



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Natural Resources
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

550 West 7th Avenue, Suite 1430
Anchorage, AK 99501-3561
Main: 907.269-8690
Fax: 907-269-5673

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Fixed Anchors
National Park Service
1849 C Street NW, MS-2457
Washington, DC 20240

Submitted electronically on NPS Planning, Environment, and Public Comment Page (PEPC)
and via email to fixed_anchors@nps.gov

Re: Evaluation and Authorization Procedures for Fixed Anchors and Fixed Equipment in
National Park Service Wilderness Area

To Whom it May Concern:

The State of Alaska (State) reviewed the National Park Service (NPS) draft additions to Wilderness Stewardship Reference Manual 41 (RM41) guidance governing the management of climbing activities in wilderness areas in the National Park System. RM41 addresses the management of recreational climbing activities in wilderness, including the evaluation and authorization process for fixed anchors and fixed equipment associated with climbing activities in NPS administered wilderness areas. This includes guidance for implementing a minimum requirements analysis (MRA) to determine whether fixed anchors are necessary to preserve wilderness character and further wilderness values, including recreation.

The State supports public access to public lands, and the continuation of traditional activities such as climbing. The State resource agencies, including the Departments of Natural Resources (DNR) and Fish and Game (ADF&G), offer the following comments.

We have concerns that these revisions are a step towards the elimination of other Congressionally intended uses such as fishing, hunting, and trapping in Alaska. Climbers have traditionally enjoyed primitive recreational use of wilderness areas, and there are many other historic and legitimate user groups that enjoy wilderness, including hunters, anglers, and trappers that would be impacted by increasing restrictions on recreational activities and access.

We request that the final rule exempt Alaska from these requirements. If Alaska is not exempt, we request the final RM41 specify that the placement, use, and maintenance of new and existing fixed anchors be allowed on NPS lands, including designated wilderness, unless significant impacts to natural or cultural resources are documented.

Alaska National Interest Lands Conservation Act (ANILCA)

The Alaska National Interest Lands Conservation Act (ANILCA) was passed by Congress in 1980 with special recognition of the importance of traditional activities in Alaska, including in

Wilderness areas. Climbing is a traditional activity in Alaska NPS backcountry and wilderness areas, as it occurred prior to the passage of ANILCA in 1980, and access for traditional activities is protected by ANILCA Section 1110. Permit requirements, if determined necessary for Alaska parks, must be implemented by park-specific regulation after following the closure process outlined in Department of Interior (DOI) regulation 43 CFR 36.11 for Special Access. Pursuant to those regulations, the Secretary must find that the use is detrimental to the resource values of the affected wilderness. The provisions of ANILCA clarify Congress' intent for the unique management of parks in Alaska. Specific uses are allowed in Alaska parks and wilderness without a permit that are not allowed in parks outside of Alaska. Parks in Alaska are "open until closed" under ANILCA to accommodate the existing Alaskan lifestyle that relies on access for harvesting fish and wildlife resources and travelling across the vast landscape of Alaska conservation system units (CSUs), where few roads exist and where most areas of the state are accessible only by boat, snow machine, or aircraft.

Additionally, while the proposed rule is directed at climbers, other user groups also use fixed anchors. Hunters may use a fixed anchor to haul harvested game, anglers use fixed anchors for set nets or fish wheels, and trappers may use fixed anchors on their traps. In Alaska, the NPS must clarify this directive does not apply to state wildlife agency activities and those user groups due to Sec. 1316(a) of ANILCA,

On all public lands where the taking of fish and wildlife is permitted in accordance with the provisions of this Act or other applicable State and Federal law the Secretary shall permit, subject to reasonable regulation to insure compatibility, the continuance of existing uses, and the future establishment, and use, of temporary campsites, tent platforms, shelters, and other temporary facilities and **equipment directly and necessarily related to such activities.**
[emphasis added]

We request an exemption for the use of fixed anchors for hunting, fishing, and trapping in recognition of Sec. 1316(a) of ANILCA.

Section 1: Background and Purpose

The State agrees with the NPS in affirming climbing as a "legitimate and appropriate use of wilderness" and that thoughtful use of permanent anchors do not impair the future enjoyment of wilderness or violate the Wilderness Act (p. 3). However, we disagree with the assertion that fixed anchors and equipment require a minimum requirements analysis (MRA) as "installations" under Section 4(c) of the Wilderness Act. The use of permanent bolts and anchors for belay, rappel, or protection purposes are appurtenant to the activity of climbing. Because climbing is already established as appropriate in wilderness, activities appurtenant to climbing – especially to climbing safety – should not require an MRA. NPS has sufficient oversight tools through the existing permitting process to protect wilderness areas not suitable for climbing with permanent installations.

Section 2: Climbing Management

The draft manual does not address the barrier of requiring an MRA process in addition to planning and permitting processes for each application to establish permanent fixtures. One

major concern is that a shortage of funding and staff to support both planning and permitting as well as an MRA for each application will create delays that amount to closures or blocks to climbing in wilderness. While we recognize the NPS allowance of emergency bolt replacements and interim guidance or strategies, this does not address the MRA process. Additionally, superintendents may prohibit new or replacement anchors until a formal planning process is completed, which the NPS notes may take place “as funding and resources allow” (p. 5). Because fixed anchors for climbing are largely a matter of safety, these processes must be prioritized.

Traditional Wilderness Use

The proposed RM41 attempts to include recreational climbing fixed anchors with permanent installations. Climbing, including fixed anchors, is a historic use of designated wilderness. If the use of fixed anchors was considered a prohibited activity by the proponents and the Congress who signed the Wilderness Act in 1964, the NPS-asserted issue would have been captured in the legislative history and generally prohibited like the other examples of structures or installations (e.g., fire towers and breaks, buildings, fences, communication towers, and impoundments). Gear historically used by climbers is not a permanent installation. We request the NPS remove fixed anchors from the definition of installation.

Unreasonable Restrictions

The proposed need for an MRA to replace fixed anchors seems to be a precursor to additional restrictions on traditional activities, and a step towards overly prescriptive management that would restrict or eliminate Congressionally allowed uses. The NPS has existing tools and legal authority to manage climbing when it is causing impacts to resources without adding these restrictions. For example, they can close specific routes and areas under existing authorities.

Negative Impact on Climbing Activities

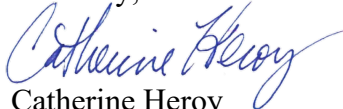
The proposed directive undermines the long-standing tradition of climbing in Wilderness areas and renders many historic/classic routes inaccessible. It ignores the safety concerns associated with removing existing anchors and relying solely on natural features for protection. Replacing existing anchors with less secure alternatives would significantly increase the risk of accidents and fatalities both to individuals climbing and others in the area.

Additionally, the ban on new anchors would discourage safe game retrieval (i.e. mountain goats), stewardship efforts, and limit the development of safer climbing routes in the future.

Closing

Thank you for the opportunity to comment. Please contact me at (907) 269-0880 or by email at Catherine.heroy@alaska.gov to coordinate any follow up discussions.

Sincerely,



Catherine Heroy
Federal Program Manager