

Appendix

1 US Forest Service

1.1 Definitions used in FS Documents

Climbing - A wide spectrum of techniques used to ascend, descend, or traverse technical rock and frozen terrain, including but not limited to bouldering, rock climbing, mountaineering, canyoneering, and ice climbing.

Climbing Opportunity - A user-created or primarily user-created dispersed recreation area on NFS lands with no, minimal, or limited FS investment or amenities where climbing may be performed.

Fixed Anchor - Climbing equipment such as a bolt or piton that is left in place to facilitate ascent, descent, or traverse of technical terrain.

Fixed Equipment - Climbing equipment other than a fixed anchor that is left in place to facilitate climbing, such as a fixed line or ladder.

Motorized Drill - A device that uses a motor, engine, or other non-living power source to drill holes for the installation of fixed anchors or fixed equipment.

Sacred Site - Any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian Tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion, provided that the Tribe or appropriately authoritative representative of an Indian religion has informed the FS of the existence of such a site (EO 13007, sec 1).

1.2 Principal Authorities

The legislation and regulations governing climbing on National Forest Service lands that support the proposed directives:

1. The Organic Administration Act (16 U.S.C. 551)

Authorizes the Forest Service to regulate the occupancy and use of national forests.

2. Bankhead–Jones Farm Tenant Act (7 U.S.C. 1011(f))

Authorizes the Forest Service to regulate the use and occupancy of national grasslands.

3. Wilderness Act of 1964 (16 U.S.C. 1131-1136)

Specifies congressional policy to secure for the American people an enduring resource of wilderness for the enjoyment of present and future generations; defines wildernesses as areas that are untrammeled by people and that offer outstanding opportunities for solitude; directs agencies to manage wilderness to preserve natural ecological conditions;

and, with certain exceptions, prohibits motorized equipment, structures, installations, roads, commercial enterprises, aircraft landings, and mechanical transport in wilderness.

- 4. National Historic Preservation Act of 1966 (NHPA) (54 U.S.C. 300101 et seq.)**
Obligates Federal agencies to consider the effects of their undertakings on historic properties.
- 5. Archaeological Resources Protection Act of 1979 (ARPA) (16 U.S.C. 470aa et seq.)** Provides for criminal and civil penalties for unauthorized or attempted unauthorized excavation, removal, damage, alteration, or defacement of any archaeological resource on Federal or Indian lands and prohibits the sale, purchase, exchange, transportation, or receipt of any archaeological resource obtained from Federal or Indian lands or offering to sell, purchase, or exchange any archaeological resource obtained from Federal or Indian lands.
- 6. Section 8104 of the Food, Conservation, and Energy Act of 2008 (25 U.S.C. 3054)**
Upon the Forest Service's approval of a request from an Indian tribe, this act authorizes the Forest Service to close temporarily to public access specifically identified NFS lands to protect the privacy of Tribal activities for traditional and cultural purposes. Section 8102(5) of the FCEA defines the term "Indian tribe" as any Indian or Alaska Native Tribe, band, nation, pueblo, village, or other community, the name of which is included on a list published by the Secretary of the Interior pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (24 U.S.C. 479a1). Under section 8102(9) of the FCEA, the term "traditional and cultural purpose" with respect to a definable use, area, or practice means that the use, area, or practice is identified by an Indian tribe as traditional or cultural because of the long-established significance or ceremonial nature of the use, area, or practice to the Indian tribe.
- 7. Executive Order (EO) 13007, Indian Sacred Sites**
Directs Federal agencies to accommodate access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners and to avoid adversely affecting the physical integrity of those sacred sites.

1.3 Climbing Management

The proposed directives for managing climbing opportunities were developed in conformance with at least the seven existing laws or regulations noted above plus existing Forest Service Manuals. The aims and intentions of climbing management:

1. Serve visitor needs, meet land management goals and recreation policy objectives, emphasize the natural setting of NFS lands and that are consistent with applicable land management plans including climbing management plans (CMP).
2. Align with management and protection of natural and cultural resources on NFS lands.

3. Recognize that climbing has long been an important and historically relevant form of primitive or unconfined recreation consistent with Wilderness character. Climbing is an appropriate use of FS lands but may be restricted or prohibited when its occurrence, continuation, or expansion would adversely impact Wilderness character.
4. Develop CMPs on lands with one or more climbing opportunities and prioritize CMPs in Wilderness and in locations outside Wilderness with the highest level of need; i.e., high levels of use, use conflicts, or resource degradation. CMPs must be consistent with applicable law and regulations.
5. Recognize that the placement of a fixed anchor or fixed equipment does not necessarily impair the future enjoyment of Wilderness or violate the Wilderness Act¹. However, the placement, replacement and retention of fixed anchors and fixed equipment in Wilderness would be allowed when it is determined they are the *“minimum necessary for administration of the area under the Wilderness Act; i.e., they would be subject to a Minimum Requirements Analysis (MRA). Existing fixed anchors and fixed equipment may be retained pending completion of an MRA.*
6. Recognize that climbing that does not rely on the use fixed anchors and fixed equipment and does not concentrate human activity constitutes primitive and unconfined recreation. This type of climbing includes the use of temporary anchors and equipment that can be removed; e.g., slings, cams, nuts, chocks, stoppers, and removable pitons. This form of climbing may occur in Wilderness unless prohibited by a closure order.
7. Establishment of bolt-intensive climbing opportunities (e.g., sport climbing) may be incompatible with the preservation of Wilderness character.
8. Recognize that FS personnel are not responsible for the placement or replacement, or assessing or ensuring the safety of fixed anchors and fixed equipment on NFS lands. Climbers have personal and exclusive responsibility for assessing the safety of installed fixed anchors and fixed equipment. Climbers are responsible for placement and replacement of fixed anchors and fixed equipment when those activities are authorized by a land management plan or CMP. FS will allow the placement or replacement of fixed anchors and fixed equipment for emergency operations by climbers, the FS, or other Federal, State, or local governmental personnel when necessary to facilitate emergency operations.
9. Promote stewardship opportunities and collaboration with climbing organizations.

¹ This language is similar to that found in NPS Director’s Order No. 41 which goes on to say...“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” (section 7.2 Wilderness Use Management – Climbing).

10. Prioritize and prepare CMPs for climbing opportunities in designated Wilderness, and for climbing opportunities outside Wilderness where climbing is causing adverse resource impacts or use conflicts. CMPs must be prepared in accordance with applicable law and directives and with public input, including from user groups such as local climbing organizations. Use of FS resources and leveraging funding or other forms of assistance through cooperative agreements with climbing organizations will be considered in achieving desired outcomes of CMPs.

A CMP should:

10.1. Include management objectives and reduce visual impacts of climbing equipment to the extent possible.

10.2. Consider past, current, and anticipated climbing trends and demand.

10.3. Address access to climbing opportunities.

10.4. Include applicable recreation fees and special use authorization requirements.

10.5. Provide for monitoring of the associated climbing opportunity to assess the need to minimize adverse impacts and to enhance understanding of climbing trends and demand.

10.6. Include guidance on fixed anchor and fixed equipment placement and replacement by climbers. Consider adverse impacts on natural and cultural resources in providing guidance.

10.7. Include public safety, search and rescue, and other emergency procedures.

10.8. Include a strategy for managing human waste, trash, and graffiti.

10.9. Address protection of natural and cultural resources.

10.10. Restrict 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 under the Wilderness Act; i.e., a determination resulting from an MRA.

Minimizing Impacts

Promote principles of resource protection and outdoor ethics such as Leave No Trace. Tribal consultation may influence the management of climbing opportunities, and the public will be informed of ways to minimize or mitigate impacts on Tribal cultural resources. The same applies for places that are listed or eligible for listing on the National Register of Historic Places during consultation under the National Historic Preservation Act.

Public Safety

Address public safety at climbing opportunities through cooperation with climbing organizations, dissemination of information, public contact, and law enforcement.

Sanitation

Provide sanitation facilities at climbing opportunities consistent with the applicable CMP. Appropriate sanitation facilities may range from various types of on-site toilets to a requirement for complete removal of human waste.

Trails

Approach routes for climbing opportunities may be classified as FS trails if necessary. Approach routes established as FS trails must be identified, classified, documented, and inventoried consistent with FS regulations.

Recreation Special Uses

Special use permits may be consistent with CMPs.

Compliance with Natural and Cultural Resource Laws

The management of climbing opportunities and the development of CMPs will comply with an array of federal laws and regulations such as: National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), tribal relations (e.g., Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*), Archeological Resources Protection Act (ARPA).

Volunteers

Encourage volunteer participation in projects such as planning, mapping and inventorying climbing opportunities. Use volunteer service agreements and memoranda of understanding.

Research

FS may authorize research associated with climbing opportunities to increase knowledge and improve management of climbing opportunities; e.g., research that examines ways to prevent long-term adverse impacts on those opportunities.

2. US National Park Service

2.1 Fixed Anchor Application Procedures

Regardless of whether approval is issued through a Park-wide, climbing area (crag) or route-specific MRA review, the park should use a permit process for specific installation or replacement requests to ensure compliance with any special terms, conditions, or special provisions. NPS has developed an application form, shown in Appendix A of the draft Reference Manual, that climbers would use to apply for a permit to replace or install fixed anchors in 'backcountry' and Wilderness. In the permit application, climbers are to indicate type of use, prepare an itinerary showing the route(s) and locations (GPS coordinates, sketch, map, photo) of fixed anchors to be installed/replaced and the hardware to be used in the work.

Fixed Anchor Evaluation Procedures - Minimum Requirements Analysis (MRA)

MRAs are required for individual, case-by-case applications to install fixed anchors, or on a programmatic basis if desired conditions, thresholds, and decisions regarding fixed anchors are established through a CMP. MRAs would serve as the interagency standard for assessing the need for fixed anchor installation/replacement throughout the US Wilderness Preservation System.

There are two steps to an MRA 1) determine whether an action is necessary for administration of the area as Wilderness, and if so, 2) stipulate the method or tool to accomplish the action with the least adverse impact on Wilderness character.

NPS and other Wilderness management agencies (such as USFS) define 'Wilderness character' according to five specific qualities based on the definition of 'Wilderness' in the Wilderness Act. 16 U.S.C. §1131(c). These qualities include: (1) natural; (2) untrammeled; (3) undeveloped; (4) outstanding opportunities for solitude or a primitive and unconfined type of recreation; and (5) other features of ecological, geological, scientific, educational, scenic, or historical value. If the park finds that providing for recreational climbing is necessary for *administering the wilderness area for wilderness purposes*, then a range of alternatives to accommodate climbing activities are analyzed in Step 2 of the MRA process.

This analysis would consider a range of alternatives for different levels of fixed anchor use to accommodate recreational climbing in Wilderness, including an option that considers the impacts of not authorizing fixed anchors or of denying the application for a permit to install them. A comprehensive outline for evaluating recreational climbing and fixed anchor applications in Wilderness through the MRA process is shown in Appendix B of the draft Reference Manual. Appendix B is a five-page outline whose last step is the description of the *minimum necessary requirements for administration* of the area for Wilderness Act purposes.

Fixed Anchor Authorization Procedures

If a specific application to install a fixed anchor is approved through either a programmatic or a site-specific MRA, the park should issue a permit to authorize the installation and set appropriate terms and conditions.