

# Q & A: The “Protecting America’s Rock Climbing Act” and the Threat to Wilderness

By Wilderness Watch (July 2023)

Would the [PARC Act](#) weaken the Wilderness Act? Yes.

A plain reading of the Wilderness Act<sup>i</sup> prohibits the use of fixed anchors in Wilderness under the Act’s ban on “installations.”<sup>ii</sup> A decades-old memorandum from the Forest Service’s Office of General Council walks through a legal analysis concluding the same and noting that “the legal question is not whether the Forest Service can regulate the practice of rock bolting, but whether it can allow the activity to occur in the first place,”<sup>iii</sup> and the Forest Service has followed this guidance.<sup>iv</sup>

The Park Service has been more lax with its internal policy,<sup>v</sup> which is not law or regulation, but it recently began clarifying its policy to bring it more in line with the Wilderness Act.<sup>vi</sup> The Park Service’s recent attempts to get fixed anchors under control<sup>vii</sup> is one of the primary catalysts behind the Access Fund’s push to pass the PARC Act.<sup>viii</sup>

While the PARC Act doesn’t explicitly state that it is amending the Wilderness Act, it states that “the placement, use, and maintenance of fixed anchors” are “allowable activities” in Wilderness.<sup>ix</sup>

An amended version of the PARC Act<sup>x</sup> states that the Secretaries of Agriculture and Interior “shall issue guidance for recreational climbing activities on covered federal land” and “the guidance issued ... shall recognize that recreational climbing (including the use, placement, and maintenance of fixed anchors) is an appropriate use within a component of the National Wilderness Preservation System[.]”

The amended PARC Act also *mandates* that this guidance “shall include direction providing for the continued use and maintenance of recreational climbing routes (including fixed anchors along the routes) in existence as of the date of enactment of this Act[.]”

Because the Wilderness Act prohibits these things, if approved, the PARC Act will be a defacto amendment to the Wilderness Act. This is why the agencies opposed it—because “creating new definitions for allowable uses in wilderness areas, as [the PARC Act] would do, has the practical effect of amending the Wilderness Act, which could have serious and harmful consequences for the management of wilderness areas across the nation.”<sup>xi</sup>

**Does the Wilderness Act or its implementing regulations recognize fixed anchors as an allowable use in Wilderness? No.**

See discussion above. There is no law or regulation recognizing the use of fixed anchors in Wilderness outside of the Emery County Public Land Management Act, which was included as part of the 2019 Natural Resource Management Act (aka the Dingell Act).<sup>xii</sup>

Much like the PARC Act, the Access Fund was a major proponent of the Emery County bill calling it “precedent-setting” and noting that the “Access Fund is working to create federal laws that legitimize climbing bolts in America’s Wilderness climbing areas.”<sup>xiii</sup> The bill created an explicit special provision for fixed anchors precisely because they are otherwise prohibited by the Wilderness Act.<sup>xiv</sup> The Emery County bill applied only to Wildernesses designated by the bill, not the entire National Wilderness Preservation System as the PARC Act would apply.

**Isn’t the Park Service’s Director’s Order #41 law? No.**

When folks state that fixed anchors are allowed by law, they often cite the Park Service’s Director’s Order #41 from 2013.<sup>xv</sup> But that Order is not a binding law or a regulation. The Access Fund even admits that “there is no law that addresses bolts in Wilderness, only a few general policies that are left up to the interpretation of individual land managers across the country.”<sup>xvi</sup>

The Park Service Director’s Order is internal agency policy that can be changed at any time, and it can’t trump federal law and regulation. In fact, in response to growing climbing pressures in Wilderness and associated impacts, as well as demand for fixed anchors, the Park Service recently took action to move its internal policy into compliance with the Wilderness Act and in line with Forest Service policy.<sup>xvii</sup>

**Because the use of fixed anchors predates the Wilderness Act does that make them a grandfathered use? No.**

While some permanent installations may predate Wilderness designation, that doesn’t mean they can be actively maintained after designation, and it certainly doesn’t mean new installations can result. Many Wildernesses had access roads, offroad vehicle use, and even logging before designation—all of those things were prohibited once the area was designated Wilderness. Their existence prior to designation does not mean they can continue after designation. Such a position would render Wilderness designation meaningless. Instead, the Wilderness Act and subsequent Wilderness designating statutes contain limited special provisions detailing which of those uses can continue and with what restrictions.

Wilderness Watch advocates for “clean” Wilderness designating bills without a host of special provisions authorizing otherwise prohibited uses in Wilderness.<sup>xviii</sup>

**Doesn't the PARC Act protect against heavily bolted routes and indiscriminate anchors? No.**

The PARC Act itself places no restriction on the use, placement, and maintenance of fixed anchors in Wilderness, kicking that can down the road to development of agency guidance policies, which are not law and can be changed at any time. The PARC Act makes no distinction between rappelling anchors, bolted routes, discrete pitons, or indiscriminate bolting.

Many folks express their own experiences and opinions on climbing practice norms and what will or will not happen in Wilderness, but the PARC Act itself is silent on this, and the Act is what matters from an enforcement standpoint. What the PARC Act does do is create a presumption—and in the case of existing anchors, *a mandate*—that fixed anchors are allowed in Wilderness. That presumption, and mandate, is something that does not exist in the Wilderness Act or its implementing regulations. The Wilderness Act instead presumptively prohibits installations, which includes fixed anchors.

**Won't the agencies protect against indiscriminate anchors and heavy bolting? Probably not.**

The PARC Act places specific guidance and enforcement burdens on Wilderness administering agencies who are already short staffed, underfunded, and in many cases, already overwhelmed by rapidly increasing recreation overuse in Wilderness, including recreational climbing. In its testimony opposing the bill, the Park Service voiced concern about “significant administrative burdens.”

In fact, the catalyst behind the drafting of the PARC Act was the agencies' attempts to address impacts from climbing and fixed anchors and to bring agency policies into compliance with the Wilderness Act.<sup>xix</sup> In Joshua Tree, where visitor use has more than doubled since 2000, “[t]he National Park Service estimates there could be as many as 20,000 bolts in the park; 30% are in wilderness. Most power-drill installations after 2000 were unauthorized and lack environmental review.”<sup>xx</sup> Few, if any, of these bolts are likely legal under the Wilderness Act, and the Park Service is trying to fix its prior policy issues and address the bolting problem. The amended PARC Act would arguably *mandate* the allowance and maintenance of all of those bolts in Wilderness.<sup>xxi</sup>

Other places don't see the excessively heavy, concentrated use that Joshua Tree does, but use is rapidly increasing in most Wildernesses and becoming an administrative problem for agencies, a pressure problem for ecosystems and wildlife, a solitude problem for visitors, and a treaty problem for Tribes with treaty rights in Wilderness.<sup>xxii</sup>

**Is the ban on fixed anchors in Wilderness new? Is this a new issue? No.**

As discussed above, the Wilderness Act and its implementing regulations have always prohibited installations in Wilderness, and fixed anchors are installations.

Further, Wilderness administering agencies have been dealing with fixed anchors and associated overuse problems in Wilderness for decades.<sup>xxiii</sup> This same issue is what prompted the legal memorandum from the USDA Office of General Counsel in the 90s,<sup>xxiv</sup> and the issue has been the subject of administrative appeals, including an appeal over fixed anchors in the Sawtooth National Forest where the Chief of the Forest Service held that fixed anchors are prohibited installations under the Wilderness Act and therefore presumptively not allowed in Wilderness.<sup>xxv</sup>

**Wouldn't a ban on fixed anchors in Wilderness effectively ban all climbing in Wilderness?**  
**No.**

Climbing is not prohibited under the Wilderness Act, but fixed anchors are. While it may be true that less people will climb certain routes in Wilderness if they don't have fixed bolts or other fixed protection, natural limits on use is not a bad thing when it comes to Wilderness protection, particularly with the recent explosion of outdoor recreation uses in Wilderness. And, Wilderness has never been about convenience or even safety. If we are to set aside and protect a few less managed, less developed, wilder places, they will come with inherent risk.

As one climber told us, "I used to rock and ice climb and specifically sought out routes in Wilderness because I was constrained by the route, only able to place protection where it was available naturally. This is a heightened and connected experience. Wilderness climbing is sacred[.]"

Less than 3% of land in the Lower 48 is protected as Wilderness and it is under threat, including from rapidly escalating recreation pressures. Inherent limits are essential.

**What about other recreation uses in Wilderness? Aren't they a problem too? Yes.**

Wilderness Watch has challenged many Wilderness plans and projects that allow overuse by forms of recreation generally allowed in Wilderness. Many popular Wildernesses are impacted by exploding recreation use—this includes activities that are not generally prohibited in Wilderness such as day hiking, trail running, backpacking, climbing (without fixed anchors), and more. Fixed anchors have always been prohibited by the Wilderness Act, and that prohibition creates a natural limitation on climbing pressures in Wilderness—fewer people will climb routes that aren't anchored. The PARC Act would remove that natural limitation, it would add to already mounting recreation pressures in Wilderness, and it would mark the first crack in the Wilderness Act's protections to appease recreation interests.

We need to be seriously discussing equitable solutions to the problem of overuse, and these solutions need to take into account the needs of wildlife. In the Alpine Lakes Wilderness, for example, Wilderness administrators are trying to get a handle on booming visitor use. In one ranger district (out of four in the Wilderness), administrators counted over 100,000 visitors entering certain trailheads in a one-year period—a 357% increase from 2010. In this one district, administrators used helicopters to fly out 8,000 pounds of human waste in 2022 and buried

nearly 1,100 piles of exposed excrement and toilet paper—a 170% increase from 5 years prior and a 790% increase from 10 years prior. In this same district, helicopter intrusions into the Wilderness happen weekly—sometimes multiple times in a weekend—for search and rescue efforts. And administrators are noting increased stress responses from wildlife and significant habitat degradation. While the Alpine Lakes Wilderness is notable for overuse issues, the trend of rapidly increasing recreation pressure is something most Wilderness areas are experiencing and it is only going to grow.

We can't pretend recreation overuse isn't an issue. One thing is certain—mandating new exceptions to the Wilderness Act is not going to solve the issue. It will only make it worse.

### **Won't climbers oppose more Wilderness designation if you oppose the PARC Act? Some will, some won't.**

The Access Fund claims that prohibiting climbing anchors in Wilderness will “drive a harmful wedge between the outdoor recreation community and the work to protect public lands and promote conservation.” By this logic, we should exempt mountain bikes from the prohibition on mechanized travel in Wilderness or let heli-skiers hop a chopper to their favorite Wilderness peak or allow trail racing in Wilderness. We might get some different people supporting Wilderness bills, but those bills would not actually protect Wilderness.

Many people are willing to accept limits on recreation to ensure we leave a few pockets of relatively secure, wild space protected. We've heard from many climbers who agree. And we've heard from mountain bikers that bikes don't belong in Wilderness and from trail runners that trail running events don't belong in Wilderness. We've even heard from trail runners who don't run in Wilderness or other non-Wilderness backcountry locations because of concerns for wildlife. It's just not all about us. It can't be.

We have put an impossible squeeze on other species, and we've strained ecosystems to their breaking points. Wildlife have nowhere left to go. Because of this, the line in the sand is an important one to hold. We have to do more, and we need to stop conflating recreation with conservation. They are not synonyms.

### **Why does it matter?**

Some people have cast our concerns off as trivial, but the proposed PARC Act would mark the first crack in the Wilderness Act—our most protective environmental law—to appease recreation interests, and there are more waiting in line.<sup>xxvi</sup>

Recreation overuse in protected areas is a rapidly escalating problem, and the pressures on wildlife and ecosystems are mounting from all angles. With less than 3% of land in the Lower 48 protected as Wilderness, and with pressures on that protection also mounting, we must prioritize something other than our own immediate interests. The conservation community—and humans more broadly—must take seriously the problem of recreation overuse in Wilderness, and we

need to seriously evaluate what our obligations are as a species sharing this planet with others. The last thing Wilderness needs at this moment is less protection.

Read more about why all of this matters [here](#).

## TAKE ACTION:

Please [urge your members of Congress](#) to oppose the PARC Act as well as its Senate counterpart, S.873.

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<sup>i</sup> See 16 U.S.C. § [1133](#).

<sup>ii</sup> See [U.S. Dept. of Agric. Office of Gen. Council, Memorandum on Use of Rock Bolts for Mountain Climbing on National Forests and in Wilderness areas and Related Issues](#) (1990) (“OGC Memo”) (noting “[w]hile ‘installation’ is not defined in the Act or regulations, its common meaning is ‘[s]omething installed, as a system of machinery or apparatus placed in position for use.’”).

<sup>iii</sup> [OGC Memo](#) (finding fixed anchors are “permanent improvements” and “installations,” finding that “the legal question is not whether the Forest Service can regulate the practice of rock bolting, but whether it can allow the activity to occur in the first place,” and rejecting the notion that fixed anchors are akin to trail markers).

<sup>iv</sup> See, e.g., U.S. Forest Serv., [Appeal Decision on Sawtooth Wilderness Management Direction](#) (1998) (finding the Wilderness Act “does not provide the agency with the discretion to authorize fixed anchors in wilderness areas,” including the maintenance and use of existing anchors).

<sup>v</sup> See [Nat’l Park Serv. Director’s Order 41 § 7.2](#) (noting “fixed equipment should be rare in wilderness” and generally describing an authorization processes for the placement, replacement, or removal of fixed anchors).

<sup>vi</sup> See [Nat’l Park Serv., Joshua Tree National Park Climbing Management Plan Scoping Notice Newsletter](#) (Jan. 2022) (“[I]n consultation with the NPS Branch of the Solicitor’s Office, the National Park Service has determined that fixed anchors and fixed equipment in wilderness are installations.”); see also [Nat’l Park Serv., Finding of No Significant Impact for the Black Canyon of the Gunnison National Park – Wilderness and Backcountry Management Plan at 5](#) (acknowledging Director’s Order 41 and clarifying that fixed anchors are “installations” generally prohibited by the Wilderness Act and noting applications for fixed anchors would be subjected to the Wilderness Act’s narrow necessity test for exceptions to generally prohibited uses).

<sup>vii</sup> One place the Park Service has attempted to bring its fixed anchor policy in compliance with the Wilderness Act is in Joshua tree where it notes visitation has more than doubled since 2000, “[c]urrent management practices have had mixed results in reducing impacts on natural, cultural, and wilderness resources,” and “[c]urrent management practices are not consistent with new agency guidance on fixed anchors in wilderness.” Joshua Tree [Scoping Notice Newsletter](#).

<sup>viii</sup> See [Access Fund, Testimony Before the House Natural Resources Committee](#) (March 28, 2023) (discussing the Park Service’s notice to prepare a new Climbing Management Plan for Joshua Tree National park and a Park Service Environmental Assessment for the Black Canyon of the Gunnison National Park—both acknowledging that fixed anchors are installations generally prohibited by the Wilderness Act).

<sup>ix</sup> The House Bill can be tracked here: <https://www.congress.gov/bill/118th-congress/house-bill/1380/text>. And the original text of the PARC Act bill is here: <https://www.congress.gov/118/meeting/house/115961/documents/BILLS-118HR1380ih.pdf>.

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<sup>x</sup> Amended PARC Act bill: <https://www.congress.gov/118/meeting/house/115961/documents/BILLS-118-HR1380-C001114-Amdt-046.pdf>.

<sup>xi</sup> [U.S. Forest Serv., Statement of Chris French](#) (March 28, 2023).

<sup>xii</sup> [John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019, Pub. L. No. 116-9, 133 Stat. 580.](#)

<sup>xiii</sup> Access Fund, Access Fund Makes Historic Move to Pass Law Legitimizing Climbing Bolts (December 5, 2018), <https://www.accessfund.org/latest-news/news-and-events/news/access-fund-makes-historic-move-to-pass-law-legitimizing-climbing-bolts>.

<sup>xiv</sup> Section 1232 of the [Dingell Act](#) (the Emery county section) states, “Nothing in this Act prohibits recreational rock climbing activities in the wilderness areas designated by this Act, such as the placement, use, and maintenance of fixed anchors, including those established before the date of the enactment of this Act[.]” If fixed anchors were not otherwise prohibited by the Wilderness Act, this language would be unnecessary.

<sup>xv</sup> [Nat’l Park Serv. Director’s Order 41 § 7.2.](#)

<sup>xvi</sup> Access Fund, *Access Fund Makes Historic Move to Pass Law Legitimizing Climbing Bolts* (December 5, 2018), <https://www.accessfund.org/latest-news/news-and-events/news/access-fund-makes-historic-move-to-pass-law-legitimizing-climbing-bolts>

<sup>xvii</sup> See footnotes vi and vii.

<sup>xviii</sup> George Nickas and Kevin Proescholdt, *Keeping the Wild in Wilderness: Minimizing Non-Conforming Uses in the National Wilderness Preservation System*, Wilderness Watch, April 2005, <https://www.wildernesswatch.org/images/essays-and-whitepapers/special-provisions.pdf>.

<sup>xix</sup> See footnote viii.

<sup>xx</sup> See [Nat’l Park Serv., Joshua Tree National Park Climbing Management Plan Scoping Notice Newsletter](#) (Jan. 2022).

<sup>xxi</sup> Amended PARC Act: <https://www.congress.gov/118/meeting/house/115961/documents/BILLS-118-HR1380-C001114-Amdt-046.pdf>.

<sup>xxii</sup> Republican Representative Curtis from Utah, touting the proposed PARC Act, called outdoor recreation an “ever-growing industry” in his state, and his state is not alone. A recent Climbing article noted that overcrowded climbing areas throughout the country are pushing climbers farther into wilderness, creating environmental and wilderness character issues. See <https://www.climbing.com/places/crowded-crags/>. In the same article, the Access Fund reports “exponential growth” in climbers over the last few decades—growing from the hundreds of thousands to roughly 8 million today.

<sup>xxiii</sup> See [U.S. Forest Serv., Discussion Sheet Case Study Technical Rock Climbing in Wilderness](#) (1990s) (discussing the history of the issue, statutory and agency guidance, growth in bolted climbs, enforcement efforts, pushback from climbing groups who “rejected any alternative locations for the activity,” and subsequent Congressional inquiries).

<sup>xxiv</sup> See [U.S. Dept. of Agric. Office of Gen. Council, Memorandum on Use of Rock Bolts for Mountain Climbing on National Forests and in Wilderness areas and Related Issues](#) (1990).

<sup>xxv</sup> See U.S. Forest Serv., [Appeal Decision on Sawtooth Wilderness Management Direction](#) (1998).

<sup>xxvi</sup> Mountain bike groups have already pushed legislation to exempt mountain bikes from the Wilderness Act’s ban on mechanized travel in Wilderness. <https://www.congress.gov/bill/116th-congress/senate-bill/1695/all-info>.