Wilderness, this would lead to the NPS taking no action for years, if not decades, and would leave responsible climbers in limbo as to how best to proceed with maintenance of existing fixed anchors as well as establishment of any new climbing routes when NPS staff have no

obligation to complete any of these proposed actions (MRAs and evaluation of proposed new routes) in a timely manner. Essentially, the action alternative would be just like the no action alternative—an agency with no funds or staff to enforce climbing in the parks. It is unclear, therefore, the proposed draft NPS guidance meets the purpose and need.

## **CONCLUSION**

Given the significant defects described above in the proposed draft NPS guidance, particularly the NPS conclusion that fixed anchors are “installations,” which is unsupported by the text of the Wilderness Act or contemporaneous Congressional intent; turns aside decades of precedent; and undermines safe use of NPS-managed parks, NM CRAG believes that consultation and working with the climbing community is the most prudent path forward, rather than proceeding with the proposed draft NPS guidance that arguably endangers the public and would likely eventually prohibit much of the recreational climbing on NPS-managed Wilderness.

Respectfully,

New Mexico Climbers' Resource and Advocacy Group

A handwritten signature in black ink, appearing to read "Bryan Pletta", followed by a horizontal line extending to the right.

Bryan Pletta  
President