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February 3, 2012

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**VIA CERTIFIED MAIL --- RETURN RECEIPT REQUESTED and  
ELECTRONIC MAIL to [ewalls@blm.gov](mailto:ewalls@blm.gov)**

Elizabeth Walls  
FOIA Officer  
Bureau of Land Management  
PO Box 2965  
Portland, OR 97208

**Re: Freedom of Information Act Request Related to the Closure of  
the Trout Creek Climbing Area**

Dear Ms. Walls:

This request for documents is made pursuant to the Freedom of Information Act, 5 U.S.C. §§ 552 *et seq.* This request is made on behalf of the Mazamas and the Access Fund and relates to the Bureau of Land Management's decision to close the Trout Creek Climbing Area in the Prineville District.

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, many of our members have expressed to us concerns about the closure of the Trout Creek area.

The Access Fund is a national advocacy organization that keeps U.S. climbing areas open and conserves the climbing environment. Founded in 1991, the Access Fund support and represents over 2.3 millions climbers nationwide in all forms of climbing: rock, ice, mountaineering, and bouldering. Many of our members regularly enjoy climbing at Trout Creek, and our regional coordinator, Eric Sorenson, has been active in communicating with BLM on behalf of the climbing community regarding access issues at this area.

The Mazamas and the Access Fund request all documents related to the Trout Creek climbing area, including, without limitation, the following:

- (1) all documents and information from 1989 until the present time regarding the nesting, breeding, roosting, foraging, sightings, or other use by or presence of Golden Eagles (*Aquila chrysaetos*) or other protected raptors in the Trout Creek or Frog Springs area (including, without limitation, all survey information, raw data, logs, reports, maps, survey protocols, photographs, recordings, emails, draft documents, etc.);
- (2) all documents, correspondence and information relating in any way to the closure of or access to the Trout Creek climbing area (including, without limitation, all emails, notes, meeting notes, recordings, field notes, etc);
- (3) all documents related to analyses performed pursuant to the National Environmental Policy Act relating to the Trout Creek climbing area, including categorical exclusions, environmental assessments, environmental impact statements, decision notices, decision memos, findings of no significant impact, records of decisions, and any and all supporting memorandums, reports, or other resource information;
- (4) any and all correspondence (including, without limitation, electronic mail, telephone notes, meeting notes, etc) regarding the closure or potential closure of the Trout Creek climbing area or of Golden Eagle use of or presence in or nearby the Trout Creek Climbing area or Frog Springs (including, without limitation, all correspondence to or from Portland General Electric, to or from the U.S. Fish and Wildlife Service, to or from the Oregon Department of Fish and Wildlife); and
- (5) any and all documents relating to management plans for recreational use of the Trout Creek climbing area or Frog Springs area (including, without limitation, any and all documents relating to the length of the climbing closure, monitoring of Golden Eagle use of the area, and methods for determining when to reopen the area for climbing).

The Mazamas and the Access Fund also request that all records maintained in electronic format be provided to them in such format as stated in 5 U.S.C. § 552(a)(2)(D). Please provide electronic format documents in .pdf, .txt, .doc, or .rtf form where appropriate and possible. All maps that are color-coded shall be copied in a manner that preserves the reader's ability to fully interpret the map's key.

The Mazamas and the Access Fund respectfully request that BLM waive any fees, including search and duplication costs, which would otherwise be incurred by this request. The BLM should not charge the Mazamas or the Access Fund for the requested information because "disclosure ... is in the public interest and is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of" either the Mazamas or the Access Fund. 5 U.S.C. § 552(a)(4)(A)(iii); 43 C.F.R. § 2.8(b)(2), 2.19. In the event that BLM decides not to waive fees, please contact this office BEFORE incurring any costs in response to this FOIA request.

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The Mazamas and the Access Fund are entitled to a fee waiver because disclosure of the requested information satisfies all the requirements set out in 40 C.F.R. § 2.19(b). First, the subject of the request is “likely to contribute significantly to public understanding of the operations or activities of the government” because it specifically requests reports, records or any and all other relevant information prepared or handled by BLM regarding the Trout Creek climbing area, a nationally renowned recreational resources for the climbing community and an area used by the public for recreational purposes. 40 C.F.R. § 2.19(b)(1). The public uses this area extensively, and, therefore, the requested information will contribute to the public’s understanding of the operations of the BLM as it relates to management of this area. Disclosure will contribute “significantly” to the public’s understanding of this issue, because both the Mazamas and the Access Fund have a long history of educating the public about issues related to conservation of recreational resources on public land, including access issues as they relate to climbing areas. Both the Mazamas ([www.mazamas.org](http://www.mazamas.org)) and the Access Fund ([www.accessfund.org](http://www.accessfund.org)) maintain active web pages that they use to disseminate relevant information to the public. Both organizations also publish regular written newsletters educating the public on these types of issues. Furthermore, members and volunteers with the Access Fund have also been and intend to continue disseminating information about Trout Creek to the public by way of social media, including Facebook, as well as other on-line communication mediums, including supertopo.com, moutainproject.com, cascadeclimbers.com or other similar web sites.

Second, the request is not primarily in the commercial interests of the requesters. 43 C.F.R. § 2.19(b)(2). As non-profit organizations, neither the Mazamas nor the Access Fund has any commercial interest in the requested information or an interest in “commerce, trade, or profit.” McClellan Ecological Seepage Situation v. Carlucci, 835 F.2d 1282, 1285 (9<sup>th</sup> Cir. 1987).

As provided by FOIA, the Mazamas and the Access Fund trust that we shall receive an initial determination regarding all components of our request within twenty business days of receipt. 5 U.S.C. § 552(a)(6)(A)(I).

In the event of an adverse response, the Mazamas and the Access Fund reserve the right to appeal such a decision. Thank you very much for your time, help, and attention, and we look forward to hearing from you in a timely and professional manner. If you have any questions regarding this request please contact me by email at [chris@crag.org](mailto:chris@crag.org).

Sincerely,



Chris Winter  
Crag Law Center

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cc: Lee Davis, Executive Director, Mazamas  
Eric Sorenson, Regional Coordinator, Access Fund  
RD Pascoe, Policy Director, Access Fund  
Zachary Lesch-Huie, Affiliate Director, Access Fund  
Jeff Wenger