



P.O. Box 17411  
San Diego, CA 92177  
Web: [www.AlliedClimbers.org](http://www.AlliedClimbers.org)

Jose Henriquez, Williamson Rock/PCT ID Team  
Angeles National Forest  
701 N. Santa Anita Ave  
Arcadia, CA 91006-2725  
[comments-pacificsouthwest-angeles@fs.fed.us](mailto:comments-pacificsouthwest-angeles@fs.fed.us)

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**Subject: Comments on Williamson Rock Proposed Environmental Impact Statement**

The Allied Climbers of San Diego and The Access Fund thank you for providing the opportunity to jointly-comment on the proposed Notice of Intent to prepare an EIS. Below are ACSD's and the Access Fund's comments on the scope of the proposed action.

**Allied Climbers of San Diego**

The Allied Climbers of San Diego (ACSD) is a 501(c) (3) California Non-Profit Public Benefit Corporation supporting and representing climbers' interests in the many forms of recreational rock climbing—traditional climbing, crack climbing, sport climbing, and bouldering. ACSD promotes responsible use and sound management of climbing resources. We encourage an ethic of personal responsibility, self-regulation, conservation, and minimum impact practices. ACSD represents the collective interests of thousands of San Diego and Southern California climbers.

ACSD accomplishes its goals by working to educate interested parties involved in access issues that climbing resources are valuable recreational resources to the public and that climbing is a legitimate, low impact, human powered activity. ACSD advocates to federal, state, and municipal land managers concerning public lands usage; works closely with the Access Fund (a national climbing advocacy organization); works with federal, state, and municipal land managers and interest groups to plan and implement public land management actions and protocols; provides resources and volunteers for conservation and resource management projects; and develops and disseminates climber related information and education. For more information see: [www.alliedclimbers.org](http://www.alliedclimbers.org)

**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 advocacy organization with nearly 10,000 members and 90 affiliates nationwide. We currently hold memorandums of understanding with the Bureau of Land Management, National Park Service, and [Forest Service](#) in order to partner with federal agencies on climbing management issues. California is our largest member state and many of our members regularly travel to climb in California. For more information see: [www.accessfund.org](http://www.accessfund.org)

## **Purpose and Need**

The scoping letter outlines 3 purposes for the action; ~~1) 1~~—Provide Protection for the MYLF and DCH, ~~2) 2~~—Protect Unique Resources, and ~~3) 3~~— Monitor Recreational Activity.

The last purpose and need (monitor recreational activity) is not a reason for action, it is an action itself. This must be removed from the purpose and need as it will be captured as an action or in the mitigation measures for the action.

The purpose and need section needs to be refined to accurately define the purpose of the federal action. The catch all “other” resources is a broad and vague statement and must be broken out into individual components. The proposed action can’t be analyzed appropriately if the purpose and need is a broad grouping of plants, animals and waterways. The Forest Service Land Management Plan already provides the framework for the collective management of natural resources. This action needs refinement of the purpose and need, and should be broken down into the following:

- Protect MYLF and DCH
- Protect Johnston’s buckwheat
- Protect Peregrine Falcon
- Protect and Eligible Wild and Scenic River
- Provide Recreational Resources

The Forest Service is required to provide for recreational uses and this need is integral to the Williamson Rock/PCT action and must be included as such.

## **Proposed Action for Each Identified Need**

Provide an explanation as to which action achieves which purpose. The purpose and need for action and the proposed management actions must be analyzed and separated by species and resource. Each species and resource has unique needs and legal protections. The current actions are not tied to each resource but to the grouping which makes them confusing and does not provide enough information to analyze whether the management action would be effective.

## **Detrimental Effect to Sensitive Species as a Direct Result of Recreational Activity**

Data must be provided to justify closures of public lands. The Williamson Rock area has a long history of recreational use. Please provide the data showing there has been detrimental effect on the MLYF, peregrine falcon, buckwheat and stream at this location as a direct result of recreational activity.

If there is no data showing a significant impact on the population of the MYLF or to nesting success of the peregrine falcon in Upper Little Rock Creek area, please provide an explanation as to why a severe management action such as land closures would be initiated. In accordance with your Land Management Plan Table 528 and Appendix D, management actions such as educational signage, ranger presence, monitoring, removal of invasive species, and other actions must be used to manage populations of sensitive species in this area. A closure must only be used when there is a justifiable need and other management actions have failed to adequately protect the species.

## **Eligible Wild and Scenic River**

The protection of a wild and scenic river as well as “eligible” wild and scenic river requires that land managers “*preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations*”. The Forest Service achieves this by prohibiting actions that would harm the river’s free flowing condition. None of the proposed actions or reinstatement of recreational uses dams, develops, or diverts the creek. Hiking trails and recreational use are fully compatible with wild and scenic rivers. The eligibility status of the little rock creek does not preclude recreation, or demand additional management action. The inclusion of the description does not add to purpose and need of the project, it is instead a description of the existing conditions. If the action included development or destruction of the river and its surrounding watershed, then consideration should be given to the status as it relates to the National Wild and Scenic Rivers Act of 1968.

## **Johnston’s Buckwheat**

Realignment of the trail and restoration/closure of the old trails and scree slopes adequately mitigates and prevents direct impacts to the sensitive plant species. No other action is necessary to protect the Johnson’s buckwheat. Forest service sensitive plants and rare plants are found throughout the National Forest and not all trails are realigned or closed due the presence of one of these plants. Please explain why other areas of the Angeles National forest don’t apply the same standard for plants with this same protection status.

## **Peregrine Falcon**

The proposed action includes closing the Williamson rock area from November until July 31<sup>st</sup> and includes the entire climbing area. The closure area proposed is too large in size and occurs during months when it is unnecessary. Closing areas during non-critical periods does nothing to protect species and unnecessarily restricts public access. November is too early for peregrine nesting. According to your own Forest Service website (<http://www.fs.fed.us/database/feis/animals/bird/fape/all.html>) egg laying in southern California usually occurs between March and April.

The peregrine falcon was delisted in 1999 but the Migratory Bird Treaty Act (MBTA) provides protection for the peregrine falcon. The MBTA provides protection from “take” which is defined as “*to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities.*” Take as defined by the MBTA does not include harm, harass or habitat destruction or alteration, as long as there is not a direct taking of birds, nests, eggs, or parts thereof. The Forest Service is required to ensure that Federal Actions do not result in “take”. This does not mandate the Forest Service to protect non-listed falcons against potential harm. Direct and indirect take can be prevented by education and through seasonal buffers as appropriate.

Seasonal buffers that are reasonably sized (immediate area around the nest) are generally respected and accepted by recreationists. Numerous examples of small seasonal buffers around nesting sites can be found from across the country. A blanket closure of an entire recreational resource is an unbalanced approach. A strategy used by other land managers includes monitoring to determine if and when an area becomes an active nesting site. After determining active nesting, an appropriate area shall be restricted until after the young have fledged (typically two weeks). This approach provides a limited closure and provides protection for the birds. Peregrine falcons are documented to be quite tolerant of human

disturbance and frequently nest on buildings, bridges and other manhole structures that are subject to extreme noise, and human activity. Closure sizes across the country vary in size but some are as small as 30 feet around the nest site. The proposed closure of the entire Williamson Rock area is excessive for protection of nesting peregrine falcons. Because the area has been closed should not be a reason to unduly restrict recreation as individual falcons may have become intolerant of human activity in the last 9 nine years. Even if the falcons cease nesting activity at the Williamson Rock area, this would not be considered a significant impact as the peregrine population is healthy and expanding. It has been documented that the peregrine has recovered and is now populating areas it was never historically found. There is no justifiable need to close the forest for a species that has recovered, does not legally require the closures, and does not need the closure to maintain a healthy and thriving population in the region.

Please provide additional data on raptor nesting at the Williamson Rock area.

Please outline and analyze other potential factors that may affect the species and would affect the proposed action?

How long have peregrine falcons been nesting at Williamson rock?

Where have they been nesting?

Were they successfully nesting when the area was open to all recreation?

If so, why would a closure be necessary when climbing activity did not negatively affect the nesting success of the falcons?

If the Forest Service has no nesting data prior to the 2005 closure, how has it been determined that climbing has had an impact on the falcons?

It is not clear in the scoping materials where the peregrine falcon nests in relation to the rock climbing area.

### **Mountain Yellow Legged Frog**

We support the proposed conservation measures (actions) that include signage installation, a bridge on the PCT where it crosses the creek, trail realignment, information kiosk and a vault toilet. These are all good ways to focus recreation use out of the most critical areas and inform visitors of the sensitive resources found in the area.

You outline a list of ways in which recreational forest users could potentially impact the MYLF habitat. A proposed closure of the streambed areas only and other conservation measures will adequately address these potential impacts.

Closure of critical areas along the stream, installation of barriers, and installation of a bridge eliminates public access to the streambed which would prevent trampling of frogs, disturbance of egg masses, capture and handling of frogs and tadpoles, and disruption of mating and migration.

Rerouting the trail would prevent streambed alteration and denuding of banks.

Focusing access and recreation out of the waterway will prevent the introduction of pollutants and garbage.

The installation of the vault toilet and use of human waste bags will mitigate the potential impacts of human waste contamination.

The installation of educational signage will have a profound impact on Forest users who want to use these lands responsibly. Describing the importance of sensitive natural resources and the public role in protecting them, will make Forest visitors more inclined to obey closures and stay on trails.

All of the potential impacts to the MLYF outlined in the project background would be addressed through the measures outlined above.

It is unclear if the seasonal closure for the Williamson Rock area from November 16 to July 31 is also for the protection of the MYLF. The permanent closure along Little Rock Creek would prevent impacts year round to the MYLF habitat. Is a seasonal closure necessary for the protection of the frog, and if so, why is the PCT not also closed seasonally?

### **Day Use Permit and Parking**

Across the County land owners use permit systems to manage the use of their lands. Using a daily quota is a standard practice and does not need to include a set number of cars. Limiting the daily use of the area will automatically result in a set number of vehicles. There is parking further away where climbers and hikers could park and still be able to access the Long Trail. Limitation on the numbers of cars should be removed as the purpose is to limit the number of people who use the area on a given day and this can be accomplished through the individual day use permit.

The visitor permits must also be available for free. To require permits to gain entry into undeveloped public lands which requires a credit card, debit card and online/phone access unduly restricts and discriminates against members of the public who do not have access to these resources. Will permits be able to be obtained the day of the visit? Will there be protections in place to avoid a select group of individuals from reserving all available permits? What will be the fee charged by the National Recreation Reservation Service? Will costs associated with ranger presence, permit enforcement, and implementation of the action to be funded by the fee?

The scoping letter states that the number of visitor permits issued would be adjusted as determined by a metric that considers the MYLF population reports. Does this statement mean that if the MYLF population numbers decline, regardless of the reason why, recreation would be further restricted? Are you also tracking the number of PCT hikers that use the area?

### **Long -Term Closure**

The long term closure of the stream corridor and adjacent areas is for MLYF protection. Why would an exemption for hikers on the PCT be allowed year-round and not for the hikers and climbers on the Long Trail? Please provide an explanation as to why the long trail, which is located within DCH, would be additionally constrained as compared to the PCT. Does the Long Trail support resources that are different

than the PCT crossings? If there is no difference between the 2, then both must be managed consistently. If the PCT will be open year-round than the long trail must be open year round.

### **Seasonal Closure of Williamson Rock and Long Trail**

The proposed action includes closing the Long Trail and Williamson rock area from November until July 31<sup>st</sup> and includes the entire climbing area. Why is the Long Trail not proposed to be open year round like the PCT? How does the seasonal closure of Williamson rock protect the MLYF? The Long Term closure already proposes to permanently close rock climbing routes in the streambed area. Why would seasonally closing areas hundreds of feet away from the stream protect the frog?

The MYLF closure area only needs to include the streambed area. Supporting reason-According to the five year review for the MYLF prepared by the species experts and USFWS, the “*Mountain yellow-legged frogs are diurnal and are rarely found more than 1 m (3 ft) away from water (Mullally and Cunningham 1956, p. 191; Bradford et al. 1993, p.886; Stebbins 2003, p. 233).*” This indicates the most reasonable management action is to focus on the streambed areas only as this is where the frog is found.

[http://ecos.fws.gov/docs/five\\_year\\_review/doc4001.pdf](http://ecos.fws.gov/docs/five_year_review/doc4001.pdf)

According to the five year review for the MLYF the most critical breeding periods are “*Mountain yellow-legged frog breeding activity typically occurs from April (at lower elevations), to June or July (at higher elevations) and continues for approximately a month (Zweifel 1955,p. 243).*” The proposed seasonal closure months do not appear to coincide with literature on either the MYLF or Peregrine falcon breeding seasons.

### **Recreational Resources**

The EIS should include a detailed description of the valuable recreational resources found in this area. Each alternative needs to analyze how it affects the recreational resources. All types of recreation, the long history of recreation in this area, and the significance of recreational resources must be included.

### **Maps/Figures**

The maps included are good generalizations of the basic concepts. It would be beneficial (specifically for the climbing resources) to have figures included in the EIS that that show the exact resources affected by the actions. Where is the nesting in relation to the rock climbing resources? What size buffer is being proposed versus just unilaterally saying the entire climbing area is closed? Providing recreational and resource specific information on maps and figures will assist with the review of the draft document and to assist with determining whether or not the best scientific methods and analysis were used in the NEPA analysis.

Provide detailed maps/figures for each Alternative in the EIS showing biological resources and waterways, planning areas, identifying characteristics (topo, imagery) and geographic representation of all proposed management actions to scale.

## **Using the Best Available Science**

The Draft EIS must include what scientific information was used and include a description of how the best available science was used to analyze the issues, impact analysis, and mitigation measures.

## **Funding for Action**

All actions and the environmental process need funding in order to proceed. Please identify ways the public or community can assist the Forest Service through funding, donations, or volunteer labor to implement these measures.

## **Alternatives to Analyze**

Per NEPA the EIS must “rigorously explore and evaluate all reasonable alternatives”. Below are suggestions for other alternative actions that should be included as project alternatives as they meet the justified purpose and need. If suggested alternatives are not used in the EIR, you must explain why they were not chosen.

## **Suggested Alternatives to Proposed Action - All Alternatives Must be Analyzed Thoroughly**

**No Closure Alternative** – Reopen all areas currently under closure order. Apply previous management framework which allows for dispersed recreation and forest uses in accordance with the current Land Management Plan. Williamson Rock and the PCT were closed without a scientific analysis of the actual impacts to sensitive resources directly related to the recreational activity. The current closure is a direct result of litigation on a broader issue and is not specific to the resource present or uses that predate the closure. It is an improper assumption that the simple presence of a sensitive species in an area that also supports recreation automatically results in significant or detrimental impacts to the species. Data that can demonstrate direct take or detrimental impacts to wildlife or the habitat they rely on would be required. If no data exists to support direct impacts to species as result of ongoing recreation, then an appropriate mitigation measure would be monitoring.

**Trail Re-Routing Alternative** – This alternative would limit the action to closure of user created trails and building/improving the Long Trail and PCT with improvements as needed at streambed crossings. This alternative would prevent access into the streambed except at the approved trail crossings through education, signage and barriers as needed to direct Forest users to remain on the trail and not to create additional trails. No seasonal closures or permit system would be included in this alternative. Vault toilet and human waste management would be included.

**Modified Proposed Action** – Modified action that seeks to reduce the scope and duration of closures but adequately protects the sensitive resources in the project area. This alternative would include all actions outlined in the scoping letter with a few revisions. The Long Term Closure would be modified to allow for year round access on the Long Trail (like the PCT). The seasonal closure would be restricted to Williamson rock and it would be reduced to what is necessary to protect resources versus closing the entire rock climbing area. This alternative would reduce the seasonal closure at Williamson rock to critical life stages for the falcons (March to July) and would be limited to a small buffer around the nesting locations (smaller sized closure that does not include the entire rock climbing area). This alternative would increase the time the Williamson rock area is open and would limit the seasonal closure

to only the areas in the immediate vicinity of the sensitive resources. The long term closure of little rock creek, permit system, new trail and crossing improvements, human waste management, barriers and monitoring would all be included in this alternative. This approach provides for more recreational access and incorporates all other conservation measures to protect sensitive species.

**Long Term Closure of Little Rock Creek** – This alternative would focus on the permanent closure of the Little Rock Creek and would eliminate the seasonal closure entirely. This closure would still include 2 exceptions to the long term closure which include the PCT and Long Trail. Permits could still be used to educate visitors and track usage of the area. This alternative focuses on the most sensitive resource, the MYLF and includes all other conservation measures except the seasonal closures.

### **In Closing**

ACSD and the Access Fund believe an alternative that seeks to find a balance between protecting biological resources and limits public land closures will be embraced by the community, will result in increased compliance.

We look forward to receiving a copy and commenting on the Draft EIS when it becomes available.

Sincerely,

Josh Higgins  
President - Allied Climbers of San Diego, Inc. (ACSD)  
**PO BOX 17411**  
**San Diego, CA 92117**  
ACSD – [www.alliedclimbers.org](http://www.alliedclimbers.org)