



**Protect America's Climbing**

11/23/2016

Town of Lyme Select Board

Attn: Dina Cutting and Jay Smith

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**Re: Town of Lyme DRAFT Holt's Ledge Management Plan**

Dear Town of Lyme Select Board,

The local climbing community in and around the Town of Lyme, NH and the nationally based non-profit climbing access organization the Access Fund appreciate this opportunity to work with the Town of Lyme (Town) on the DRAFT Holt's Ledge Management Plan for ice and rock climbing access. We appreciate the Select Board's time, effort and research put into this DRAFT plan. We applaud the fact that the DRAFT plan allows traditional and ice climbing to continue on this section of Town owned Holt's ledge, and plans to conduct ongoing monitoring of the area to help form future management of the area. We continue to request that the Town refrain from removing the bolts and hangers on this section of cliff and allow current bolts to remain in place and allow climbers to use the bolts as they climb.

**The Access Fund**

The Access Fund is a national advocacy organization whose mission keeps climbing areas open and conserves the climbing environment. A 501(c)(3) non-profit supporting and representing over 6.8 million climbers nationwide in all forms of climbing—rock climbing, ice climbing, mountaineering, and bouldering—the Access Fund is the largest US climbing organization with over 13,000 members and 100 affiliates. The Access Fund provides climbing management expertise, stewardship, project specific funding, and educational outreach. For more information on the Access Fund visit: <https://www.accessfund.org/>.

## Comments

As a low impact recreation group we would like to form a working relationship with the Town of Lyme to preserve the valuable climbing resource at Holt's Ledge as well as provide assistance addressing liability and fixed hardware concerns, trail access and protection of nesting raptors in the area. We also request that the existing bolts and hangers not be removed from the cliff.

## Fixed Anchors

We continue to advocate that the existing bolts and hangers on the Town owned section of Holt's Ledge remain in place and climbers be allowed to use the bolts for protection as they climb. The local climbing community is ready and eager to assist the Town in managing the fixed anchors to assure the bolts were installed using best practices and technology available.<sup>1</sup> We would like to continue to work with the Town Select Board to address any addition concerns they may have with the bolts.

Currently the DRAFT plan states, "*It is important to recognize that since the "sport climbing" routes were illegally installed the Town finds the level of use incompatible with other uses of this Town property.*"<sup>2</sup> We encourage the Town to identify the other uses of this section of Town property and explain fully how bolts are incompatible with the other uses in the area. We acknowledge that the existing bolts were installed without the Town's knowledge, however this action was not intended to be disrespectful or illegal. We ask the Town to recognize that this situation has developed through a series of misinformation and request that the Town be open to working with the local climbing community to '*recognize and respect the value and importance of this area to members of the community, local residents, landowners and climbers.*'<sup>3</sup> The climbing community in Lyme is ready and willing to organize and assist the Town with management concerns for climbing and bolts on Town property.

## Liability

The DRAFT plan addresses liability related to fixed anchors. Climbers accept the risks associated with climbing and cannot hold the landowner liable for any accident that may occur related to rock climbing.

### *Liability for the landowner*

NH House Bill 1551<sup>4</sup> was amended in 2012 to explicitly name **rock climbing** as a recreational use covered by the state's recreational use statute. This legislation affords landowners allowing recreation on their property liability protection against lawsuits should someone get injured.<sup>5</sup> This liability statute would reasonably release the Town of any liability associated with rock climbing on Town property.

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<sup>1</sup> See <https://www.accessfund.org/educate-yourself/for-advocates/managing-fixed-anchors>

<sup>2</sup> Town of Lyme (DRAFT) Holt's Ledge Management Plan, November, 2106.

<sup>3</sup> Ibid.

<sup>4</sup> See <http://www.gencourt.state.nh.us/legislation/2012/hb1551.html>

<sup>5</sup> See <http://www.wildlife.state.nh.us/landshare/landowner-liability.html>

### *Liability for the bolt installer*

General Rule: persons have a duty to use reasonable care to avoid injury to others and may be held liable if their careless conduct injures another person.<sup>6</sup> The climber(s) who have installed the bolts are generally not liable for injury unless it can be proven that the installer was intentionally careless in installing the bolts. To date there have been no such lawsuits filed.

### **Protection of Raptors and Climbing Management**

The Access Fund supports managing climber access to protect sensitive natural and cultural resources, including wildlife. Climbing is a low impact activity that when managed properly poses no threat to cliff dwelling raptors. A combination of seasonal buffers and closures, based on credible science, monitoring, data collection and expert participation, protect raptor and keep public access restrictions to a minimum. The local climbing community will continue to support well substantiated raptor closures at Holt's Ledge.

### **Access Fund Assistance**

The local climbing community and the Access Fund are ready, willing and able to help the Town of Lyme manage the Town owned section of Holt's Ledge for climbing, improve appropriate access paths, self-regulate impacts to the area and work through and additional liability and access concerns.

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The Select Board has done an excellent job researching and compiling this DRAFT Plan and opening the plan up for community input. We encourage the Town to reconsider banning bolts at Holt's Ledge and form a partnership with the Access Fund and local climbers to preserve this climbing area. The Access Fund has the experience, local contacts, and resources to help the Town of Lyme craft an alternative to removing the hangers on the bolts at Holt's Ledge that would permit climbing and using the existing bolts, while sustaining the health and protection of the natural resources in the area. Please contact me directly with further questions and concerns at [katie@accessfund.org](mailto:katie@accessfund.org) or by phone at 303-552-2843.

Best Regards,



Katie Goodwin-Public Land Associate  
Access Fund

Cc:

Erik Murdock-Policy Director

Brady Robinson-Executive Director

Joe Sambataro-National Access Director

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<sup>6</sup> See <http://www.climbingmanagement.org/summits/2016-future-of-fixed-anchors>