

PROTECTING AMERICA'S ROCK CLIMBING ACT

NOVEMBER 18, 2024.—Ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 1380]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1380) to require the Secretary of Agriculture and the Secretary of the Interior to issue guidance on climbing management in designated wilderness areas, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting America’s Rock Climbing Act”.

SEC. 2. GUIDANCE ON CLIMBING.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, each Secretary concerned shall issue guidance for recreational climbing activities on covered Federal land.

(b) APPLICABLE LAW.—The guidance issued under subsection (a) shall ensure that recreational climbing activities comply with the laws (including regulations) applicable to the covered Federal land.

(c) WILDERNESS AREAS.—The guidance issued under subsection (a) 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, if undertaken—

(1) in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other applicable laws (including regulations); and

(2) subject to any terms and conditions determined by the Secretary concerned to be appropriate.

(d) AUTHORIZATION.—The guidance issued under subsection (a) shall describe the requirements, if any, for the placement and maintenance of fixed anchors for recreational climbing in a component of the National Wilderness Preservation System, including any terms and conditions determined by the Secretary concerned to be appropriate, which may be issued programmatically or on a case-by-case basis.

(e) EXISTING ROUTES.—The guidance issued under subsection (a) 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, in accordance with this Act.

(f) PUBLIC COMMENT.—Before finalizing the guidance issued under subsection (a), the Secretary concerned shall provide opportunities for public comment with respect to the guidance.

(g) DEFINITIONS.—In this section:

(1) COVERED FEDERAL LAND.—The term “covered Federal land”—

(A) means the lands described in subparagraph (A) and (B) of paragraph (2); and

(B) includes components of the National Wilderness Preservation System.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to National Forest System lands; and

(B) the Secretary of the Interior, with respect to lands under the jurisdiction of such Secretary.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 1380 is to require the Secretary of Agriculture and the Secretary of the Interior to issue guidance on climbing management in designated wilderness areas.

BACKGROUND AND NEED FOR LEGISLATION

Some of the most iconic climbing destinations in the country are within wilderness areas, such as El Capitan in Yosemite National Park, Joshua Tree National Park’s Wonderland of Rocks, the White Mountains National Forest, and Red Rock Canyon National Recreation Area.

In order to climb properly and ensure safety, permanent bolts and fixed anchors are placed and maintained along routes, including in wilderness areas. Unfortunately, the use of fixed anchors and other climbing equipment in wilderness areas is now being challenged by federal agencies. The Wilderness Act of 1964 established the National Wilderness Preservation System as undeveloped federal lands protected and managed to preserve their natural condition with “no structure or installation within any such area.” The U.S. Forest Service and the National Park Service are considering implementing new guidance that would consider fixed anchors as prohibited “installations” in wilderness areas. This would reverse long-standing precedent that has allowed the conditional use of fixed anchors on federally managed lands since the 1930s.

In addition to creating uncertainty within many local communities that depend on rock climbing revenues, this potential decision could create confusion by creating different, conflicting standards within the federal land management agencies on the appropriateness of fixed anchors. This would come at no benefit to the pristineness of wilderness area since the anchors have not been shown to have adverse impact on habitat or wildlife.

The “Protecting America’s Rock Climbing Act” (PARC Act) is a bipartisan bill that directs the Secretaries of Agriculture and the Interior to issue guidance recognizing the appropriateness of fixed anchors in wilderness areas on federal lands. The PARC Act would protect access to popular climbing spots in wilderness areas on federal lands while creating a uniform and predictable standard for the rock-climbing community. The intent of this legislation is to create a clear, unambiguous recognition of the appropriateness of rock climbing in wilderness areas and to ensure that recreationalists do not face conflicting, contradictory guidelines when going from Department of the Interior managed lands to U.S.

Forest Service lands. Similar language was passed unanimously out of the Senate Energy and Natural Resources Committee as part of the “America’s Outdoor Recreation Act of 2023” on July 26, 2023.

COMMITTEE ACTION

H.R. 1380 was introduced on March 7, 2023, by Rep. John R. Curtis (R-UT). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. The bill was also referred to the Committee on Agriculture. On March 28, 2023, the Subcommittee on Federal Lands held a hearing on the bill. On June 21, 2023, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Federal Lands was discharged by unanimous consent. Rep. Curtis (R-UT) offered an amendment in the nature of a substitute, designated Curtis ANS_046. The amendment in the nature of a substitute offered by Rep. Curtis was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Federal Lands held on March 28, 2023.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 names the act the “Protecting America’s Rock Climbing Act.”

Section 2. Guidance on climbing

Section 2 requires that within 18 months of passage, the Secretaries of the Interior and Agriculture issue guidance on recreational climbing activities in wilderness areas. The guidance will recognize recreational climbing, including the placement and use of fixed anchors and other equipment, as an appropriate use in wilderness if in accordance with the Wilderness Act and other laws, terms, and conditions determined by the appropriate Secretary. Any guidance issues shall include direction for previous and existing routes. The Act also requires a notice and comment period on the guidance.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and

402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

H.R. 1380, Protecting America’s Rock Climbing Act			
As ordered reported by the House Committee on Natural Resources on June 21, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 1380 would require the Departments of Agriculture and the Interior to issue guidance to recognize certain recreational rock-climbing activities as allowable under federal law. The bill would direct the guidance to outline any requirements or conditions associated with the placement and maintenance of fixed anchors on federal land. (Fixed anchors are pieces of equipment—typically bolts with closed hooks—secured to a rock wall to facilitate a safe ascent or rappel when rock climbing.) The bill also would require the agencies to accept public comments related to the guidance.

Using information about the cost of issuing similar guidance, CBO estimates that implementing H.R. 1380 would cost less than \$500,000 over the 2024–2028 period; any spending would be subject to the availability of appropriated amounts.

The CBO staff contact for this estimate is Robert Reese. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to require the Secretary of Agriculture and the Secretary of the Interior to issue guidance on climbing management in designated wilderness areas, and for other purposes.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office, H.R. 1380 contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

As ordered reported by the Committee on Natural Resources, H.R. 1380 makes no changes in existing law.

