

## **Use of Fixed Rock Anchors by Climbers in National Forest Wilderness Areas**

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### Introduction

Historically, conflicts over public land use and management have arisen between the contrasting interests of preservation and commercial use (Laitos, 1999; Farnham, 1995). The Multiple Use Sustained Yield Act of 1960 set the stage for these types of conflicts in the National Forest System. According to a 1995 study in the Policy Studies Journal, however, Forest Service management activity has demonstrated a shift in management emphasis from commodity-based resource management (oil and mineral extraction, timber harvesting) to non-commodity or non-consumptive resource management (biodiversity, preservation, recreation, and wilderness values) (Farnham, 1995). While it's true that oil drilling in the Arctic National Wildlife Refuge and the new Roadless Initiative on Forest Service lands have gained much attention recently, conflicts between recreation and preservation-based management are gaining public attention.

Reviews of statutes governing uses on public lands in the United States shows a large increase in lands set aside for preservation and recreation and a corresponding decrease in those set aside for commodity extraction (Laitos, 1999). This shift away from multiple-use management is creating new areas of conflict over public land use and management. Professor Jan Laitos of the Denver College of Law states that America's public lands have "undergone a fundamental change. They are now dominated by just two non-consumptive uses - recreation and preservation" (Laitos p.2). She predicts that most future land use conflicts will be between recreational and preservationist interests. The United States Forest Service Ban on fixed anchors in Wilderness Areas is an excellent case study on this type of land management conflict. No

other issue better illustrates the growing conflict between managing public lands for preservation and managing them for recreational uses, although many examples do exist, for example snowmobiling in Yellowstone, tour flights in the Grand Canyon, etc.

What sets this issue apart is that it is the first such issue where the U.S. government responded with a federally binding rule. Recreational issues on government lands have traditionally been handled on an individual basis. After a controversial fixed anchor ban in the Sawtooth Wilderness Area of Idaho, the federal government initiated a rule that banned all new fixed anchors in official Wilderness Areas. A Negotiated Rulemaking Committee was established by the Forest Service to come up with a national policy for fixed anchors in USFS Wilderness Areas. After meeting four times, the committee failed to reach a consensus on a new policy. The Forest Service will now be using the scattered recommendations of the committee to formulate a new policy on its own. The policy was due to be released before the close of the year 2000, but the switch to a new administration has postponed this indefinitely.

The Fixed Anchor question has been a highly heated one, albeit with limited participants. There are clear distinctions between the different stakeholders involved. Major stakeholders include: climbers, conservationists, the outdoor equipment industry, and Wilderness management agency employees. This paper provides a history of the fixed anchor controversy, a brief stakeholder analysis, policy recommendations, and a short foray into wilderness ethics. While the stakeholder analysis provided is factual and explanatory, the final analysis is based on my own synthesis of readily-available, relevant data on public opinion, economics, and conservation biology. The work of Wilderness historian Roderick Nash is also incorporated to examine the larger philosophical and ethical values behind wilderness use debates.

### The Birth of a Controversy

Fixed anchors are small metal devices used in the sport of rock climbing, which are drilled or pounded into the faces of cliffs to enable ascent and/or descent of a cliff, mountain or boulder. They can take the form of nylon slings, bolts or pitons. Typically, these anchors are placed by the first ascent party and are then used by other climbers for an indefinite period of time (USDA, 1999).

The use of fixed anchors in federally-managed Wilderness Areas first gained the attention of the United States Forest Service in 1988 when visitors in the Superstition Wilderness Area in Arizona complained of the visual impacts of climbing bolts and chalk on a cliff face (USDA, 1998; Neville, 2000). Forest Service officials soon installed signs that read “No Bolting,” since the Wilderness Act doesn’t allow visitors to leave behind personal property (Neville, 2000). A dispute between climbers and forest Service Wilderness Managers ensued and soon the National Task Force Group on Fixed Anchors in Wilderness was created (USDA, 1999). The group, which was comprised mainly of Forest Service lawyers referring to the Wilderness Act for guidance, concluded that anchors be allowed, but could be managed as required by individual forest management plans. In the years that followed, several National Forest Wilderness Areas had to wrestle with the issue on their own without a national directive, (USDA, 1999) but national attention for the issue remained rather quiet.

The fixed anchor issue was raised from the dead On September 15<sup>th</sup>, 1997 when Forest Supervisor Bill LeVere signed a new management plan for the Sawtooth Wilderness Area in Idaho. Part of that plan concluded that the fixed anchors used by rock climbers constituted “permanent installations” under the 1964 Wilderness Act and therefore violated the act. The plan went on to state that no new fixed anchors were to be installed in the Sawtooth Wilderness

Area and that existing anchors could be replaced by permit only (Neville, 2000; Troyer, 1998).

Two interested parties filed appeals to the Forest Service concerning the fixed anchor ban.

Wilderness Watch (WW), a non-profit wilderness management watchdog, appealed because they thought that replacement should not even be allowed. The Access Fund (AF), a non-profit that works to maintain access to climbing areas, appealed on the basis that new fixed anchors should continue to be allowed in Wilderness Areas (Kenops, 1998; USDA, 1999).

It wasn't until April 13, 1998 that Deputy Regional Forester Jack G. Troyer, the Appeal Deciding Officer of the region, put out an appeal decision. Troyer basically affirmed Le-Vere's decision to ban anchors, but with a direction to "complete an analysis of the management need for fixed anchors to protect the wilderness resource and administer climbing activities in the Sawtooth Wilderness" (Troyer, p.4). The language used by Troyer was drawn directly from Section 4c of the Wilderness Act, a section that would become a pivotal part of the fixed anchor debate.

Things got more complicated when Forest Service Chief Mike Dombeck's Office stepped in. On May 27, 1998 Dombeck's Chief Reviewing Officer, Daniel Kenops, issued a Discretionary Review of the April 13<sup>th</sup> appeal decision and sent it directly to Wilderness Watch and Access Fund. The review effectively reversed Troyer's appeal decision stating that the use of fixed anchors in wilderness areas was a violation of the Wilderness Act because anchors are "permanent installations" that are not necessary to meet minimum requirements for the administration of the area (Kenops, 1998). The ruling was thus extended to all US Forest Service Wilderness Areas.

While Wilderness Watch and other wilderness purists were pleased with this ruling, the public outcry from climbers groups and outdoor equipment manufacturers was enormous. It also

became apparent that different members and groups within the conservation community were divided on this issue. According to the USFS Convening Report on this issue, “The decision evoked a fire storm of controversy, criticism, and even proposed legislation. It pitted friend against friend and resulted in some strange alliances. Several people commented that interests which need each other [for conservation] were locked in a bitter feud” (USDA 1999 p.5).

In response to public outcry, the Forest Service decided<sup>1</sup> to use a process called Negotiated Rulemaking in order to create a fair and consistent national policy on the fixed anchor issue. In an October 9, 1998 letter to all Regional Foresters, Acting Deputy USFS Chief Gloria Manning reversed the ruling by Kenops stating that his Discretionary Review did not constitute national policy, and that a Negotiated Rulemaking<sup>1</sup> would be undertaken in order to provide for public input in the formal policymaking process (Manning, 1998). Fixed Anchors would continue to be banned in Sawtooth, but according to the letter “no national forest, other than the Sawtooth Wilderness Area, should institute a prohibition on fixed anchors...based on the May 27, 1998 decision” (Manning, p.1). This would be the first use of Negotiated Rulemaking by the Forest Service.<sup>2</sup>

Shortly after Manning's letter, the USFS released a convening report which identified parties most likely affected by a new rule and analyzed the potential for the use of a negotiated rulemaking. Affected parties identified in the report included the following:

- climbers
- outdoor recreation outfitters
- education/experience providers
- environmental conservation organizations

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<sup>1</sup> Negotiated Rulemaking is a process by which representatives from interests who would be substantially effected by a rule, including the rule issuing agency, negotiate in good faith to reach a consensus on a proposed rule (USDA, 2000a).

<sup>2</sup> Other federal agencies had been using the process as an alternative to traditional rulemaking processes since the passage of the Negotiated Rulemaking Act of 1990.

Representatives from all these groups were proposed for negotiated rulemaking committee membership and listed in the Federal Register.

#### Public Comments and the Decision to Use Negotiated Rulemaking

On October 29, 1999 the Federal Register announced the establishment of the Fixed Anchors in Wilderness Negotiated Rulemaking Advisory Committee, or FAWNRAAC, attached a proposed list of committee members, and asked for public comments (USDA 2000b; USDA 1999). Approximately 1,318 written public comments were received, read, and analyzed by the Forest Service. Most of these comments either recommended additional committee members, or requested the removal of Steve Wholper, a climber who has written articles against the use of fixed anchors. Many of the Wholper-removal letters were a clear result of an Access Fund “Action Alert” newsletter sent out to supporters (USDA, 1999).

Other letters requested the removal of a representative from the Idaho Conservation Association, since no other state-based organizations would be included. All other organizations represented were national in scope and membership. A smaller amount of letters professed concern over the inclusion of representatives from commercial interests such as the Outdoor Recreation Coalition of America, since the Wilderness Act prohibits any “commercial enterprise” in Wilderness Areas (USDA, 1999). Still more letters commented on the general make-up of the committee, stating that the deck was already stacked in favor of fixed anchor use since 10 of the 13 groups represented had stated on record that they support the use of fixed anchors in wilderness. A few letters also commented on the validity of negotiated rulemaking as a legitimate process by which to make federal policy (USDA, 1999).

After analysis of the comments, a final list of representatives (not much different from the proposed list) was printed in the Federal Register. The committee breakdown was as follows:

- 4 climbers including author John Krakauer and Steve Wolper
- 1 representative of the outdoor industry group Recreation Equipment Incorporated
- 3 representatives from different outdoor recreation outing groups including:
  - American Alpine Club
  - The Mountaineers
  - National Speological Club
- 2 federal employees, one from National Park Service and one FS
- 4 representatives of outdoor education or professional societies including:
  - National Outdoor Leadership School
  - Outward Bound
  - American Mountain Guide Association
  - Outdoor Recreation Coalition
- 6 conservation organization representatives from each of:
  - Wild Wilderness
  - National Parks Conservation Association
  - Idaho Conservation League
  - The Wilderness Society
  - Wilderness Watch
  - Friends of the Boundary Waters Wilderness
- 1 representative of a rescue group, the Mountain Rescue Service (USDA 2000b)

The final make up of the committee has faced much criticism from both sides of the fixed anchor debate as to its credibility for representing a true cross section of affected parties.

FAWNRAC was to have three meetings over a period of three months. The goal was for the committee to reach consensus by the third meeting so that the Forest Service would have ample time to develop a formal rule for release by November 1, 2000. The Negotiated Rulemaking Act requires that members of the committee come to a consensus in which no party has to compromise a “fundamental value.” It is notable that “fundamental” is not synonymous with “important,” or “significant” or “major” (USDA, 1999). The first meeting was scheduled for June 27<sup>th</sup> and 28<sup>th</sup>, 2000 in Golden, Colorado. Before the results of the FAWNRAC meetings

can be discussed, it is necessary to review the principles and language of the Wilderness Act on which stakeholder groups base their arguments.

### The Wilderness Act and Rock Climbing

The Wilderness Act (WA) was enacted by Congress “to secure for the American people of present and future generations the benefits of an enduring resource of wilderness” (Wilderness Act of 1964). The act also established the National Wilderness Preservation System, composed of federally owned areas managed by the National Park Service, the USFS, Fish and Wildlife Service and the Bureau of Land Management, to administer Wilderness Areas for both the use and enjoyment of the American people in such a manner as to leave them “unimpaired” for future generations. (USDA, 1999) The four agencies charged with administering the WA have sometimes varied in their interpretation of the act, and therefore in the activities which have been allowed in Wilderness Areas. Furthermore, within the National Forest System administration of recreational rock climbing in Wilderness Areas has varied from area to area (USDA, 1999).

The Wilderness Act makes no specific reference to rock climbing per se. Nor does the Forest Service Manual, or USDA Departmental Regulations (Troyer, 1998). FAWNRAC had a tough job in interpreting a dated, sometimes ambivalent piece of legislation on a modern issue. The comments of Jim Lyons at the opening of the first FAWNRAC meeting illustrate further the reasoning for use of a negotiated rulemaking on the fixed anchor issue:

“Policy decisions [are] best done by those understanding and knowledgeable of the issues and resources rather than by legislation.....[The] fixed anchor [issue] has resulted in emotional and heated debate.....What was Congressional intent in [the] Wilderness Act relative to fixed anchors? [This] issue was not addressed by Congress so this Committee needs to be the decision maker.” (Lyons comments from FAWNRAC 2000a, p.1)

Most of the groups involved in the fixed anchor controversy had been citing sections 2c, 4b, and 4c of the Wilderness Act as the basis for their arguments. In their appeal to LeVere’s Sawtooth plan, Wilderness Watch (WW) focused on the definition of Wilderness Provided in

Section 2c and the Section 4b language on “permanent installations” (Troyer, 1998). Section 2c of the Wilderness Act states:

“A Wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain.....further defined to mean...an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements.....managed so as to preserve its natural conditions and which generally appears to have been affected primarily by the forces of nature, with the imprint of man’s work substantially unnoticeable; [and] has outstanding opportunities for solitude or a primitive and unconfined type of recreation.” (Wilderness Act of 1964)

Section 4c states that:

“...except as necessary to meet minimum management requirements for the administration of the area....(including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no.....form of mechanical transport, and no structure or installation within any such area” (Wilderness Act of 1964)

While WW appealed on the basis that fixed anchors violate the definition of wilderness because they are permanent improvements (Sec.2c) and violated the requirement of no structure or installation (Sec.4c), Access Fund based their argument on the premise that fixed anchors were not a permanent improvement and were necessary for administration of the area (Troyer, 1998; Access Fund 2001). Because Access Fund and Wilderness Watch represent the two extremes of the stakeholder opinion spectrum, it is beneficial to focus a stakeholder analysis on these two groups.

### Wilderness Watch

Wilderness Watch (WW) is a national, non-profit organization dedicated “solely to the protection, preservation, enhancement, and wise stewardship of those lands and rivers designated as part of America’s National Wilderness Preservation System” (WW, 2000a, p.1). As a citizen organization, members provide oversight of policy opinions and programs. As stated in their official mission statement, Wilderness Watch “devotes its energies and resources towards making certain that both the spirit and the letter of the laws protecting [Wilderness Areas] are both known to the public and completely enforced by those federal agencies responsible for their

enforcement” (WW, 2000b, p.1). For the purposes of this analysis, Wilderness Watch constitutes the "wilderness purist" stakeholder group. They advocate leave-no-trace wilderness practices and keep watch over wilderness management plans within all four management agencies of the National Wilderness Preservation System by issuing opinion statements and generating citizen calls and letters to management agencies (WW, 2000b).

The main arguments used to WW to advocate an all-out ban of fixed anchor use in National Forest Wilderness Areas are as follows:

- Fixed anchors are “permanent installations” as defined by the Wilderness Act, and therefore violate the act.
- Installation of fixed anchors are NOT necessary for minimum administration of Wilderness Areas, they do not constitute “vertical trails.”
- The use of fixed anchors in wilderness constitutes a “slippery slope” for use by other recreationalists who would use their own installations for wilderness access
- Some areas in the public lands system are better left to organisms other than humans; it is not necessary for humans to have access to ALL parts of Wilderness Areas
- A ban on fixed anchors will not eliminate climbing from Wilderness Areas, but rather will “ensure that climbing is done in a manner that upholds both the spirit and letter of the Wilderness law” (Nickas, 1998, p.2).
- The \$4.7 billion per year outdoor goods industry has heavily influenced FS policy on this matter so far. This is inconsistent with the fact that commercial enterprise is prohibited in Wilderness Areas (Watkins, 1998).
- The climbing community is asking for a special exception to the Wilderness Act because of their reputation and history of wilderness promotion and advocacy.
- Since wilderness visits have been steadily increasing, the FS should take into account the affect that more fixed anchors would have on visitor load, and therefore the health of wilderness ecosystems.

(Nickas, 1998; Watkins, 1998, Troyer, 1998; USDA 1999 and 2000a)

The above arguments contrast sharply from those of the Access Fund, although the same sections of the Wilderness Act are used to support the claims. This points to a general problem with interpreting the Wilderness Act.

### Access Fund

The Access Fund (AF) is another national non-profit that works to protect the rock climbing environment and to maintain access to climbing areas. Access Fund literature states that it promotes in climbers an ethic of personal responsibility, conservation values, and minimum practices in climbing (Attarian, 2000). Since 1989, AF has been working with federal agencies on fixed anchor issues and the establishment of fixed anchor regulations in individual Wilderness Areas. AF members generated a majority of the comments received in response to the USFS intent to establish a negotiated rulemaking committee. The AF appeal to LeVere's Sawtooth plan asserted that the minimum requirements for wilderness climbing include the distinct wilderness-dependent opportunity to explore new vertical terrain, thus equating bolting with a "right to explore" in wilderness areas (Kenopps, 1998).

Access Fund's main arguments for allowing fixed anchors in Wilderness Areas is as follows:

A fixed anchor ban contradicts the Wilderness Act's provision to provide for primitive and unconfined types of recreation; climbing is a necessary form of unconfined recreation in WA.

Other main points used by AF and other climbers include the following:

- The Wilderness Act reserves Wilderness Areas for public enjoyment
  - Fixed anchors are needed for climbing safety in certain situations, may be necessary for administration of area in order for climbing rescues or rapid descent in inclement weather
  - A ban would alienate an interest group (climbers) that has historically been a "fervent supporter" of wilderness
  - A ban would imperil new wilderness designations and funding because of above alienation
  - An exception to WA Section 4c is stated in Section 4d, which allows for commercial services "to be provided to the extent necessary for activities which are proper for realizing the recreation or other purposes of the area" (WA as quoted in Dolan, 2000, p.8). This shows the importance of recreation under the WA
  - Allowing fixed anchors is not a slippery slope because recreational activities like mountain biking, hunting, and ice fishing are substantially different from climbing
  - Rock climbing satisfies the needs that lead people to wilderness protection
  - A ban on fixed anchors would impinge upon the rights of climbers
- (Access Fund 1998, 2000, and 2001; Dolan, 2000; Cheever, 1999)

### Other Organizations

Access Fund frequently cites conservation organizations as supporting their stance on the Fixed Anchor issue, including Sierra Club, National Parks Conservation Association, Wilderness Society, and various others. Official statements from most of the above organizations, however, were hard to come by, and my personal communication with these groups seems to support the idea that these groups actually lie somewhere in the middle (Voorhees, 2001; Foreman, 2001). Sierra Club appears to be supportive of local management as opposed to a federal ban, however they support the right of individual forest managers to prohibit fixed anchors in certain wilderness areas (Sierra Club, 1998). NPCA and Wilderness Society do not have official statements on the subject. Outing clubs and the outdoor industry are vocal in support of AF's stance (ORCA, 1998; CMC, 1998). Official statements by the Outdoor Recreation Coalition of America state that "climbing is in many ways the ultimate Wilderness experience.... we agree that there may be a need to manage climbing in Wilderness, but a blanket prohibition on the use of fixed anchors will virtually eliminate a quintessential Wilderness experience" (ORCA, p.1-2). Other conservationists, for example Dave Foreman of the Wildlands Project and TWS and Phil Voorhees of NPCA, feel that climbers are asking for special exceptions and are behaving a lot like commercial interests in their ardent pursuit of "climbing rights" (Voorhees, 2001; Foreman, 2001). On the other hand many conservationists realize the importance of not alienating climbers from wilderness issues, since they are often passionate preservationists (Foreman, 2001).

### Negotiated Rulemaking

FAWNRAC had four meetings before the committee adjourned without reaching consensus. Notes from the first two meetings indicate that there was little the committee agreed on immediately, save the following:

- A. Fixed anchors have been and continue to be used in climbing.
- B. Climbing is a legitimate use of Wilderness areas.
- C. The Wilderness Act does not prohibit all fixed anchors.
- D. The use of fixed anchors must be consistent with the requirements of the Wilderness Act.
- E. There is disagreement over the extent to which the Wilderness Act allows or prohibits fixed anchors.
- F. Use of Motorized drills to install permanent bolts is prohibited under the Wilderness Act. (FAWNRAC, 2000b, p.2)

The first meeting opened with a discussion on the difference between permanent and temporary fixed anchors. Temporary fixed anchors include those generally used without the intention to be permanent and/or alteration of the environment. These include slings, nuts, cams and removable pitons (FAWNRAC, 2000). These types of anchors caused little disagreement within FAWNRAC. Permanent fixed anchors, which include those that are an intentional and permanent alteration of the environment, such as bolts, glued on anchors, and non-removable pitons, caused a major sticking point for the committee. (FAWNRAC, 2000a)

The format of the official FAWNRAC makes no reference to which members made which comments, although a careful analysis of the notes makes it easy to guess their origin. The basic disagreement came down to different interpretations of the Wilderness Act, based on the viewpoints discussed above. Various factions within the committee proposed different interpretations and suggested systems for dealing with fixed anchors. One suggestion was to treat climbing routes like "vertical trails," using Forest Service criterion for trail system management. Placement of fixed anchors would therefore be determined by official USFS trail maintenance guidelines which include user experience, resource damage, health and safety, research, protection of Wilderness values, and removal of dead persons or things (FAWNRAC, 2000b).

A proposal from the "climbing caucus," led by Access Fund and individual climbers, advocated authorization for placement of all new bolts, but on a forest by forest basis through the authority of individual forest management plans (FAWNRAC, 2000b). The "Advocates Proposal," led by George Nickas of Wilderness Watch, proposed that the Wilderness Act prohibits fixed anchors because they are installations, and that new bolts should only be placed by the managing agency (read: USFS) under minimum administration requirements (FAWNRAC, 2000b).

Further discussion at the next two meetings tried to find common ground between the two proposals. A separate proposal suggested limiting the number of bolts that could be used per route or per Wilderness Area, which could be based on number alone, or alternatively on the evaluation of whether or not bolts would be "unnoticeable" (FAWNRAC, 2000c). An internal workgroup, which was communicating between meetings via e mail, presented a group report for managing existing and new anchors. The report suggested management on a forest by forest basis, but with the stipulation that every wilderness area featuring climbing would be required to include a climbing management plan within new forest management plans or as addenda to existing plans (FAWNRAC, 2000c). Other suggestions included: limiting the number of bolted routes per Wilderness Area, and limiting fixed anchor installation to those used only for descent from climbs, but not ascent (FAWNRAC, 2000c and 2000d).

Notes from the last meeting indicate that the committee wanted to try to meet a fifth time to try to hammer out a cohesive recommendation for the Forest Service to use in developing the new rule (FAWNRAC, 2000d). The Forest Service must have decided this was not possible or necessary, because no fifth meeting was to take place. According to the Negotiated Rulemaking

Act, the presiding federal agency must take committee meetings suggestions into consideration when forming the rule on their own (Negotiated Rulemaking Act of 1990).

Although the process of Negotiated Rulemaking has been successfully used by other government agencies, wilderness and climbing groups have often criticized its validity to solve public lands use debates. In a recent press release, AF charges wilderness purists with preventing consensus and thinks the final result will not be to their benefit (AF, 2000). Other people involved in the negotiated rulemaking never expected a consensus to be reached, given the integrity of opinion of all the groups going into the process (AF, 2001). It is appropriate to ask whether the process of negotiated rulemaking should be used in future recreation vs. preservation struggles on public lands.

#### Analysis and Recommendations

Although the fixed anchor debate is quite complicated when kept within a legislative framework, there are a few simple forms of analysis that didn't make themselves into the FAWNRRAC meetings, or even into stakeholder discourse. These include public opinion, economics, and science, specifically conservation biology. Much data exists on the wilderness values of the American public, the economic importance of recreation and preservation on public lands, and biological effects of climbing on cliff ecosystems. I have attempted to assemble a beginning framework for each of these areas here.

#### Wilderness Values and the American Public

Because a negotiated rulemaking, by definition, involves only representatives from various stakeholder groups, an analysis of public opinion is worthwhile as a basis of comparison. A rising wilderness ethic in the American public has been documented by independent researchers and by federal agencies (Laitos, 1999; Aplet, 1999; Cordell, 1999; Farnham, 1995;

USFS, 1999). Wilderness scholars can also help us to understand how wilderness values fit into public values and the public agenda. Gregory Aplet, forest ecologist and wilderness scholar for The Wilderness Society, states in his essay, *On the Nature of Wildness*, "primarily, wilderness management aims to minimize human impacts by managing people, not the land, to keep the land free and functioning according to its own rules.... Very often this involves compromising freedom to restore or maintain naturalness" (Aplet, p.11). This issue of freedom vs. naturalness is particularly applicable to the fixed anchor debate. From the perspective of the American public, would the freedom to install fixed anchors or maintenance of high natural integrity for the land be more important? This question is hard to answer, but a recent study in the *International Journal of Wilderness* may give some insight.

Results from the National Survey of Recreation and the Environment (NSRE), which looked at Americans of different age, gender, socioeconomic status, and race, indicate that a majority of the public supports wilderness protection based mostly on the ecological, environmental quality, and off-site values that wilderness provides. In fact, when asked to justify why wilderness was important, ecological benefits consistently resounded with between 70 and 80 percent of those surveyed, while those valuing wilderness for recreational opportunities was slightly less than 50% (Cordell, 1999). The authors of this study state that their results indicate "broad, more-than-majority support for wildland protection based on ecological and environmental protection and the intergenerational....values of benefits. It seems not to show that the U.S. public supports wilderness for self-serving and economic reasons" (Cordell, p.31).

The results of this study, the most recent comprehensive study on the subject, show that the public values wilderness for its own sake, not for what they get from it. This seems to

support the stance of Wilderness Watch on the fixed anchor issue. T.H. Watkins, in his essay on recreation in wilderness may sum up public opinion when he states, "...we should be concentrating more of our efforts on protecting the wild than on making the human use of it convenient or even safe" (Watkins, p.2). Perhaps this is where popular opinion on the issue weighs in. More specific data on the subject of fixed anchors and wilderness values would be needed, however, to make a distinct conclusion about public opinion here.

### Economics

Increasingly, local communities are recognizing that nonextractive alternatives to traditional commodity development are more sustainable and better for the local economy. Recreation and tourism services are far better industries to rely on in the long term as they are more dependable than the timber or mining industries (Morton, 1999). The switch from reliance on extractive forms of development to reliance on service-based forms has been documented for the past decade or so in communities surrounding National Forests and Bureau of Land Management areas (Laitos, 1999; Farnham, 1995; Cordell, 1999). This said, a brief economic analysis of recreation on public lands is helpful to explain the recreation vs. preservation issue.

There are two general premises to consider in this analysis. First, many economists argue that the recreation resource on public lands is a public good. As with any commons, this can result in overuse. Second, the outdoor industry counts on public land use of their products to pull a profit. The outdoor recreation industry provides nearly 800,000 jobs for a total of \$13 billion in annual wages. (Laitos, 1999) While the economic value of recreation on public lands is rather simply quantifiable, the amenity or existence value of intact wilderness is not. It is therefore difficult to embark on a discrete economic analysis of the fixed anchor problem. How much money would the outdoor industry lose if permanent anchors could no longer be used in

Wilderness Areas? How would local economies be affected? As it is now, communities closely tied to recreation tend to lead both metropolitan and non-metropolitan areas in economic vitality. (Laitos, 1999) How large a part does rock climbing, and more specifically, fixed-anchor dependent rock climbing play in local economies tied to recreational use of public lands? Are the amenity values of wilderness enough to counterbalance any economic loss due to an all out ban on fixed anchors?

Most comprehensive studies on the economics of recreational rock climbing have focused on specific geographic areas. A University of Nevada Cooperative Extension study suggests that a fixed anchor ban in Red Rock Canyon National Conservation Area would negatively impact the local economy (Attarain, 2000). A preliminary benefit-cost analysis on a federal fixed anchor ban estimated that such a regulatory change may constitute a loss to climbers of over \$100 million annually, based on a data set on rock climbing trips and a repeated nested logit random utility model. According to U.S. Executive Orders, a full benefit-cost analysis is required for any regulatory change that would result in an annual loss of over \$100 million annually to any group(s) (Attarain, 2000). It does not appear that Forest Service has seriously considered this option.

At the heart of the economic question, however, are basic wilderness values. Some individuals, like George Nickas of Wilderness Watch, feel that you can't put a price on keeping Wilderness Areas intact. Pete Morton, economist for The Wilderness Society, states that "economic efficiency is only one consideration when allocating multiple public resources; fairness of the process and equity considerations play more important roles" (Morton, p.516). Perhaps this was what the Forest Service was trying to consider in initiating a negotiated

rulemaking, although I still maintain that economic analysis was a severely underutilized tool in the FAWNRAC negotiations.

### Science

Studies of the effects of climbing on wildlife and biodiversity conservation have remained largely absent from both sides of the fixed anchor debate. A fixed anchor ban could affect both the number of climbers in wilderness and their distribution, therefore determining the severity of effects on wildlife and biodiversity in National Forests. Access Fund has compiled an extensive bibliography on this subject.

Many cliffs in National Forests are already subject to yearly closings to climbers to allow for nesting birds. Usually this involves suspending climbing on or around nesting sites for the duration of the nesting season with temporal and spatial buffer zones (Attarian, 2000). As of yet, no restrictions have gone into effect concerning other species or general conservation of cliff ecosystems. Numerous studies, however, document the effects of climbing on the vertical habitat that cliffs provide. The Access Fund bibliography summarizes three studies that demonstrate that climbing also disturbs cliff-nesting raptors during the non-nesting season. Seven studies summarized show that climbing has significant negative effects on lichens, vascular plants, cliff-dwelling trees, and plant diversity of cliff faces (Attarian, 2000).

### The Meaning of Wilderness

Yet another sphere worth examining is the ethical and spiritual dimension of wilderness. As a nation, our religious beliefs and histories may drive not only current wilderness values, but wilderness legislation and designation. Key factors of Wilderness designation include that they are “untrammeled by man, where man himself is a visitor.... [where] land retain[s] its primeval character and influence....with the imprint of man’s work substantially unnoticeable”

(Wilderness Act, Section 2c). Based on this language, the work of man will would “soil” the “pristine” wilderness of the American landscape. This concept lays the foundation for a nature that is distinctly separate from man as an entity or a species. What are the roots of such a belief? Roderick Nash, in his 1973 work “Wilderness and the American Mind,” explores the religious and spiritual origins of wilderness ethics, and subsequently the Wilderness Act, in America. Nash’s foray into the religious and spiritual dimensions of Wilderness is still useful today in analysis of wilderness use issues.

While early civilizations appeared to have viewed wilderness as a wasteland or a threatening presence to be feared and hated, the roots of a revered wilderness can be found in Judeo-Christian history. Starting with the forty year wandering of Moses and his peoples, wild lands gained ground as sanctity from the sins of society, and a place to develop a dialogue with God. The New Testament fortifies this concept. John the Baptist sought wild lands to revitalize faith in God and make ready for the Messiah (Nash, 1973). The phrase “wilderness” appears 245 times in the Old Testament and 35 times in the New Testament. As a mainly Christian country, it is appropriate to evaluate such religious ideals in our wilderness politics. While Nash was the first, many policy analysts stress the importance of religious background in public land management (Nelson, 2001).

Wilderness advocates, and indeed the first promoters of the Wilderness Act, site “spiritual inspiration” as a main benefit of preserving lands as wilderness (Nash, 1973). The Wilderness Act was not a spontaneous act of Congress. Many hearings and public campaigns spanning over two decades led up to the legislation of 1964. Examination of much of the rhetoric involved shows deep-seeded connections between wilderness and spiritual renewal. In a 1950 hearing on wilderness, a representative from the Colorado Forestry and Horticultural

Association stated that “wilderness areas have become to us a spiritual necessity, an antidote to the strains of modern living,” needed by Americans “to renew their souls and gain a fresh perspective on life” (George Kelley as quoted in Nash, p.213). At a 1952 hearing in Montana, Charles Bradley fortified the spiritual stake in wilderness by stating his belief that wilderness has many spiritual benefits, among them is the feeling that you are part of something bigger. He testified that “to know the wilderness is to know a profound humility, to recognize one’s littleness, to sense dependence and interdependence, indebtedness and responsibility” (quote from Nash, p.214-215). Nash found that this type of rhetoric and justification for wilderness was the norm during many of the wilderness hearings and campaigns leading up to the passage of the Wilderness Act. Indeed, spiritual association and justification for wilderness have remained part of the discourse of wilderness advocates through the present. Certainly, climbers and climbers’ groups have defended their “right to climb” using fixed anchors with the uncontested vigor of a persecuted religious group, while opponents of fixed anchors cite frequently the purity of experience that would be compromised if fixed anchors were allowed.

We already know that roads, commercial enterprise and mechanized transport or aid is prohibited in wilderness. To what extent can wilderness remain wild while people are still using the land towards their own recreational ends? Does recreation count as a human end or a “spiritual experience?” I would argue that part of the impasse between wilderness purists and climbers in the fixed anchor debate comes from a fundamental disagreement on this issue. Climbers feel justified in using fixed anchors because climbing is a spiritual experience for them, and therefore an appropriate wilderness use in their minds. For them, I propose, a fixed anchor ban is much like a limit on their right to practice a religious custom. For wilderness purists like Wilderness Watch however, anything that can be interpreted as human influence over the natural

character of wilderness is an insult to their spiritual wilderness ideals. Perhaps this can explain why such a seeming small wilderness issue has caused so much heated debate between interests that usually compliment each other. Each groups view is grounded in a different interpretation of the spiritual/religious meaning of wilderness.

### Conclusion

The FAWNRAAC meetings appear limited in scope compared to the broad array of information available for full analysis of the fixed anchor issue. Unfortunately, public opinion, economic analysis, wildlife considerations, and wilderness ethics/spirituality were entirely absent from the debate, which instead centered mainly around different interpretations of an act that gave little guidance the fixed anchor dilemma. While existing economic information suggests that a federal ban on fixed anchors in Wilderness Areas may have negative effects on local economies, public opinion and biodiversity conservation information may be interpreted to support a ban.

At any rate, the whole negotiated rulemaking process, and the confusing and contradictory sequence of events leading up to it, does not set a good example for the resolution of future recreation vs. preservation conflicts on our public lands. Public opinion was sacrificed in favor of stakeholders with personal, and possibly questionable, interest in the ruling. Economic analysis and wildlife considerations were left out of the debate all together, from organizational position statements to the negotiated rulemaking itself. Larger questions as to the spiritual and philosophical meaning of wilderness were also neglected. As the public awaits a decision from the Forest Service, we can be sure that not everyone will be pleased with the ruling.