

April 16, 2007

VIA EMAIL

(hard copy to follow)
Kirsten Winter
Cleveland National Forest
10845 Rancho Bernardo Rd #200
San Diego, CA 92127

**RE: ACCESS FUND SCOPING COMMENTS ON SEASONAL
RAPTOR CLOSURES IN CLEVELAND NATIONAL FOREST**

Dear Ms. Winter,

I write today on behalf of the Access Fund and American climbing community to urge the Cleveland National Forest (CNF) to reconsider the proposed action in its scoping letter dated February 26, 2007 and to better clarify the nature, characteristics, and scope of the proposed action, the purpose and need for the proposed action, and the decision to be made as required by Chapter 10 of Forest Service Handbook 1909.15 (Environmental Analysis), 11.2 "Identify Characteristics of Proposed Action and Nature of Decision To Be Made (pg. 8)." In particular, the projected scope of the proposed action fails to address the controversial management issue of the elimination of 65% of climbing opportunities in CNF. If, as the CNF infers, the purpose of this proposed action is to determine whether closing miles of cliff lines and acres of United States Forest Service lands to the public is necessary to ensuring the fledging success of the resident golden eagle and prairie falcon, the CNF must provide an analysis of how rock climbing has interfered with successful fledging in the past. This analysis would be consistent with the CNF mandate to monitor in order to realize the concept of adaptive management.¹ We are very disappointed that the CNF, which chose to undertake this environmental assessment based on public input on its December 11, 2006 letter proposing a categorical exclusion, excluded any mention of the impact on rock climbing in its initial analysis.

Perhaps the strongest indictment against the proposed action of a blanket seasonal closure from December 1 through May 30 is the CNF's somewhat vague stated purpose, "to protect golden eagles and prairie falcons" and "to allow golden eagles and prairie falcons adequate time to complete their nesting cycle with as little human disturbance as possible" even though CNF provides

¹ <http://www.fs.fed.us/r5/scfpr/projects/lmp/docs/cleveland-part2.pdf>, pg. 17.

no site-specific or historical human disturbance data or fledging success of the raptors it is purporting to protect.

To continue to neglect the importance of the impact on rock climbing altogether, and continue to propose an exclusive and, potentially, unnecessary management practice, would indicate decisions based on speculation and opinion- and not the best scientific data available. Public advocacy groups like the Access Fund support the reasonable implementation of existing USFS policies that favor consistent and effective resource protection, but arbitrary actions such as the seasonal closures proposed by the CNF with no site-specific documentation, observation or historical data, will erode public support for genuine conservation efforts.

This letter serves to provide Access Fund comments to the CNF's scoping letter dated February 26, 2007 which propose seasonal area closures at Rock Mountain, Eagle Peak, and Corte Madera Mountain to "allow golden eagles and prairie falcons adequate time to complete their nesting cycle with as little human disturbance as possible."² This letter is in addition to the Access Fund's comments to the first scoping letter dated December 11, 2007. We respectfully request that comments from both letters are entered into the public record.

The Access Fund

It is particularly appropriate that the Access Fund work closely with the USDA Forest Service (USFS) on any management decisions concerning rock climbing given the memoranda of understanding (MOU) that the Access Fund has with the USFS relating to any climbing management initiatives within the National Forest System.³ As you are aware, the Access Fund, whose mission is to keep climbing areas open and to conserve the climbing environment, is the nation's largest climbers' organization, representing over 1.6 million technical rock climbers, with California as our largest membership state.

The Access Fund is proud of its collaboration with the USFS concerning climbing management issues across the country. In fact, we have been instrumental in providing funding and serving as intermediary in the

² These Access Fund scoping comments are purposefully more in-depth than may be typical for the NEPA scoping process. In our experience, some of the most important planning decisions are made following the scoping period when agency planners are formulating specific alternatives based on scoping feedback. Thus, our comments are more comprehensive than simply stating what we believe should be the scope of the proposed seasonal closures.

³ See <http://accessfund.org/pdf/AF-03-MOU-USFS.pdf>

acquisition of land for inclusion in the USFS, as well as assisting in site-specific impact mitigation projects.⁴ The Access Fund has long supported the efforts of the USFS to fulfill their mission during management planning initiatives. To this end we regularly provide comments on Forest-specific management plans and recently hosted a Land Manager Summit, which brought together land managers from across the country that manage climbing resources on public lands to discuss successful climbing management practices, including seasonal closures for raptors.

Corte Madera, Rock Mountain, and Eagle Peak are Important and Popular to Climbers

The climbing resources in San Diego County, particularly at the rock formations in the CNF, are unique and very important to the local climbing community. Eagle Peak and Corte Madera Mountain are 2 of only 3 large rock cliff faces found in San Diego County that provide vistas for hikers and high-quality safe multi-pitch rock climbing experiences for climbers that can not be found unless one leaves the county. By closing these areas the CNF will be removing over 65 percent of the rock climbing opportunity found within the CNF. Climbers are drawn to the area's unique combination of scenic beauty, remarkable landscape, unique climbing challenges, and convenient access. People familiar with the outstanding quality area and large number of regional climbers expect climbing activity to only increase. In short, the resources in the proposed seasonal closure area are very popular and important to climbers.

The Basis For and Scope of the Proposed Seasonal Closures are Not Supported by the MBTA, BGEPA, Cited Section of the CNF Management Plan, or the Scientific Rationale

The CNF Management Plan speaks directly to the conservation strategies of the golden eagle and prairie falcon.⁵ It is, therefore, not necessary for the CNF to invoke either the MBTA or the BGEPA as authority in order to manage for the conservation of the golden eagle and prairie falcon. The CNF is encouraged to restrict human access during critical life stages of the golden eagle and prairie falcon.⁶

⁴ www.accessfund.org/about/granta/php

⁵ For an analysis of why the MBTA, BGEPA or CNF Management Plan, Part 3, Standard 18 are not proper authorities for justifying this closure, please reference Access Fund's letter of January 31, 2007.

⁶ Land Management Plan Part 2, Cleveland National Forest Strategy, Sept. 2005, pg. 89.

According to the “Scientific Rationale”, “prairie falcons build no nests” and lay eggs in “February to March and fledging as early as April,” “the most critical period for avoiding disturbance to golden eagles is early in the nesting season, during courtship and incubation,” and “recent research on the eagle population in the county . . . indicates egg-laying typically occurs in mid-February and fledging occurs in June.” The “Scientific Rationale” provided by the CNF does not justify the need for blanket closures of the entire nesting territory to ensure fledging success.

As we have noted from the beginning of this issue, there are many management alternatives that could provide some level of climbing opportunity, will still managing for the conservation and proliferation of the golden eagle and prairie falcon. When preparing a National Environmental Policy Act (NEPA) planning document like an Environmental Assessment, the USFS must include all reasonable alternatives to the proposed action. The inferred purpose for the scoping letter and environmental analysis is to prohibit rock climbing to allow for fledging success of resident prairie falcons and golden eagles. Given this purpose for proposing a broad seasonal closure, it makes no sense that the most questionable and controversial management practice (the closing of significant climbing opportunities) would be ignored. NEPA planning documents serve two purposes: (1) to ensure informed decision making by federal agencies, and (2) to provide the public with information and an opportunity to comment on the proposed action. Further, NEPA plans must contribute to the decision making process and not be used to rationalize or justify existing decisions.⁷ Importantly, each agency must “study, develop and describe alternatives to recommended courses of action in any proposal, [especially those] that involve conflicts concerning alternative uses of available resources.”⁸

NEPA regulations require “a reasonable range”⁹ of alternatives that provide the public an opportunity to support or criticize a proposed project; and the agency must “rigorously explore and objectively evaluate all reasonable alternatives.”¹⁰ At CNF, the USFS has failed to include comments from the first scoping period other than its desired outcome into its proposed action, and instead has simply regurgitated its past arguments and scientific generalizations to justify a seasonal climbing closure at Corte Madera, Eagle Peak, and Rock Mountain. This narrow planning scope does not provide any

⁷ 40 CFR 1502.5

⁸ 42 USCA 4332 (E)

⁹ 40 CFR 1505.1(e)

¹⁰ 40 CFR 1502.14(a)

insight into whether the seasonal closures are in fact a best management practice.

The CNF's unwillingness to-date to consider these alternatives is hardly consistent with United States Forest Service (USFS) policy to provide "[for] the greatest good of the greatest number in the long run," nor legislative mandate for the management of national forests that requires public lands be managed to guarantee that future generations will continue to benefit from their many values.¹¹

Many Reasonable Compromises Exist for Managing Climbing That will Allow for Raptor Fledging Success

The Access Fund recognizes that recreational access must be balanced with proper management (which may include restrictions) to protect the natural and cultural resource values and the integrity of the landscape. Several possible solutions for compromise could balance the CNF's management of climbing and the protection of natural resources. There are many examples across the country where climbing co-exists with conservation measures that ensure raptor population protection. Thus, it is unnecessary for the CNF to manage Corte Madera, Eagle Peak, and Rock Mountain exclusively for natural resource protection.

The CNF's proposed action is a subjective determination that justifies why it must absolutely exclude climbers; this reasoning is not consistent with other public land management initiatives across the country- including many USFS initiatives- that seek to balance recreation and conservation management. The New River Gorge and Devil's Tower National Parks, for example, allow climbing to continue on routes directly under Peregrine and Prairie Falcon nests, respectfully, at all times of the nesting and fledging process.

The USFS Boulder Ranger District (BRD) implements the Boulder Canyon seasonal closures on February 1st is to allow the golden eagles time to select a nest site each season with as little human disturbance as possible, by closing areas in the vicinity of recently used and alternate nest sites. Through the efforts of volunteers and Forest Service employees, and local climbers the area is monitored for eagle activity, and once nesting is verified, the BRD reopens all other areas to climbing and other activities. In four of the last five years, some areas were reopened by mid March. Because of the popularity of winter

¹¹ Committee of Scientists issued a final report on March 15, 1999, entitled Sustaining the People's Lands

climbing on south-facing slopes in the closure areas, the USFS continues to reduce number of closed areas. These crags remain open as long as climbers and other Forest visitors remain in the open areas and the closures of the most active nests and surrounding areas are not compromised. The Boulder Ranger District has worked with the Local Climbing Organization and the Access Fund to determine the most sufficient and necessary cliff closures to protect the nesting territory for golden eagles. Consistent monitoring, input from concerned stakeholders, and analysis and opinion from local raptor experts helped the Boulder Ranger District and local climbers work together to develop the most sufficient and necessary closure restrictions to protect the golden eagles.

Recently, the Coronado National Forest and the Southern Arizona Climbers' Coalition (SACC) entered into an MOU to cooperatively monitor peregrine falcon nest sites to assess occupancy and nesting success. This cooperative agreement and important monitoring effort by climbers has allowed for year-round access to many popular climbing destinations within the forest, which were seasonally closed under previous raptor closure orders, while maintaining a protected habitat for nesting raptors. Hundreds of other public land units manage low-impact recreation with other important resource conservation efforts such as raptor nesting. The Access Fund supports these reasonable efforts to balance recreation and resource protection.

Conclusion

The CNF should strive to manage for the fact that the climbing at Corte Madera, Rock Mountain, and Eagle Peak provides a truly unique, climbing experience. Without establishing an ecological need to close these areas to climbing so to provide for raptor habitat, the CNF appears to be managing in an arbitrary fashion and outside the rationale of the USFS mission, "to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations."

It is the Access Fund's experience that virtually all potential threats or actual impacts to natural and cultural resources associated with climbing can be eliminated or reduced to acceptable levels through a combination of education, cooperation with the climbing community, and site-specific prescriptions, including rerouting of trails or partial crag closures within a specific distance of the raptor's nest.

Provided a legal and scientific determination for closing Corte Madera, Rock Mountain, and Eagle Peak to climbing that considers all alternatives for access

and mitigation is produced by the CNF, the Access Fund will be the first to assist you in implementing the details of that initiative. The Access Fund looks forward to further discussions of various lesser restrictive measures, including educational signage and monitoring programs, and we are committed to working with the CNF to resolve any other issues raised in this letter. Again, the Access Fund very much appreciates your hard work and looks forward to assisting in the CNF efforts to explore recreation-wildlife compatible solutions.

Respectfully Yours,

Deanne Buck
Programs Director
The Access Fund

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