

**A Request for Review and Modification
of the Palisades Interstate Park Commission's
Current Ban on Rock Climbing at
Palisades Interstate Park**

Table of Contents

Chapter Title	page #
<u>Introduction.....</u>	<u>3</u>
Supportive Public Policy	
<u>State of New Jersey</u>	<u>3</u>
<u>State of New York.....</u>	<u>4</u>
<u>Federal, State, and PIPC Acceptance of Rock Climbing.....</u>	<u>4</u>
<u>Formal Request.....</u>	<u>5</u>
<u>Requester, Supporting Organization, Interested Parties.....</u>	<u>5</u>
<u>Proposed Implementation Plan.....</u>	<u>7</u>
<u>Anticipated PIPC Concerns.....</u>	<u>10</u>
<u>Potential Economic Impact.....</u>	<u>12</u>

Introduction

Palisades Interstate Park was created with the intent of preserving the Palisades from development and destruction in the year 1900. We suggest that an important principle in the justification for the creation and continuing operation of the Palisades Interstate Park was and is to increase recreational opportunities and access for the public.

Access Palisades Interstate Park is a climbing community project dedicated solely to facilitating increased public access to enable recreational rock climbing at Palisades Interstate Park.

Supportive Public Policy

The principle of providing increased recreational access is evidenced in the following public policies:

New Jersey DEP / Green Acres

The following quote is taken directly from the NJDEP Green Acres Mission Statement page at <http://www.nj.gov/dep/greenacres/>

"We cannot overstate the importance of open space and recreation on the quality of life of New Jerseyans as well as visitors to this great State. We proudly promote New Jersey as the place to enjoy nearly every kind of recreation opportunity that exists."

State of New Jersey

Increasing recreational access is evident in the New Jersey Statutes with particular emphasis on creation in the urban areas:

13:1B-15.1. Bureau of Recreation

There shall be within the Department of Community Affairs a Bureau of Recreation, subject to the authority of the commissioner to reorganize the department. The Bureau of Recreation shall, under the supervision of the department and subject to the approval of the Commissioner of Community Affairs: a. Promote and encourage the expansion and development of recreational programs on a Statewide and local basis.

13:1B-15.2. Definitions

The term "recreation" as used in this act means any activity, voluntarily engaged in, which contributes to the physical, mental or moral development of the individual or group participating therein, and includes any activity in the fields of music, drama, art, handicraft, science, nature study, aquatic sports and athletics and any informal activity incorporating any of them.

13:8-31. Legislative findings and declaration

a. The Legislature hereby finds that in order to provide for the ever-increasing outdoor recreation needs of an expanding population, and in order to promote public access to, travel within, and enjoyment and appreciation of the outdoor, natural and remote areas of this State trails should be established both in natural and scenic areas of New Jersey, and in and near the urban areas of this State.

13:8-33. Classes of trails

b. State recreation trails, which will provide a variety of outdoor recreation uses in or reasonably accessible to urban areas.



Stateline Lookout Overlook

13:8A-3. Definitions

Except as the context may otherwise require:

(c) "Recreation and conservation purposes" means use of lands for parks, natural areas, forests, camping, fishing, water reserves, wildlife, reservoirs, hunting, boating, winter sports and similar uses for public outdoor recreation and conservation of natural resources

The principle of increasing recreational access in and near urban areas is further reinforced by

State of New York

General Functions, Powers and Duties: Commissioner of Parks, Recreation, and Historic Preservation:

10. Encourage, promote and provide recreational opportunities for residents of urban as well as suburban and rural areas.

Guiding Principles: 3.02 Guiding principles.

The office shall operate and maintain the state park, recreation and historic site system to conserve, protect and enhance the natural, ecological, historic, cultural and recreational resources contained therein and to provide for the public enjoyment of and access to these resources in a manner which will protect them for future generations.

The Palisades Interstate Park Commission is specifically named in the:

Powers, Functions and Duties for the Palisades Interstate Park Commission

1. Acquire and establish parks and recreational facilities and services.
2. Operate and maintain park and recreational facilities and services.
5. Provide or operate, or provide by lease, concession, exclusive or non-exclusive privilege, or otherwise, for the operation of such facilities, including hotels, restaurants, stands, booths, amusements, docks and any and all means of transportation to, from or in parks and facilities under its jurisdiction, for the use and enjoyment of such parks and facilities by the public and for increasing public access thereto.

Federal and State Acceptance of Rock Climbing as a Recreational Activity

Rock Climbing is an accepted recreational activity by the Federal Government as it appears on the National Park Service's web site <http://nps.gov> in their list of activities by which one can search for a National Park. In addition, the National Park Service, Forest Service, and Bureau of Land Management have collaborated with the Access Fund to support and effectively manage rock climbing on a national level:
http://www.accessfund.org/site/c.tmL5KhNWLrH/b.5000797/k.40E2/Collaboration_with_federal_agencies.htm

Rock Climbing is an accepted recreational activity by the New Jersey State Park Service as it appears on the NJ Park Service's web site in their list of approved activities:
<http://www.state.nj.us/dep/parksandforests/parks/allamuch.html#rock>.

Rock Climbing is an accepted use of Palisades Interstate Park Commission operated and managed properties as is shown by the current policy at Minnewaska State Park Preserve where Technical Rock Climbing is an appropriate use of the property. Climbing at Peter's Kill has been a successful example of public recreation on State Park land for multiple years. The climbing community looks forward to working with the Commission on its consideration of other climbing areas in Minnewaska State Park.

Formal Request

Rock Climbing is a lifelong, lifestyle, recreational activity that will add to the richness and fullness of any participant's health and wellness.

Palisades Interstate Park is in the unique position of providing a magnificent wilderness recreational opportunity in one of the world's most densely populated urban environments, thereby providing an unparalleled number of urban residents with a recreation site easily accessible by public transportation. The benefit to the climbing community and the environment would be of unparalleled magnitude.

We ask that the Palisades Interstate Park Commission (PIPC) please review the current ban on technical rock climbing in Palisades Interstate Park and consider the designation of specific areas that would provide compliance with PIPC Regulation 410.1 (p) in an effort to provide increased recreational access and participation opportunities in the New York/New Jersey Metropolitan Area's largest, most convenient, easily accessible, and significant natural climbing resource.

Requester, Supporters, and Interested Parties

Requester

This request is made by **Access Palisades Interstate Park**, Michael J. Borga Jr., 1504 Boat Landing Road, Point Pleasant, NJ. (732) 814-2644, IClimbNJ@aol.com

Supporting Organization



POWERED BY CLIMBERS

The Access Fund, a national advocacy organization that keeps U.S. climbing areas open and conserves the climbing environment. Founded in 1990, the Access Fund supports and represents over 1.6 million climbers nationwide in all forms of climbing: rock, ice, mountaineering, and bouldering. Five core programs support the mission on national and local levels: climbing management policy, local support and mobilization, stewardship and conservation, land acquisition and protection, and education.

Interested Parties regarding this request include:



The New Jersey Alliance for Health, Physical Education, Recreation, and Dance

NJAHPERD is a non-profit, membership organization of professionals committed to the advancement of quality health, physical education, recreation and dance programs in New Jersey. Founded in 1919, NJAHPERD provides professional development opportunities through workshops, conferences, an annual convention and publications. We advocate to increase public awareness of the importance of a healthy, active lifestyle through legislation and education efforts.

Interested Parties continued:



100 YEARS OF SCOUTING
Celebrating the Adventure • Continuing the Journey

Greater New York Councils, Boy Scouts of America

The Boy Scouts of America organization is one of the nation's largest and most prominent values-based youth development organizations. The BSA provides a program for young people that builds character, trains them in the responsibilities of participating citizenship, and develops personal fitness. For nearly a century, the BSA has helped build the future leaders of this country by combining educational activities and lifelong values with fun. The Boy Scouts of America believes — and, through nearly a century of experience, knows — that helping youth is a key to building a more conscientious, responsible, and productive society. The Greater New York Councils represent the five boroughs of NYC.

The Greater New York Councils, Boy Scouts of America operates the [Alpine Scout Camp](#) in Alpine, New Jersey where they operate an indoor climbing wall, year round, and an outdoor climbing tower. The Boy Scouts of America offer the opportunity to earn a [Climbing Merit Badge](#). Should the PIPC decide to allow rock climbing in the Palisades Interstate Park it would seem a reasonable conclusion that the Alpine Scout Camp would benefit significantly through the expansion of their potential climbing locations to include the nearby Palisades Interstate Park.

The American Alpine Club



Providing knowledge and inspiration, conservation and advocacy, and logistical support to the climbing community. We protect the places we climb, advocate for American climbers around the world, preserve climbing's history and chronicle climbing achievement. The AAC's ongoing commitment to inspiring and supporting climbers dates back to 1902, when the country's leading climbers and conservationists banded together to form the Club.

The American Alpine Club, New York Section



Founded in 1974, the New York Section is one of the oldest and largest of the of the American Alpine Club's regional sections. The New York Section encompasses the States of New York, Pennsylvania, and New Jersey, as well as Fairfield County, Connecticut.

Various other individuals and groups have expressed their interest in the final outcome of this initiative.

Proposed Implementation Plan

Should the Palisades Interstate Park Commission decide to grant the request to permit technical rock climbing within the confines of Palisades Interstate Park then we suggest that the following steps would provide a workable initial plan of action.

1. Designation of Approved Contact Personnel for the climbing community and the Palisades Interstate Park Commission regarding administration, approvals, correspondence, issues, opportunities and concerns as may be required.

A. A point of contact should be designated for the climbing community and maintained to facilitate communication and cooperation between the parties. Michael Borga has offered to be this contact initially.

B. Palisades Interstate Park should designate an authorized point of contact to facilitate communication, provide approval and oversight of proposed activities, and cooperation between the parties.

2. Designation of the PIPC approved climbing areas:

A. Designation of climbing areas would provide compliance with the current PIPC Regulation 410.1 which states

(p) Climbing or descending cliffs at points other than those designated for that purpose.

B. Initial Climbing Access Suggestion

The initial suggestion would be for the entire park's resources to be made available for technical rock climbing.

If the PIPC determines that to be an unworkable suggestion:

C. Secondary Climbing Access Suggestion

The secondary suggestion would be for climbing to be permitted north of the Alpine Boat Basin and Picnic Facility as there is limited foot traffic and no Automobile or Bicycle traffic in that area.

Should the PIPC determine that to be an unworkable suggestion:

D. Tertiary Climbing Access Suggestion

The third suggestion would be for climbing to be permitted in a pilot area or areas. The site or sites would be determined through discussion of potential sites with the PIPC's designated and authorized representative, appropriate and authorized investigation of the potential sites, direct reporting of the results of investigations to the PIPC's representative. If the sites meet with approval from the PIPC's representative, an interim approval of the pilot site or sites providing climbing access for the general public would be issued until such time as the PIPC meets to review the interim approval.

E. An additional consideration that would provide great benefit to the urban climbing community would be the PIPC's determination and direction that, if feasible, a climbing area in a southern portion of the park should be identified and permitted through the cooperation of the climbing community and the Palisades Interstate Park PIPC designee's recommendations and approval. A southern area would provide accessibility for those New York City and North Jersey residents that do not own a car or would prefer to use public transportation. The following information is quoted from the Palisades Interstate Park web site:

George Washington Bridge North Pedestrian Walkway Hudson Terrace, Fort Lee.

Ideal trail access for those who walk across the Bridge from Manhattan, or those who take a bus to the Bridge Plaza (about two blocks west). Access can be gained to the southern trailhead for the Long Path the same way you would gain access to the northern bridge walkway, from the steel stairway from Hudson Terrace. This stairway splits; follow the part that goes into the woods.

F. Additional climbing sites and approvals should be considered as they become appropriate within and under the Palisades Interstate Park Commission's direction.

3. Environmental Impact Management:

A. The climbing community fully recognizes the need to use the resources in a responsible and prudent manner resulting in the smallest impact upon the environment and surroundings. Climbers, in general, have a great respect for the outdoors and the natural environment and as such wish to preserve the experience for the next generation of climbers, hikers, and outdoor enthusiasts. The Access Fund is a strong supporter of this initiative and the following is quoted directly from their principles regarding climbing management:

The Access Fund urges all climbers to recognize and to limit the impacts of their climbing practices on the environment, other climbers, land managers, and other users.

The Access Fund believes that the key to effective management is cooperation. Discussion between climbers and land managers will result in climbing-management policies based on mutual agreement. Such policies will help ensure cooperation and effective enforcement of the policy.

B. Adopt-A-Crag style events (described in 4 C below) would provide community based assistance in the trail and route maintenance, creation, or clean up of the climbing environs.

4. Creation of a Management Plan for access and sustainability:

A. A great resource for land managers and owners is the Access Fund publication, Climbing Management: A Guide to Climbing Issues and the Development of a Climbing Management Plan, available online at <http://www.accessfund.org/atf/cf/%7B1F5726D5-6646-4050-AA6E-C275DF6CA8E3%7D/CM-web.pdf>. It contains over 70 pages of information and suggestions regarding ecological impacts, cultural resources, social impacts, types of climbing, their associated management methods, and how to prepare a climbing management plan.

B. As an integral supporter of this initiative many, if not all, of the Access Fund's management philosophies and principles would be considered in the creation of the management plan subject to review and approval by Palisades Interstate Park. The Palisades are a unique recreational resource that will require a unique set of guidelines. However, the Access Fund has worked with hundreds of local, state, and federal public and private entities since 1991 to develop well-suited plans. There are various management plans across the country to serve as examples for the Palisades Interstate Park Commission to consider.

C. The Access Fund may also be a source for matching grant funding and local mobilization for community stewardship, education, and trail work:

Grants Program—The Access Fund provides funding for access and conservation projects. Project funding categories include education, mitigation, research, facilities, and acquisition. See website: <http://accessfund.org/cons/guidelines.php> for details and to download a copy of the grant guidelines. These grants are made available to land managers and partner local climbing organizations alike.

Special events/stewardship projects—The Access Fund supports projects such as conservation work-days and clean-up events by assisting the local climbing community with publicity and donations of climbing equipment and other prizes. For example, the Access Fund’s national Adopt-a-Crag Day is held every year (previously held annually during the month of September, this stewardship event now occurs year-round). Refer to the Access Fund website for more information about this event. Access Fund representatives can also work with land managers to organize other local projects or assist with community involvement.

5. Continued Communication and Cooperation between the climbing community and the Palisades Interstate Park Commission regarding issues, opportunities and concerns as they may come to light.

A. An ongoing climbing community point of contact should be designated and maintained to facilitate communication and cooperation between the parties.

B. Palisades Interstate Park should designate a point of contact to facilitate communication and cooperation between the parties.

Anticipated PIPC Concerns

1. Liability Issues:

A. We realize that liability issues will be one of the main concerns of the Palisades Interstate Park Commission. The type of risk management and liability varies state to state, but there are various legal protections in place to reduce such liability. For example, we believe that Palisades Interstate Park, its employees, and the Commission will be immune from liability under several statutes and considerations as long as they are not actively promoting the specific activity or directly involved in the equipment used.

Neither Access Palisades Interstate Park, Michael J. Borga Jr., nor the Access Fund is in a position to offer legal advice and suggests PIPC seek legal advice from a qualified attorney. However, below are some general provisions that would appear to protect the PIPC from liability issues.

B. For example, under New Jersey Statutes:

59:1-3 Definitions.

59:1-3. Definitions. As used in this subtitle:

"Public employee" means an employee of a public entity, and includes: a person participating, under the supervision of the Palisades Interstate Park Commission, in a volunteer program in that part of the Palisades Interstate Park located in New Jersey.

59:2-1. Immunity of public entity generally

a. Except as otherwise provided by this act, a public entity is not liable for an injury, whether such injury arises out of an act or omission of the public entity or a public employee or any other person.

C. Assumption of Risk Doctrine:

The Access Fund's guide to Climbing Management describes the Assumption of Risk Doctrine as follows:

The perceived risk associated with climbing is good news for land managers concerned about liability. In cases that have gone to trial, the courts have applied the "assumption of risk" doctrine, ruling that climbers are engaged in a recreational activity with known safety hazards, and are responsible for their own safety. The Assumption of Risk Doctrine states that a person assumes the risk of injury or damage if he or she voluntarily or unreasonably exposes oneself to injury or damage with knowledge or appreciation of the danger and risk involved. This doctrine is fundamental to all forms of outdoor recreation including climbing. Assumption of risk requires knowledge of the danger, and consent to it. As a practical matter assumption of risk has broad applicability to recreational rock climbing and is frequently used as an affirmative defense in recreational sports cases. In other words, someone engaged in an obviously risky activity like rock climbing assumes the risk of injury as a result. The defense is generally effective regardless of whether the theory of recovery is based on negligence, reckless conduct, or strict liability.

Climbers cannot win damages against landowners or land managers for simply allowing climbing to occur. Relevant to such rulings is the fact that the hazards arise from the direct interaction of the visitor with the natural environment, rather than with human-made facilities, and that land managers and private property owners have made their lands available for recreation, without any fee for service and without acting negligently.

This interpretation would appear to be consistent with a California State Parks determination:
<http://www.parks.ca.gov/pages/734/files/dn93-25.pdf>

Rock climbing activities should not be routinely restricted for reasons of liability. Per Government Code Section 831.7, the Department is immune from liability for visitors engaged in such inherently dangerous recreational activities. The Department may be liable, however, if it encourages the activity or involves itself with the equipment used; therefore, Districts will not take part in rock climbing activities, or inspect, place or maintain climbing equipment.

2. Search and Rescue

A. Climbers, in general, plan to be self sufficient, self reliant, and rarely need any outside assistance. Climbers should always plan and be prepared to conduct their own self rescue and evacuation.

B. Climbers are normally capable of providing assistance to hikers, walkers and the general public when assistance is required. Climbers, due to their self sufficiency plans, may be in the closest and best position to render aid and assistance as an early responder while waiting for response teams to reach an accident victim.

C. There is a local (NJ based) Certified and Qualified Mountain Search and Rescue Unit that has the expertise and experience to handle potential situations should the need arise.

Potential Economic Impact

1. The Outdoor Recreation Coalition of America (ORCA) reported that 4.1% of Americans participated in some form of climbing in 2001.

Using those participation rates as a basis, then 4.1% of 11 million, the population estimate of NY City and Northeastern New Jersey, we find that there are more than 450,000 potential users of the Palisades Interstate Park's natural and most prominent resource, the cliffs, for recreational climbing purposes within the surrounding urban area. This user group may range from youth participating in an inner-city outdoor education program to the Boy Scouts at the Alpine Camp to highly experienced recreational climbers.

The New Jersey Department of Tourism has devoted much effort to quantifying the amount of money spent per day by visitors and found that each person spent \$107 per day in 2008. If Palisades Interstate Park were to become a climbing resource for only 1/3 of the potential local users on a once a year basis, even without inclusion of the out-of-region tourists that Palisades Interstate Park might attract, then the NY/NJ Metropolitan Area could see an increase in tourism revenues in excess of \$16 Million.

2. Palisades Interstate Park would benefit financially from ancillary expenses purchased by the climbing community's participation in technical rock climbing at the park. Such expenses would include parking fees, purchase of food and drinks, maps, and souvenirs from the park's concessions and vendors.

3. Palisades Interstate Park could, if approved, see a financial gain from licensing climbing guides to operate in a manner similar to the way the park currently licenses other vendors to operate inside the park.

4. Palisades Interstate Park could, if approved, see a financial gain from licensing a climbing equipment vendor to operate in a manner similar to the way the park currently licenses other vendors to operate inside the park.