



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

August 14, 2026

U.S. Fish and Wildlife Service
Cynthia Martinez, Chief
Attn: Docket No. FWS-HQ-NWRS-2026-1618
Policy and Regulations Branch
5275 Leesburg Pike, MS: PRB (JAO/3W)
Falls Church, VA 22041-3803

Submitted online at [regulations.gov](https://www.regulations.gov)

Re: Wilderness Administration and Resource Stewardship; Managing Climbing Activities in Wilderness

Dear Chief Martinez,

The State of Alaska (State) reviewed the draft guidance memorandum issued by the United States Fish and Wildlife Service (USFWS) on June 15, 2026 (Docket No. FWS-HQ-NWRS-2026-1618). The draft memorandum provides guidance to implement Section 122 of the Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act (P.L. 118-234). The comments below incorporate input from the Departments of Natural Resources (DNR) and Fish and Game (ADF&G).

Section 122 of the EXPLORE Act recognizes that climbing is an appropriate use in Wilderness Areas within the National Wilderness Preservation System (NWPS) and requires that Department of Interior (DOI) Agencies draft guidance specifically describing the requirements for placement and maintenance of fixed anchors along climbing routes. While we support the DOI's effort to establish national consistency regarding climbing access and fixed anchor management, the draft guidance falls short of fully recognizing the statutory protections granted to public access, safety, and traditional harvest activities within the State of Alaska under the Alaska National Interest Lands Conservation Act (ANILCA).

To ensure the final guidance aligns with federal statutory mandates and avoids creating unnecessary administrative burdens, we request the USFWS address the following key areas prior to finalization. Additionally, any national templates or sideboards provided for refuge climbing activities should include Alaska specific sections or regional templates, or sideboards should be provided for Alaska.

ANILCA and the Statutory Context of the EXPLORE Act

Management of recreational activities within the National Wildlife Refuge System (NWRS) in Alaska is governed by the National Wildlife Refuge System Administration Act (NWRSA) of

1966, as amended by the NWRS Refuge Improvement Act of 1997 (Refuge Improvement Act), and ANILCA. The Refuge Improvement Act includes an explicit savings clause to ensure that in the event of a conflict between any provision of the Act and any provision of the ANILCA, the provisions of ANILCA prevail (Section 9, Refuge Improvement Act). Within designated wilderness, the Wilderness Act also works within the framework of ANILCA. The USFWS has consistently recognized that its refuge lands in Alaska must be managed differently than in the Lower 48. Unlike other DOI agencies, USFWS has existing guidance (610 FW 5) that specifically addresses the unique provisions of ANILCA that must be considered in administering NWPS areas in Alaska.

The EXPLORE Act works within the framework of both the Wilderness Act, NWRSAA and ANILCA, a fact demonstrated by the statement that “guidance issued [through the EXPLORE Act] shall ensure that recreational climbing activities comply with the laws (including regulations) applicable to the covered Federal land”. In Alaska, the “Federal land” referenced in the EXPLORE Act’s recreational climbing provision refers specifically to designated wilderness areas which are established as Conservation System Units (CSUs) at the passage of ANILCA. Congress enacted ANILCA with the explicit intent to preserve traditional activities, remote access, subsistence, and outdoor uses across Alaska’s 76+ million acres of NWRS lands, as well as other CSUs in Alaska.

In this context, the NWRSAA, Wilderness Act, ANILCA, and the EXPLORE Act provide that climbing activities, including the use of fixed anchors, constitute uses that are both appropriate and traditional in the designated wilderness areas of Alaska that are managed by the USFWS. Section 122 of the EXPLORE Act explicitly mandates that climbing guidance comply with existing laws applicable to covered federal lands. In Alaska, national USFWS policies cannot restrict statutory rights and exemptions guaranteed by Congress in ANILCA.

- **Recommendations:**

- Insert, in 610 FW 5.5A, explicit statement identifying that recreational climbing is a traditional activity in Alaska, occurring prior to the passage of ANILCA in 1980. The guidance must state that national restrictions regarding access, fixed anchors, or climbing tools (including motorized equipment) shall not restrict or impair access rights, traditional activities, or statutory exemptions under ANILCA (1316(a)).
- In the Draft Guidance Section C: *EXPLORE Act*. We recommend adding the following addition:

- **6. Alaska Refuge Lands Framework:**

- In accordance with ANILCA and 50 CFR Part 36, national permit requirements or motorized tool restrictions outlined in this guidance shall not impair traditional access, primitive recreation, or lawful harvesting activities on NWRS lands in Alaska. Public climbing access, difficult terrain travel, and necessary fixed anchor placement/maintenance, including the use of motorized tools and equipment, shall remain open under an "open until closed" standard without individual Special Use Permit requirements, unless a specific area or route is formally closed in full

compliance with the public notice, local hearing, and procedural requirements of ANILCA and 50 CFR § 36.42 / 43 CFR § 36.11.

Recognizing Climbing and Fixed Anchors for Traditional Activities & Access

Many Alaskan Refuges have difficult or technical terrain. Climbing tools such as ropes, fixed anchors, winches, and mechanical advantage systems are not used solely for sport climbing, but serve as critical safety tools for:

- Traditional harvesting, hunting, and game retrieval in cliff/difficult terrain environments;
- Raptor collection and falconry access;
- Trapping, subsistence activities, and dipnetting;
- Fish and wildlife monitoring and backcountry safety.

Under Section 1316(a) of ANILCA, the use of temporary facilities and equipment, including hand-portable motorized tools (e.g., battery-operated drills, winches, ice augers, power saws) that might otherwise be strictly evaluated in lower-48 wilderness, is statutorily permitted where the taking of fish and wildlife is allowed.

The USFWS's blanket categorization of all motorized equipment used during anchor installation as requiring a Minimum Requirements Analysis Framework (MRAF) in Wilderness Areas (Section 3 of the draft memo) directly conflicts with ANILCA Section 1316(a) when applied to Alaska.

- **Recommendation:** Amend Section 3 (*Wilderness Resources*) and 610 FW 5 to clarify that while motorized equipment generally triggers an MRAF under standard Wilderness Act application, motorized tools and mechanical systems used in support of traditional harvest activities, safety, and access protected under ANILCA Section 1316(a) are statutorily exempt from MRAF requirements in Alaska Refuge Wilderness. Suggested additions are provided:

3. Wilderness Resources: In designated and proposed wilderness areas, rock climbing must also comply with the Wilderness Act (16 U.S.C. 1131-1136) and, in Alaska, the Alaska National Interest Lands Conservation Act (ANILCA). The EXPLORE Act affirms the continued use and maintenance of recreational climbing routes (including fixed anchors along the routes) in existence as of the date of the law's enactment (January 4, 2025). Pre-existing fixed anchors and fixed anchors proposed to be installed after January 4, 2025, will not be considered installations under the Wilderness Act, as they are *de minimis*, and therefore will not require a Minimum Requirements Analysis Framework (MRAF). Fixed equipment such as chains, ladders, ropes, and slings will be considered installations under section 4(c) of the Wilderness Act (16 U.S.C. 1133(c)), as well as the use of motorized equipment (e.g. battery-operated drills) for installation of equipment, and thereby require an MRAF, except where such equipment is utilized in Alaska pursuant to statutory protections under ANILCA Sections 1110(a) and 1316(a). Additionally, we disagree that ordinary sling, webbing and cord components used as part of a fixed anchor are actually "fixed equipment". These components should not require an MRAF.

- Add language clarifying that emergency or exigent circumstances allow climbers to place or replace anchors without prior approval and require the removal of emergency anchors only when it is safe, practical, and improves refuge values. This should be similar to what is found in the NPS guidance.

Streamlining "Appropriateness" and "Compatibility" Determinations

Under Section 1 of the draft guidance, the USFWS proposes that climbing undergo an "Appropriateness Determination" (603 FW 1), framed either as a mode of access to Wildlife Observation or as an "Other General Public Use."

While we recognize the statutory obligation under the NWRS Improvement Act to evaluate refuge uses, treating climbing and difficult terrain access as a separate activity requiring complex administrative justification creates unnecessary barriers. Climbing and difficult or technical terrain travel are primitive, non-motorized, low-impact activities inherently compatible with wilderness preservation, often necessary to conduct wildlife-dependent harvest activities, and refuge priority public uses.

Appropriateness and compatibility determinations should not become a barrier to climbing. Climbing is a low-impact activity where impacts can be managed.

Furthermore, since refuges are areas where the take of fish and wildlife is allowed, requiring a discretionary Special Use Permit (SUP) for routine climbing activities and anchor maintenance using motorized tools or equipment reverses the statutory presumption established by ANILCA that federal lands in Alaska are open to traditional public access until formally closed.

• Recommendation:

- Direct refuge managers in Alaska to recognize climbing and difficult terrain access as a standard, allowable mode of access for fish and wildlife harvest activities, as well as a primitive recreation activity, and that these are presumptively appropriate.
- Clarify that in Alaska, SUPs or local management plans are **not** required as a standard prerequisite for individual public climbing access or routine fixed anchor maintenance, except for commercial guiding or large organized events. Ensure that reasonable timelines and clear criteria are provided for any required permits.
- Provide direction to base any denial on significant impacts to refuge purposes or resources.
- Mandate that any appropriateness or compatibility determinations deeming climbing non-compatible must be grounded in documented, site-specific scientific evidence of significant wildlife population or habitat impact rather than generalized administrative concerns.

Adherence to Formal Closure Processes (43 CFR Part 36 / 50 CFR § 36.42)

If the USFWS or an individual refuge manager intends to restrict climbing access, ban fixed anchors or motorized tools, or require mandatory permits for wilderness access in Alaska, it

cannot do so through internal memorandum directives, discretionary manager decisions, or informal local notices.

Congress established a specific regulatory mechanism for closures and restrictions on federal lands in Alaska. Under 43 CFR § 36.11(h) and USFWS Alaska-specific regulations at 50 CFR § 36.42 (implementing ANILCA Section 1110(a) and Title XIII), the Department of the Interior must follow strict procedural requirements prior to restricting access or equipment usage, including:

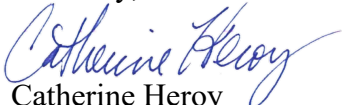
1. Making formal determinations that a specific activity causes significant resource degradation or user conflict;
 2. Providing public notice and holding local public hearings in affected communities; and
 3. Publishing proposed closures in the Federal Register.
- **Recommendation:** Add language to Section 5 (Monitoring, Adaptive Management, and Closures) specifying that any access restrictions, gear bans, or permit mandates affecting NWRS lands in Alaska must fully comply with the procedural, public hearing, and notice requirements of ANILCA and 50 CFR § 36.42 / 43 CFR § 36.11.

Closing

Thank you for the opportunity to review and comment. By modifying the draft guidance, as well as 610 FW 5, to account for ANILCA's statutory provisions and recognizing the multi-use nature of climbing equipment for traditional activities and public safety, the U.S. Fish and Wildlife Service can successfully implement the EXPLORE Act while preserving wilderness character, public access, maintain user safety, and respect the unique rights and traditional harvest activities of Alaskans.

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