

February 15, 2012

VIA ELECTRONIC AND FIRST CLASS MAIL

Ms. Molly Brown
Field Manager
Bureau of Land Management
Prineville District Office
3050 N.E. 3rd Street
Prineville, OR 97754

Re: Closure of the Trout Creek Climbing Area

Dear Molly:

Thank you for taking the time to meet this week with Eric Sorenson of the Access Fund, John Connor of the American Alpine Club and Chris Winter of the Crag Law Center to discuss the closure of the Trout Creek climbing area. We very much appreciated your time, as well as the time of Mr. Bill Dean. We came away from the meeting with a better understanding of the public process to be used from this point forward and how our constituents and the climbing community more broadly can be involved in decisions affecting this world-class recreational resource. We also hope that you and your staff have a better understanding of our interests and, in particular, of how strongly the climbing community treasures this special place and how we share your primary interests in protecting habitat for golden eagles while respecting and preserving public recreational access.

To be clear, our organizations and our members are fully committed to working collaboratively with the Bureau of Land Management to implement and enforce appropriate seasonal closures and to promote volunteer stewardship of and service to the Trout Creek area. With that said, many of our members have expressed concern about the process that was used to date, and we heard clearly from you and Bill that you understand those concerns. As we discussed in the meeting, we think it important, at this point, to document our concerns about how the closure was implemented, but we are also fully committed to looking forward and establishing a strong working relationship with Prineville BLM office.

Background and Timeline

On February 1st, 2012, BLM closed Trout Creek to climbing until August 31st, 2012 for the purposes of protecting nesting sites for golden eagles (*Aquila chrysaetos*) in the Frog Springs territory. BLM announced the closure without any advance public

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notice, without any opportunity for public comment, and without any environmental analysis pursuant to the National Environmental Policy Act. In short, this decision was made behind closed doors without any public involvement.

The agency's decision to exclude the public from the decisionmaking process was particularly disappointing because local climbers had gone out of their way to establish a professional, working relationship with staff from the Prineville office of BLM. In April of 2011, local climbers learned of the potential closure through word-of-mouth. Eric Sorenson, Jeff Wenger and Wally Fox attempted to contact Ms. Cassandra Hummel to discuss the potential closure. Several weeks after these local climbers attempted to make initial contact, Ms. Hummel arranged a conference call to discuss the issue. On October 24th, 2011, a site visit was conducted involving Eric Sorenson, Ms. Hummel and other BLM employees.

During those initial discussions, local climbers offered a voluntary closure of the Trout Creek climbing area to address any potential conflicts with nesting raptors, and they also offered to conduct volunteer monitoring and to reach out to the broader climbing community about the volunteer closure and golden eagle habitat. Although BLM rejected those offers, the public was told that the agency would conduct a public process and perform an environmental analysis *before* closing the area to public use.

On November 7, 2011, we sent a letter to BLM requesting data on golden eagle use of the Frog Spring territory and the Trout Creek area. For almost three months, we did not hear back from BLM regarding our request for data.

On January 25, 2012, we received a letter from you, Ms. Brown, stating that "Currently, we are gathering information to fully understand the situation relative to protecting the Frog Springs territory, and therefore do not have a scheduled timeline for the environmental analysis process. We will contact you when we know more about our timeline and management approach."

Along with this letter, BLM provided very limited data on golden eagle use of the Frog Springs area and, in particular, the nest sites near the Trout Creek climbing area. To be clear, BLM has **a single data point from 1996** for the nest site (001) at the main climbing wall. There is no other monitoring data in the last 15+ years that establishes golden eagle use of the nest site at the Main Wall. For the nest site (004) at the south end of the climbing area, which is some distance to the south from the main climbing wall and which gets much less use, the last data is from 2000, more than 10 years ago.

On February 2, 2012, we were notified by email that BLM had closed Trout Creek to climbing, effective February 1, 2012, until August 31, 2012. After some discussion, BLM agreed not to enforce the closure until Monday, February 6, 2012, and a number of climbers enjoyed a final weekend of climbing immersed in the incredible landscape of the Central Oregon High Desert and the Deschutes River.

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On February 3, 2012, we sent a Freedom of Information Act request to BLM seeking all available information regarding the closure and golden eagle use of the area.

Introduction of Stakeholders

Thank you again for taking the time to hear our concerns and to receive our offers of personal assistance in establishing a strong relationship between BLM and the climbing community, an important recreational user group. Please take the time to learn a bit more about our organizations, our history, and our long-standing interest and participation in management of our treasured public lands.

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 2.3 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 11,000 members and affiliates. We compile and publish the largest list of wildlife related closures in the country.

The Access Fund works with federal, state, and private land managers to develop and implement climbing management plans that are currently in use across the country, and has hosted several national climbing management conferences attended by hundreds of land managers from across the country. In many instances, climbers actively assist land managers by maintaining trails, removing trash, and help locate, monitor, and report on species of concern. Oregon is one of our largest member states and many of our members regularly travel to Trout Creek to climb. To learn more about the Access Fund, see www.accessfund.org.

The Mazamas, founded in 1894 on the summit of Mt. Hood, is a membership-based nonprofit mountaineering education organization located in Portland, Oregon. The Mazamas offers over 900 hikes and 350 climbs annually for over 13,000 participants. We educate the public about climbing, hiking, and recreational opportunities and stewardship in Oregon. Our members regularly use the Trout Creek climbing area, which provides world-class traditional climbing, and many of our members have expressed to us concerns about the closure of the Trout Creek area.

The American Alpine Club provides knowledge and inspiration, conservation and advocacy, and logistical support for the climbing community. The AAC advocates for American climbers domestically and around the world, and we annually give over \$80,000 toward climbing, conservation and research grants to adventurers who travel the world. Many of our members regularly use Trout Creek because of the unmatched beauty and solitude combined with the incredible climbing, which has been developed by a strong community of local climbers from Central Oregon.

The Crag Law Center (Crag) is helping to coordinate the public's participation in this matter. Crag is a client-focused law center that supports community efforts to protect and sustain the Pacific Northwest's natural legacy. Based in Portland, Oregon, our team of four attorneys and two support staff provide *pro bono* legal assistance to community groups from Northern California to the North Slope of Alaska on a wide range of issues that include public land management and public recreational access.

Our Interests and Concerns

As a follow up to our meeting, we want to clarify our interests in the Trout Creek area.

- Trout Creek is an irreplaceable, world-class recreational resource for the region, and it helps to support the local recreation-based economy in Madras and Central Oregon;
- As climbers and as non-profit organizations committed to conservation, we share BLM's interest in protecting golden eagle populations, and we recognize that a reasonable seasonal closure, based on sound science, may be needed to protect active nest sites;
- We are committed to working collaboratively with BLM to monitor golden eagle use of the area, communicate to the climbing community about an appropriate closure, coordinate public participation to provide effective input to BLM, participate in maintenance and stewardship of the Trout Creek area, and to take any other necessary steps to ensure that the climbing community and BLM maintain a cooperative and productive relationship;
- We believe that BLM's management of Trout Creek must be informed by effective public participation and sound science, and we are committed to assisting BLM to ensure that appropriate resources are brought to this issue with those goals in mind;
- We believe that climbers should be treated the same as other user groups, including river users, who may also be impacting nesting sites within the Frog Springs territory; and
- We believe that the climbing community should be given the opportunity to participate in management of the Trout Creek area to the greatest extent possible given the fact that the local community has always been excellent stewards of the area and has proven themselves to be collaborative stakeholders in management of these public lands.

Based on our most recent meeting, our understanding of the upcoming process is as follows:

- BLM will consider conducting a public scoping process to solicit input on issues to be addressed in an upcoming environmental assessment performed pursuant to the National Environmental Policy Act (NEPA). As we stated during the meeting, the field visit of October 24th, where Eric Sorenson was the only climber present, cannot serve as the public scoping process, and the public was not generally provided advance notice of this site visit. An open scoping process is therefore critical so that BLM can hear more broadly from the public about its interests and concerns regarding Trout Creek before the EA is complete.
- BLM will publish an environmental assessment and will take public comment for at least thirty days prior to making a final decision on long-term management of the Trout Creek climbing area.
- As a part of the environmental assessment, we asked that BLM address several critical questions, including:
 - How does BLM intend to monitor golden eagle use of the area, is there a written monitoring plan, and how can climbers participate to ensure that we collect and retain accurate data on golden eagle use of the Trout Creek area?
 - What is the best available science on golden eagle nesting habitat, and how will BLM incorporate that scientific information into determining the geographic and temporal scope of potential closures?
 - As a part of considering the environmental baseline and assessing cumulative impacts, BLM should consider other existing threats to golden eagle use of the Frog Springs territory, including lead shot, hunting on private and public land, disturbance from recreation on the Deschutes River, and available prey. Because all nests in the territory appear to have failed in recent years, we ask that BLM assess whether causes other than climbing adjacent to the nest at the Main Wall may be causing declines in golden eagle use of the area. We again emphasize that climbers should not be singled out as a user group and that BLM should be focused on the full range of potential disturbances to golden eagles in the Frog Springs territory.
- In the interim, before the release of the EA, BLM will consider whether it is willing and able to work with our organizations on a voluntary or collaborative closure of the Trout Creek area. We very much appreciate your offer to reconsider the nature of the closure that was implemented without advance public notice and to involve the climbing community in appropriate management prescriptions.

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- Finally, we discussed the possibility of opening the North Access Trail to the Main Wall if there was no nesting activity at the Main Wall nest site by May 15th, or opening the entire area by May 15th if there was no nesting area in the territory as a whole. We also greatly appreciate the fact that you and your staff are willing to consider this possibility, and we are willing to do whatever necessary to work with the BLM towards this objective. If our understanding is incorrect, please let us know so that we are all on the same page regarding the scheduled opening date this Spring.

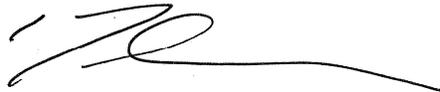
Conclusion

Thank you again for your time and attention to this matter, and we appreciate all the efforts of your staff to date. Please follow up with us at your earliest convenience regarding the nature of the current closure and possible opening dates in May, and we look forward to working with the BLM to preserve wildlife habitat and promote the incredible recreational resources at Trout Creek for the benefit of the public. In the future, please feel free to contact Eric Sorenson (easyesreonson@gmail.com), R.D. Pascoe (rd@accessfund.org) or Chris Winter (chris@crag.org) to pass on information and discuss management issues related to Trout Creek.

Sincerely,



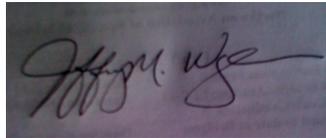
Eric Sorenson
Regional Coordinator
The Access Fund



Lee Davis
Executive Director
Mazamas



RD Pascoe
Policy Director
The Access Fund



Jeff Wenger
Friends of Trout Creek

/s Wally Fox

Wally Fox
Friends of Trout Creek



Graham Williams
American Alpine Club – Oregon Section

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A handwritten signature in black ink on a light green rectangular background. The signature reads "John Connor" in a cursive script.

John Connor
American Alpine Club – Oregon Section

A handwritten signature in black ink. The signature reads "Chris Winter" in a cursive script.

Chris Winter
Co-Executive Director
Crag Law Center

cc: Mr. Ed Shepherd, Oregon State Director, Bureau of Land Management
Acting District Manager, Prineville District, Bureau of Land Management
Mr. Brady Robinson, Executive Director, Access Fund
Mr. Phil Powers, Executive Director, American Alpine Club
Mr. Eddie Espinosa, Regional Coordinator, Access Fund
Ms. Laura Crocker, President, Madras – Jefferson County Chamber of Commerce

Enclosure