

Josh Travers, Assistant Field Manager, Red Rock/Sloan Field Office
CC: Angelita Bullets, District Manager, Southern Nevada District Office
CC: Catrina Williams, Field Manager, Red Rock/Sloan Field Office
Bureau of Land Management
4701 North Torrey Pines Dr.
Las Vegas, Nevada 89130

November 10, 2020

RE: BLM proposal to limit guided rock climbing at Red Rock Canyon National Conservation Area

Dear Mr. Travers,

Thank you for taking time on October 22, 2020 to discuss the Bureau of Land Management (BLM) proposal to limit guided rock climbing access to Red Rock Canyon National Conservation Area (RRCNCA) and levy cost recovery fees on permit holders for the completion of an environmental analysis at climbing sites that are used by both the guided and unguided public. As longtime special recreation permit holders at RRCNCA who have worked collaboratively with many BLM officials in the Red Rock/Sloan Field Office over the course of several decades, we are deeply concerned with your proposal and the impacts it will have on the visiting public, the natural resources of RRCNCA, and our businesses.

We are also concerned about the manner in which your proposal has been crafted and communicated with the stakeholders who will be impacted. No formal planning documents that show the purpose and need for the proposal have been shared with permit holders. Cost recovery quotes have been provided informally in email communications or over the phone. Even at the time of this writing, there are several permit holders who have not received notice of the proposal directly from the BLM but instead have had to rely on information from other permit holders.

To be clear, we currently understand your proposal to include two components:

- Permitted guide services will have access to only 50 climbing routes and areas across the RRCNCA while a climbing management plan is being completed. It is worth noting, this is an extremely small subsection of the currently authorized climbing routes and areas, which include approximately 1,500 unique climbing routes and over 110 unique areas.
- Once the climbing management plan is completed, access to the remainder of the currently authorized climbing routes and areas will be possible, however guide services will be charged approximately \$56,000 in cost recovery fees for environmental review of the remaining climbing sites which, notably, are utilized equally by both the unguided public and the guided public.

We will comment on both components of the proposal in order below.

Proposal Component #1: Limit guided climbing access to 50 climbing routes and areas

We reviewed the BLM document titled “Top Climbing Areas Requested by Permittees” that outlines 50 climbing routes and areas that are proposed to be authorized for guided climbing while a climbing management plan is being completed. We have found this list to be woefully inadequate for providing visitors with high quality visitor experiences at RRCNCA and we are concerned it will result in significant, negative impacts on the resource and other users.

It is important to recognize the BLM “Top Climbing Areas Requested by Permittees” document is an administrative review of climbing guide service requests and post use reports to identify the most commonly utilized climbing sites. The document makes an assumption that the most commonly used sites are also the most important. This assumption is incorrect. There are many lesser used sites that are exceedingly important for avoiding crowds on busy days and minimizing impacts on the resource. There are also lesser used sites that cater to specific forms of instruction such as expedition training with NOLS, professional guide training with AMGA, or leadership training with the American Alpine Institute. In order to provide the services the public has come to expect from us, we need access to all of the areas in the RRCNCA that we have been authorized to use for many years.

One of the most important assets for a climbing guide to possess is the ability to find the most appropriate location for a visitor to experience rock climbing on any given day, considering the visitor’s experience level, the weather conditions, or the number of other visitors present. To provide a high-quality visitor experience, the guide must have access to a diverse array of climbing routes to ensure a proper location is available when it is sunny, cloudy, hot, cold, windy, calm, when the days are short, when the days are long, and when a visitor has varying levels of experience. If only 50 climbing routes and areas are available, guides in Red Rock will simply be unable to provide high-quality visitor experiences for the public.

We are also deeply concerned that concentrating guided groups into the small number of areas indicated on the BLM document will create new and different impacts to the resource. When groups are unable to spread out and climbing crags become overcrowded, visitors are more likely to walk off trail, expand the footprint of staging areas, and disperse into previously unimpacted areas. By forcing guided groups into a small number of areas, more climbing sites will become crowded, resource damage will occur, and conflicts among users will become more likely.

As we understand it, the BLM is hoping to reduce crowding and minimize resource damage in the RRCNCA. Please enable us to support these widely-stated goals by allowing climbing guides to disperse their use across the full range of climbing routes and areas that have been historically authorized by the BLM for commercial climbing.

Proposal Component #2: Permit holders pay cost recovery fees for the completion of an environmental analysis at climbing sites that are utilized by both the guided public and non-commercial visitors

In the meeting on October 22, 2020, the BLM indicated environmental review of RRCNCA climbing sites is necessary for rock climbing guides to continue accessing climbing resources in the RRCNCA and as a component of the forthcoming climbing management plan. When asked if the results of the environmental review will guide future management decisions that affect all visitors (not just commercial groups), Jon Prescott said, “If we have to not allow commercial use to happen, we also would not allow public use to happen.” Josh Travers followed by stating, “Generally, commercial use occurs where public use would be.” These statements demonstrate that the proposed environmental review will be used to inform broad climbing management across the RRCNCA that will benefit both guided and unguided visitors. This is logical, given the fact that climbing resources at RRCNCA are utilized in the same manner by both commercial and non-commercial visitors. In this regard, climbing routes are no different than trails, roads, or other public land resources that are open to all visitors.

However, Bureau of Land Management policy on special recreation permit cost recovery clearly states that inventories of natural and cultural resources that are designated as open for public use are not paid for under cost recovery. For this reason, we believe the BLM is not permitted to charge permit holders cost recovery for an environmental review of resources that are used in the same manner by both commercial and non-commercial users. In our previous letter to the BLM dated September 18, 2020, we documented numerous BLM regulations and policies that indicate this standard. Several, but not all, of the relevant policies are noted again below.

1. The BLM Permit and Fee Administration Handbook (Chapter 1, Section III(H)(1)(a)(6)) indicates that inventories of public land resources will benefit the public and not just the applicant and therefore baseline inventories are not paid for under cost recovery:

“(6) Where the BLM has a duty to inventory public land resources, inventories generally benefit the public and not just the applicant. Baseline inventories for natural and cultural resources are not paid for under cost recovery. For example, if existing areas, roads, and trails are designated as open for public use, the BLM would not charge the applicant for these same roads and trails to be inventoried for cultural or heritage resources, or special status species.”

2. The BLM Permit and Fee Administration Handbook (chapter 1, section III(G)(1)(3), page 1-22) describes cost recovery as intended for substantially different or new activities proposed by the permittee.

“Cost recovery charges are often associated with new or substantially different activities or events and are levied to compensate the government for the costs of authorizing and administering the new use. Cost recovery fees are also likely to be applicable to short-term uses that require environmental analysis or monitoring. . . Cost recovery charges are not assessed for conducting routine business with permittees or for long-term monitoring.”

We are not proposing to conduct new or substantially different activities. We will be conducting the same activities, in the same locations, that have been authorized by the BLM in the past.

3. The BLM Permit and Fee Administration Handbook (chapter 1, section III(B)(4)(a)(1), page 1-14) indicates NEPA compliance is fulfilled upon issuing the initial permit and any future environmental assessment would tier to prior analyses:

“The issuance of commercial permits must include appropriate NEPA compliance. If desired use levels are set in land use or recreation management plans, issuance of permits should have been analyzed in the related environmental document, and any further environmental assessment of individual permits would tier to the prior analysis, as appropriate.”

Our activities underwent environmental review when the permits were first issued and we are not proposing to conduct any new or expanded uses. Furthermore, a Determination of NEPA Adequacy (DNA) document was completed for the renewal of two climbing guide permits in the fall 2019. The DNA indicates that the climbing guide permits conform to the applicable land use plan and the existing NEPA documentation covers the permit renewal. The conclusion of the DNA states:

V. Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitute BLM’s compliance with the requirements of NEPA.¹

In accordance with these policies and others cited in our previous letter dated September 18, 2020, we believe it is not permissible or warranted for the BLM to levy cost recovery fees on permit holders for new, additional environmental review of resources that are open to non-commercial public use and which will guide management decisions that benefit all users of the resource.

¹ Determination of NEPA Adequacy, National Outdoor Leadership School & Mountain Skills Rock Guides Fulltime 5-Year (2020-2025) Special Recreation Permit at Red Rock Canyon National Conservation Area, NEPA #: DOI-BLM-NV-S020-2020-00XX-DNA

As some of the nation’s longest running providers of guided climbing services, we hold permits on public lands in many locations around the country. In our years of experience operating in nearly every climbing destination across the western United States including many locations under the jurisdiction of the BLM, we have never been assessed cost recovery fees for a climbing route analysis, an environmental review of climbing sites used by the general public, or for planning processes associated with the creation of a climbing management plan.

We understand the desire to minimize crowding, reduce impacts, and establish a climbing management plan at RRCNCA. However, to best accomplish these goals, we recommend the BLM allow climbing guide permit holders to disperse their activities throughout the RRCNCA to minimize impacts on the resource and other users. If there are isolated areas that need to be closed for the protection of clearly identified natural or cultural resources, we support such closures. However, we cannot support a blanket closure across a majority of the conservation area that is applied only to permit holders, particularly if the same areas remain open to the unguided public who accounts for the vast majority of climbing use at RRCNCA.

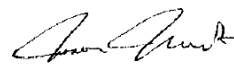
We also encourage BLM to rethink its approach to funding climbing management initiatives to ensure compliance with BLM law, regulation, and policy. We do not believe it is consistent with BLM policy to charge permit holders cost recovery fees for an environmental review of public resources that will inform climbing management broadly and benefit both commercial and non-commercial users.

Thank you again for your time and consideration of this important issue. Please let us know when you are able to meet to discuss the situation further. We look forward to continuing this conversation to find ways we can support the goals of minimizing impacts and reducing crowding at RRCNCA without being assessed unnecessary cost recovery fees or being forced into a small number of climbing sites.

Sincerely,



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American Mountain Guides Association



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Executive Director
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