

5 September 2006

Robyn Thorson, Regional Director  
USFWS Great Lakes-Big Rivers Region  
Bishop Henry Whipple Federal Building  
1 Federal Drive  
Ft. Snelling, MN 55111-4056

**Re: Access Fund Comments on Rock Climbing at Crab Orchard National Wildlife Refuge**

Dear Ms. Thorson:

I spoke with Thomas Larson, Chief of the Division of Conservation Planning, and he suggested that I direct comments on the Crab Orchard National Wildlife Refuge (CONWR) Draft and Final Comprehensive Conservation Plan (CCP) and Environmental Impact Statement (EIS) during the 30-day waiting period to you. *The Access Fund would welcome the opportunity to work with the Region 3 United States Fish and Wildlife Service (USFWS) at CONWR regarding a Compatible Determination of rock climbing as a Refuge activity.*

On behalf of the entire American climbing community, I would like to thank Refuge Manager, Mr. Dan Frisk, for meeting with local business owner David Chancellor, Bryant McDonnell of the SIU Climbing Club, and Nathan Holmes, Access Fund Regional Coordinator on August 15, 2006 regarding the current prohibition of rock climbing under all alternatives of the CONWR Draft EIS/CCP. David, Bryant, and Nathan expressed to me their appreciation of Mr. Frisk's receptivity to their concerns and the level of professionalism exhibited during the meeting.

The Access Fund is very concerned, however, because CONWR's Draft EIS/CCP ("DEIS/CCP") prohibited rock climbing in all of the alternatives without a Compatibility Determination.<sup>1</sup> This prohibition was then adopted in the recently released Final EIS/CCP ("FEIS/CCP").<sup>2</sup> CONWR, nonetheless, recognizes rock climbing as a current recreational use of the Refuge, "rock climbing has occurred in the Devils Kitchen and Little Grassy areas."<sup>3</sup> Therefore, the decision to prohibit rock climbing without a written Compatibility Determination signed and dated by the Refuge Manager and Regional Chief appears to be incongruent with the procedures specified in Fish and Wildlife Service Refuge Management Part 603, Chapter 2.9A. *When a Compatibility Determination is required*, "[w]e require a Compatibility Determination for all refuge uses as defined by the term "refuge use."<sup>4</sup> We strongly encourage that CONWR to perform a Compatibility Determination for rock climbing and that the FEIS/CCP be amended prior to a Record of Decision. To this end, the Access Fund and the local climbing community, including Illinois Climbers Association (ICA), are prepared to assist the USFWS in any way we can expedite this matter.

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<sup>1</sup> CONWR DEIS/CCP, Executive Summary, vi

<sup>2</sup> CONWR FEIS/CCP, Executive Summary, vi

<sup>3</sup> CONWR DEIS/CCP, Chapter 2: Alternatives, Objectives, and Strategies, pg. 30; CONWR FEIS/CCP, Chapter 2: Alternatives, Objectives, and Strategies, pg. 31.Id.

<sup>4</sup> 603 FW 2.6Q, "Refuge use, and Use of a refuge. A recreational use (including refuge actions associated with a recreational use or other general public use), refuge management economic activity, or other use of a national wildlife refuge by the public or other non-National Wildlife Refuge System entity."

## **The Access Fund and the ICA**

As the nation's only national advocacy organization whose mission keeps climbing areas open and conserves the climbing environment, the Access Fund works with land managers from coast-to-coast to allay and address their concerns about potential liability exposure resulting from recreational rock climbing, as well as questions about climbing's impact on the environment. In fact, the Access Fund has signed memoranda of understanding (MOU) with both the BLM<sup>5</sup> and USFS<sup>6</sup> relating to any climbing initiatives within their areas of management. A 501(c)3 non-profit supporting and representing over 1.6 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 15,000 members and affiliates.

The Access Fund promotes the responsible use and sound management of climbing resources by working in cooperation with climbers, other recreational users, public land managers and private land owners. We encourage an ethic of personal responsibility, self-regulation, strong conservation values and minimum impact practices among climbers.

Working towards a future in which climbing and access to climbing resources are viewed as legitimate, valued, and positive uses of the land, the Access Fund advocates to federal, state and local legislators concerning public lands legislation; works closely with federal and state land managers and other interest groups in planning and implementing public lands management and policy; provides funding for conservation and resource management projects; develops, produces and distributes climber education materials and programs; and assists in the acquisition and management of climbing resources. For more information about the Access Fund, visit [www.accessfund.org](http://www.accessfund.org).

The ICA, an Access Fund Affiliate, is a statewide advocacy group for technical rock and ice climbers in Illinois with a mission to preserve climbing access through education, conservation, and cooperation. In 2002, pursuant to an MOU between the ICA and the Shawnee National Forest, the ICA provided valuable comments on the USDA Forest Service's Draft Environmental Impact Statement (DEIS) for the Shawnee National Forest in southern Illinois. The ICA fully supports the land stewardship policies, guided by Aldo Leopold's teachings that land is a community of life and that love and respect for the land is an extension of ethic, of the USFWS, and climbers in southern Illinois have a demonstrable tradition and history of cooperation and compliance with local, state, and federal authorities in their respectful use of the resource.

## **Climbing in Southern Illinois**

The climbing opportunities in southern Illinois are of exceptional quality and significant to the American climbing community. Indeed, the Heartland of America has a long and colorful climbing history that currently centers on southern Illinois. While there have been climbers in the Heartland since the early 1940s, 1968-1970 was the pivotal time for climbing in the Carbondale area. It was during this time that Gary Schaecher and Don Coons established routes at Draper's Bluffs and in 1970, Hank Schafermeyer started the Underway program, part of SIU's Touch of Nature, then known as the Outdoor Lab. Underway became a vehicle for youth and adults to try rock climbing and a number of other outdoor activities that is still in existence and a valuable resource to the local economy and community.

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<sup>5</sup> <http://accessfund.org/pdf/AF-BLM-MOUfinal.pdf>

<sup>6</sup> <http://accessfund.org/pdf/AF-03-MOU-USFS.pdf>

Today, climbers from across the country and around the world journey to southern Illinois to test their skills on some of the best sandstone climbing in the Midwest. The climbing is known as rustic, charming and challenging. Take each climbing area on its own and there is good climbing for the locals. *But with access to all the climbing areas*, southern Illinois serves as a destination climbing area. All cliffs and boulders in southern Illinois are a precious resource for the ever-growing local climbing community, and all climbers are appreciative of the opportunity to climb at CONWR.

### **General Remarks on the CONWR DEIS/CCP and FEIS/CCP**

Compatibility determinations are required for all refuge recreational uses, which includes all use of the National Wildlife Refuge by the public.<sup>7</sup> In fact, even though rock climbing fulfills the requirements for which a Compatibility Determination is necessary, the DEIS/CCP and FEIS/CCP only address rock climbing in three sections and none of these references are part of a written, signed and dated Compatibility Determination.

Rock climbing is first mentioned in the Abstract which provides “Under all alternatives . . . technical rock climbing would be prohibited,”<sup>8</sup> then in the Executive Summary:

We have not explicitly addressed rock climbing in past regulations, and some visitors who engage in this activity have been unsure of its legality. Because rock climbing is available in nearby Giant City State Park, we propose to prohibit it on the Refuge.<sup>9</sup>

Lastly, under Section 2.5.1.8 Operational Policies, which presents proposed changes in Refuge operations:

#### ***Recreational and Technical Rock Climbing***

*Background:* Crab Orchard NWR is not typically considered a climber's destination, but some demanding and varied rock climbs can be found in the southern portions of the Refuge. Over the years Refuge visitors have inquired about climbing, but climbing has never been officially permitted. Rock climbing has occurred in the Devils Kitchen and Little Grassy areas. The Refuge has in the past discouraged rock climbing activities such as jumping and diving from the rocks of Devils Kitchen Lake by not permitting swimming in the lake and by closing the area below the Crab Orchard Dam spillway to public access. Climbing opportunities can be found at nearby Giant City State Park.

*Proposed policy:* Recreational and technical rock climbing would not be permitted on the Refuge. This includes free-style rock climbing, rappelling and technical rock climbing.<sup>10</sup>

From these references, it appears that the reasoning for prohibiting rock climbing rests solely on the assumption that climbing opportunities exist at near by areas. In fact, in the *Response to Comments Received on the Draft Environmental Impact Statement and Comprehensive Conservation Plan*, CONWR responds to the comment, “Rock climbing should not be allowed on

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<sup>7</sup> 603 FW 2.6Q

<sup>8</sup> CONWR DEIS/CCP, I; CONWR FEIS/CCP, i.

<sup>9</sup> CONWR DEIS/CCP, Executive Summary, vi; CONWR FEIS/CCP, Executive Summary vi, which adds the provision, “because [rock climbing] is not wildlife dependent public uses.”

<sup>10</sup> CONWR DEIS/CCP, Chapter 2: Alternatives, Objectives, and Strategies, pg. 30; CONWR FEIS/CCP, Chapter 2: Alternatives, Objectives, and Strategies, pg. 31.

the Refuge because of lack of supervision and safety,” by stating “[w]e feel that better opportunities for this activity exist at nearby locations.”<sup>11</sup>

### **Purpose and Need for Compatibility Determination of Rock Climbing at CONWR**

Public review and commenting on rock climbing at CONWR as a compatible use is missing from the CONWR CCP process. It appears that the only reasoning offered for prohibiting rock climbing by CONWR is that “climbing opportunities can be found at nearby Giant City State Park.” In fact many, if not all, of the non wildlife-dependent activities for which Compatibility Determinations were performed, are available in locations outside the refuge.<sup>12</sup> In talking with local climbers, the climbing opportunities at CONWR are far superior and of a different style than opportunities offered in other areas around the region. Unlike some of the other non wildlife-dependent compatible activities, the rock and surrounding environment at CONWR make climbing at Devils Kitchen Lake a truly unique and one-of-a-kind experience. All of the proposed alternatives are, therefore, unacceptable because they do not balance the interests of all CONWR users. Since most Compatibility Determinations are part of each Refuge’s CCP, the public has ample and extensive opportunity to review and comment on such determinations. However, in cases such as this, when a Refuge use is not evaluated during the CCP, a determination must then be made by the USFWS as to the appropriate notice to the public and commenting level.

In response to the lack of analysis of rock climbing in the Draft and now, Final EIS/CCP, the Access Fund and the ICA have met with local climbers, property owners, and business owners—all of whom agreed the Draft and Final EIS/CCP to be inadequate—and drafted a Compatibility Determination that holistically evaluates climbing under the compatible use criteria and offers potential stipulations necessary to ensure compatibility. David Chancellor has collected and will provide to your office responses and comments from the climbing community on which the Draft Compatibility Determination is based. In addition, the Access Fund looked to the FONSI<sup>13</sup> of the USFWS Refuge, the Wichita Mountains Wildlife Refuge in Oklahoma, which underwent a similar process in 1993, for guidance on necessary stipulations that allowed climbing to continue as a compatible recreational activity (Appendix A). Following is the climbing community’s proposed Compatibility Determination for rock climbing at CONWR.

#### **Draft Compatibility Determination**

**Use:** Rock Climbing

**Refuge Name:** Crab Orchard National Wildlife Refuge

**Establishing and Acquisition Authorities:** Public Law 80-361 and the Refuge Recreation Act

**Refuge Purposes:** Crab Orchard National Wildlife Refuge was established by Public Law 80-361 “... for the conservation of wildlife, and for the development of the agricultural, recreational, industrial, and related purposes...” (61 Stat. 770, dated Aug. 5, 1947)

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<sup>11</sup> CONWR FEIS/CCP, Chapter 7: Response to Comments Received on the Draft Environmental Impact Statement and Comprehensive Conservation Plan, 7.1.3.26 Rock Climbing, pg. 215-16.

<sup>12</sup> CONWR DEIS/CCP, Appendix J: Compatibility Determinations, pgs. 293-344.

<sup>13</sup> <http://www.wichitamountains.org/fonsi.html>

“... suitable for – (1) incidental fish and wildlife oriented recreational development, (2) the protection of natural resources, (3) the conservation of endangered species or threatened species...” 16 U.S.C. ' 460k-1 “... the Secretary... may accept and use... real... property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors...” 16 U.S.C. ' 460k-2 (Refuge Recreation Act (16 U.S.C. ' 460k-460k-4), as amended).

On October 19, 1976, Congress enacted Public Law 94-557 designating a portion of the refuge one of many wilderness areas of the National Wilderness Preservation System “... administered for the use and enjoyment of the American people in such a manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness...” (Wilderness Act, Public Law 88-577, 78 Stat. 892)

**National Wildlife Refuge System Mission:** The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

**Description of Use:**

This activity involves climbing on small rock formations or boulders that are short enough in height, rarely exceeding 15 to 20 feet, that ropes and gear are not necessary. Specialized shoes with sticky rubber soles, gymnastic chalk for improved hand grip, and “bouldering pads”, portable cushioned mats used to pad the immediate area around a boulder to provide a soft landing surface if climbers jump or fall off the boulder, are the only equipment used. Rock climbing resources are easily accessed via an existing parking lot and an unofficially designated trail. Most of this activity would occur in an area of the Refuge at boulders near Devil’s Kitchen Lake. This activity occurs during any time of the year, although the majority of visits take place on the weekends during the fall and winter seasons. The number of climbers per year would reach roughly 150 people. Of these climbers, 1/2 of them are from a local demographic, while the other half is out of town visitors.

This activity can occur at a few other locations outside the Refuge; however the type of climbing at nearby resources requires technical equipment, including a rope and gear. In addition, the sandstone rock at the Refuge has unique features uncharacteristic to other climbing resources in southern Illinois. With approximately 100 boulder problems over 4 of the 43,890-acre Refuge, the proximity to SIU and Carbondale, and the national reputation of climbing in southern Illinois, climbing at the Refuge is a distinctive rock climbing destination that utilizes a small percentage of the Refuges’ total acres.

Allowing these activities on the refuge without adversely impacting wildlife or priority recreational uses fosters good community relations. Rock climbing is not a priority wildlife-dependent recreational use as identified in the National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997.

**Availability of Resources:** The Refuge provides access roads, hiking trails, parking lots, signs, restroom facilities and staff to maintain these facilities and enforce regulations. These facilities will be maintained to meet the needs of the public engaged primarily in other activities. Rock climbing requires minor, if any, expenditures of funds and personnel for administration, maintenance, and law enforcement. Rock climbing has occurred at the Refuge in the past un-managed and self-regulated by the climbing community without conflict or burden on the resources of the Refuge.

**Anticipated Impacts of the Use:** Short-term disturbance to wildlife may occur, but would be limited and localized. Rock climbing can cause disturbances to vegetation in and around the boulders, but should not result in short- or long-term impacts that adversely affect the purposes of the Refuge or the mission of the National Wildlife Refuge System. The Illinois Climbers Association, a statewide advocacy group for technical rock and ice climbers in Illinois with a mission to preserve climbing access through education, conservation, and cooperation, would work cooperatively with the Refuge to minimize impacts through educational efforts and yearly clean-ups.

**Determination:**

Use is Not Compatible

Use is Compatible with Following Stipulations

1. Rock climbing would be allowed during daylight hours throughout the Public Use Area of the Refuge.
2. The Refuge will endorse a Memorandum of Understanding with the Illinois Climbers Association to define trail designation and maintenance responsibilities and climbing area stewardship responsibilities.

**Justification:** While rock climbing is not a priority wildlife-dependent recreational use of Refuge System lands, this activity supports the general recreation purpose for which the refuge was established. This use should have limited and localized negative impacts when conducted with the stipulations above. Administration of this use will require minor amounts of administrative time and funding.

**Conclusion**

The DEIS/CCP failed to perform a Compatibility Determination for rock climbing as required by the Fish and Wildlife Service Refuge Management regulations. The Access Fund, therefore, urges CONWR and the Regional 3 Division of Conservation Planning to amend its FEIS/CCP to include a favorable Compatibility Determination for rock climbing and to include rock climbing as a compatible activity at CONWR in the FEIS/CCP. However, in lieu of an amendment that fairly balances the interests of all parties, the Access Fund encourages CONWR to embark on a Compatibility Determination separate from the CCP process as soon as feasible.

CONWR is a unique natural area and climbing resource of significant importance for Illinoisans. As comments in response to the FEIS/CCP will reveal, many members of the local community and national climbing community support rock climbing at CONWR. On behalf of the American climbing community, the Access Fund appreciates the USFWS's willingness to meet with local climbers to discuss climbing. We hope our comments provide a meaningful contribution to both the

substance and clarity of a Compatibility Determination for rock climbing regarding planning goals, objectives, and strategies.

Thank you for opportunity to provide input and please do not hesitate to call me at 303.545.6772 x112 with any questions on the Access Fund's position or climbing management practices in general.

Respectfully Yours,

Deanne Buck  
National Programs Director

CC: Thomas Larson, Region 3 Chief of the Division of Conservation Planning  
Dan Frisk, CONWR Refuge Manager  
Steve Matous, Access Fund Executive Director  
Jeff Stockton, Illinois Climbers Association President  
Nathan Holmes, Access Fund Regional Coordinator  
David Chancellor, SoIll Holds, Inc., Vice President  
Bryant McDonnell, SIU Climbing Club Vice President

Encl. Access Fund Bouldering White Paper

## Appendix A

### **Case Study of Compatibility Determination for rock climbing on USFWS land**

In 1993, the U. S. Fish and Wildlife Service initiated numerous Environmental Assessments at the Wichita Mountains Wildlife Refuge (Refuge) for the purposes of determining whether technical rock climbing and other recreational activities were causing significant impacts to refuge resources. In the early stages of this process, a considerable amount of public controversy was created when it was announced that climbing, which had been a compatible use of the refuge since the early 1940's, was to be terminated. In response to the threat of closure, hundreds of local climbers from Oklahoma, Texas, Kansas, Arkansas, and Missouri formed the Wichita Mountains Access Association (WMAA) to represent the rock climbing community in its efforts to insure that rock climbing was not eliminated as a recreational opportunity at the Refuge.

In 1995, following two years of additional reviews, numerous discussions with the WMAA, and considerable input from the public, the Refuge released the Final Environmental Assessment for Technical Rock Climbing, and the USFWS issued a Decision Notice and FINDING OF NO SIGNIFICANT IMPACT (FONSI) for Technical Rock Climbing. These documents found that climbing could continue as a compatible recreational activity at the Refuge, subject to a few additional regulations and assistance from local climbers in managing the impacts of the activity. To fulfill that requirement, the WMAA determined that the climbing community would best be served by forming a new non-profit, volunteer climber's organization.

On February 26, 1996, the Executive Committee of the WMAA executed the formal Charter of the Wichita Mountains Climbers Coalition (WMCC). The WMCC was created to represent the interests of rock climbers from Oklahoma, Texas, Kansas, Arkansas, and Missouri who frequent the Refuge, and to work directly with the USFWS to protect the rock climbing resources and natural environment of the refuge.

As its first official act of business, the Board of Directors of the WMCC signed a Memorandum of Understanding (MOU) with the USFWS on May 6, 1996. Under the terms of that five year agreement, the WMCC committed to assist the USFWS in managing rock climbing activity at the Refuge by providing guidance on critical climbing issues, organizing volunteer conservation projects, and educating the climbing community on resource protection.

Since that time, the WMCC has developed a successful working relationship with USFWS management and personnel at the Refuge, and has provided substantial assistance on a number of important projects, including: design and printing of an informational rock climbing brochure, installation of a climbing and backcountry bulletin board, development of a fixed anchor application and review process, and organization of trash cleanups and major trailbuilding efforts. In addition, the WMCC has kept the climbing community informed about important conservation issues through the organization's website and newsletter. For more information, please visit:  
<http://www.fws.gov/southwest/refuges/wichitamountains/rockclimbing.html>