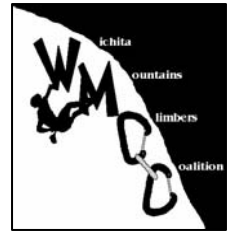


WICHITA MOUNTAINS CLIMBERS COALITION

.....dedicated to protecting the climbing resources, wildlife
and habitat, wilderness character, and natural environment
of the Wichita Mountains Wildlife Refuge



June 3, 2007

Mr. Jeff Rupert
Refuge Manager
Wichita Mountains Wildlife Refuge
32 Refuge Headquarters
Indiahoma, OK 73552

Re: Technical Rock Climbing

Dear Mr. Rupert:

The Board of Directors of the Wichita Mountains Climbers Coalition (WMCC) would like to once again welcome you as the new Refuge Manager at the Wichita Mountains Wildlife Refuge (Refuge). The WMCC feels privileged to have had the opportunity to work in close partnership with retired Manager Sam Waldstein during his 10-year term at the Refuge, and we look forward to building a similar trusting and effective relationship with you as we continue the WMCC's mission to protect the climbing resources and natural environment of the Refuge.

We also wish to express our thanks for the recent opportunity to meet with you and your staff to provide background information on (1) the history of climbing on the Refuge, (2) the regional importance of the Refuge's climbing resources, and (3) the WMCC's successful ongoing partnership with the U.S. Fish and Wildlife Service (FWS) to provide volunteer assistance to the Refuge in (a) managing climbing activity, including oversight of the use of fixed anchors through the WMCC's Advisory Bolting Committee (ABC), (b) minimizing any negative impacts to the Refuge as a result of climbing activity, (c) educating the climbing community and the general public on resource protection issues, and (d) organizing conservation projects, namely the rebuilding and maintenance of valuable recreational trails.

Additionally, we appreciate you advising us of the fact that you will soon be undertaking a comprehensive review of all secondary uses occurring on the Refuge, including technical rock climbing, in order to determine if those uses are both appropriate and compatible uses of the Refuge, and if so, to re-certify those uses so that they may continue to be available to the public. We understand that the basis for those reviews is found in the National Wildlife Refuge Administration Improvement Act of 1997, which requires re-certification of compatibility for all such uses at least once every 10 years. Further, we understand that you will also be preparing a Comprehensive Conservation Plan (CCP) for the Refuge, as also required under the Improvement Act.

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While we are certainly appreciative of your willingness to keep the WMCC informed as the Refuge proceeds with the required review and planning processes, we are concerned about discussions that have taken place within the FWS about the way in which those processes are to be carried out, as well as the intentions of the FWS to continue to allow rock climbing as a secondary use of the Refuge.

Specifically, we know there are still those within the FWS who feel that rock climbing should not take place on any refuge, regardless of its historical precedent, regional uniqueness, public recreational value or even its recognized status as an acceptable and compatible secondary use, and that those persons would prefer that rock climbing be eliminated as a public use of the Refuge. We are worried that those with that philosophical mindset may wish to institute their preference by using the upcoming review and planning process as a tool for accomplishing that purpose.

We are also aware that discussions have taken place within the FWS concerning the idea of simultaneously preparing the Appropriate Use and Compatibility Determinations and the CCP for the Refuge in order to minimize anticipated public controversy over those decisions, as opposed to following the normal process whereby the Appropriate Use and Compatibility Determinations are completed prior to development of the CCP. We find this "assumption of controversy" troubling, as it seems to imply that internal decisions have already been made regarding the modification or elimination of certain currently appropriate and compatible secondary uses on the Refuge, and we are disturbed by the idea that the review and planning processes may be structured so as to control and minimize public involvement and comment in those processes.

Further, we understand that during discussions within the FWS concerning the upcoming review and planning processes at the Refuge, references have been made as to the Appropriate Use and Compatibility Determinations and CCP that were recently completed at Crab Orchard National Wildlife Refuge in Illinois by way of a similar simultaneous process and where it was determined that rock climbing was not an appropriate use. While we are not challenging that particular decision, as rock climbing was not a historical activity on that refuge and had not been previously certified as compatible secondary use, we do find certain aspects of that process and the rationale for not allowing rock climbing troubling, and we are concerned that the FWS may wish to use that determination as a basis for eliminating rock climbing on the Refuge.

As a whole, we find all of these discussions somewhat alarming, as it seems to suggest that the FWS has once again made a predetermination that rock climbing activity on the Refuge is to be significantly curtailed or entirely eliminated, and that the review and planning processes may be arranged so as to assure the desired outcome and to avoid the anticipated controversy that will certainly occur as a result of such a decision, in much the same way as what took place at the Refuge in the early 1990's.

As you know, the last compatibility determinations for all currently existing secondary uses at the Refuge were completed in 1995 following an extremely controversial 2-year period during which time technical rock climbing, which had been an acceptable and compatible use of the Refuge since the late-1940's, was unfairly targeted for elimination as a public use on the Refuge by certain FWS officials. However, as a result of the efforts of the Wichita Mountains Access Association (WMAA) and the Access Fund, and thanks to the support of Oklahoma's State Legislators and U.S. Congressional Representatives, including retired State Representative Ron Kirby, retired U.S. Congressman Dave McCurdy, retired U.S. Senators Don Nichols and David Boren, and U.S. Senator Jim Inhofe, that unjustified effort was halted and climbing was officially determined to be an appropriate and compatible recreational use of the Refuge.

We respectfully direct your attention to the WMAA's 1995 comprehensive study and review (as referenced on Exhibit "A" attached hereto) of the FWS' draft compatibility determinations and environmental assessments for rock climbing and other secondary uses that was submitted to the Refuge as the WMAA's official public comment. That several hundred page document provided factual evidence and scientific data dispelling all FWS accusations concerning the incompatibility of rock climbing, as well as internal FWS correspondence and memos demonstrating a biased, internal effort to eliminate the activity through a flawed and improper compatibility review and NEPA process.

The WMAA's response also included its own recommendations for a comprehensive backcountry management plan for not only climbing, but all backcountry uses, the majority of which represent more than one hundred thousand annual backcountry visits by the general public who go hiking and scrambling, both on and off trail, throughout the entire public use area under little, if any management, regulation or guidance, and whose uncontrolled, sheer numbers cause a large percentage of the negative impacts that occur on the Refuge. Ironically, the WMAA also showed that it was the FWS' own day-use areas and the several hundred thousand annual picnickers who frequent those sites that are responsible for the majority of negative impacts to the Refuge, as most of those areas and the associated usage are located in sensitive riparian zones.

In 1996, the regrettable period of conflict between the FWS and the climbing community came to an end with (1) the announcement that Sam Waldstein had been selected as the new Refuge Manager, (2) the issuance by the Refuge of a determination that technical rock climbing was a compatible secondary use, subject to a few reasonable restrictions, (3) the issuance by the FWS of a Finding of No Significant Impact (FONSI) for Technical Rock Climbing, which found that:

“The proposed action represents a reasonable means to ensure that this popular activity does not have a significant negative environmental impact or become incompatible with Refuge purposes, yet remains a viable activity which is critical for overall public and political support of the Refuge and Service.”

, (4) the formation of the WMCC as a volunteer climbers organization whose mission was to assist the Refuge in managing climbing activity and protecting Refuge resources, and (5) the execution of a Memorandum of Understanding (MOU) between the FWS and the WMCC, which set forth the mutual agreements between the two organizations concerning their partnership efforts.

Since that time, the WMCC and the local climbing community have clearly proven, not just through words but through actions, that climbers are truly one of the most wildlife and wildland valuing, environmentally-concerned, personally-responsible, action-oriented, regulation-abiding, supporting and dedicated user groups at the Refuge. Over the last twelve years, members of the WMCC and the climbing community have donated thousands of hours of volunteer labor to the FWS at the Refuge to assist with climbing management efforts and to conduct important conservation projects.

Under the leadership of the WMCC, (1) many miles of public hiking trails have been reconstructed and maintained to protect Refuge resources and to provide a better experience for backcountry visitors, (2) thousands of newsletters and bulletins have been distributed to climbers and other backcountry users throughout the region providing educational information and awareness about Refuge resource protection, and (3) the WMCC's Advisory Bolting Committee has managed what is arguably one of the best fixed anchor management plans on any federal land in the country. No other user group of the Refuge has contributed more time and effort to the management of its own activities and the protection of Refuge resources. To proudly state the fact, rock climbing is without a doubt one of the most valuable and compatible secondary uses of the Refuge.

Technical rock climbing is a historical use of the Refuge that first took place in the late 1940's and early 1950's, the same time at which the activity was beginning in other major climbing areas across the country, such as Yosemite National Park. As a result, the Refuge hosts some of the earliest technical rock climbs in Oklahoma and this region of the country. In fact, the route "Great Expectations" on the southwest face of Elk Mountain has been documented to be the first established technical rock climb in the State, and this historic climb has seen thousands of ascents from climbers all across the country.

The primary reason for climbing's historic roots at the Refuge and its continued popularity throughout the years is the fact that the Refuge offers two extremely valuable resources for climbers that are rare in this part of the country. First is the Refuge's extensive amount of sizeable, high-quality granite cliffs. No other type of rock has been more sought out for the type of climbing experiences it offers than granite. From Yosemite National Park in California to Stone Mountain in Georgia, some of the finest climbing opportunities in the country are found on granite. Second, and equally important, is the Refuge's unique wilderness settings that provide climbers a much sought after level of solitude and adventure that is unequalled anywhere else in this region of the country.

If you have familiarized yourself with the nature and extent of the controversy that occurred at the Refuge more than a decade ago concerning rock climbing, then you will certainly understand our concern over the intentions of FWS officials, most of whom were not in their current positions at the time of the controversy and know little about what took place, and who certainly have little understanding of (1) the true nature of rock climbing and those who dedicate much of their life to pursuing wilderness climbing adventures, (2) the very real and unique values of climbing on the Refuge, including its historical, recreational, conservational, environmental, educational and ethical traditions, (3) the deeply-rooted, very respectful and appreciative, personal connection to the Refuge shared by all of those in the local climbing community, and (4) the incredible dedication and commitment of the local climbing community to take any actions necessary to protect the climbing resources and the natural environment of the Refuge.

Before the Refuge and FWS move forward with their Appropriate Use and Compatibility reviews for secondary uses on the Refuge, and prior to developing a Comprehensive Conservation Plan for the Refuge, we strongly encourage FWS officials at the Refuge, Albuquerque and Washington to take the time to seriously review and understand the full extent and impact of the controversy that took place from 1994-1996 as a result of the efforts of the FWS to eliminate rock climbing as an appropriate and compatible secondary use of the Refuge, and, more importantly, to fully-appreciate the decade worth of invaluable volunteer effort provided to the Refuge and FWS by the WMCC and local climbing community as a full-participating partner in what has been recognized as one of the most effective climbing management plans on any federal land, as well as a national role model for climber-land manager relations. More specifically, we respectfully request that you review those certain materials and information set out on Exhibit "A" attached hereto.

The Wichita Mountains Wildlife Refuge is truly unique within the Refuge system, in terms of its immense geographical area, predominantly mountainous landscape, and historically high degree of public use. Unlike many refuges that are dominated by wetland areas and see only modest visitation, the Refuge more closely resembles a National Park, both in terms of its granite and forested landscape and the more than one and a half million visitors who come to the Refuge each year to hike, climb, backpack, camp, picnic, fish, photograph, stargaze and view nature. Incredibly, that visitation number nearly equals the number of annual visitors to Yellowstone National Park. And while the FWS may not like to think of the Refuge in that way, Oklahomans have long-considered the Refuge as the State's very own "national park".

That local perception and unofficial designation of the Refuge does not mean that Oklahomans do not value the purpose of the Refuge or the mission of the FWS. On the contrary, the State and its citizens have been very supportive and appreciative over the years of the efforts of the FWS to protect and enhance the natural resources of the Refuge, so long as those efforts have not involved the elimination of historical and longstanding, compatible secondary uses that are considered to be valuable and unique recreational opportunities for the citizens of Oklahoma. For it has become quite clear as a result of past controversies surrounding attempts by the FWS to restrict public use at

the Refuge that those actions have never been rooted in real compatibility concerns, but have almost always been a result of (1) a one-size-fits-all management philosophy at the federal level, (2) budgetary and liability concerns at the regional level, and (3) disinterest in managing public recreational use at the local level.

Clearly the Refuge still serves a valuable purpose to the mission of the FWS. However, through the years the importance of its originally intended purpose has diminished, while the value of its public recreational uses has grown, as described in the FWS "Briefing Information" dated May 2002 (enclosed) regarding the Refuge:

"The legal purpose of the Wichita Refuge, spelled out by the 1905 legislation, specifies the Refuge be "set aside for the protection of game animals and birds and be recognized as a breeding place therefore." Over the years a tradition of public use on the Refuge has developed."

"The Wichita Refuge was originally managed to protect wildlife species then in grave danger of extinction and to restore those species that had been extirpated from this area."

"The efforts to perpetuate the major species of wildlife animals once imperiled have been amply rewarded. The big game herds have increased many-fold and no longer are in danger."

"The big game herds, the scenery, the lakes, public use facilities and the increase in population and its mobility have combined to encourage annual visitation that regularly exceeds one and a half million."

Today, more than one hundred years after the area was first set aside as a preserve, all of the endangered game animals, whose protection was one of the primary purposes of the Refuge, have long since recovered in number across the country and are now considered quite common. And while there is still important wildlife conservation work taking place at the Refuge, such as protection of the endangered Black-capped Vireo, it is the outstanding and unique public recreational opportunities offered by the Refuge, including rock climbing, that now form the basis as one of its most valuable purposes.

The WMCC and the local climbing community continue to be very supportive of the Refuge and the efforts of the FWS to protect the wildlife, habitat and other natural resources of this spectacular area. And while we are somewhat unsettled over recent discussions within the FWS as a result of our history, we trust that the FWS is not interested in revisiting the past. After more than a decade spent developing positive relations with the climbing community, a successful partnership with the WMCC, and a very effective and nationally-recognized climbing management plan, we certainly hope that it is the intention of the FWS for rock climbing to remain an appropriate and compatible secondary use of the Refuge which is, as stated in the 1995 FONSI, "critical for overall public and political support of the Refuge and Service".

Thank you again for taking the time to meet with us to discuss our shared goals and interests, and our ongoing partnership. If there is anything at all we can do to assist you as you prepare for the upcoming review and planning processes, please do not hesitate to let us know. The WMCC remains your committed partner in managing rock climbing activity on the Refuge, and we look forward to working with you and your staff as we continue our efforts to protect the climbing resources, wildlife and habitat, wilderness character, and natural environment of the Refuge.

Sincerely,

Marion F. Hutchison II
WMCC Board Member

Encl.

Cc: H. Dale Hall, Director, USFWS
Geoff Haskett, Chief, Refuges
James W. Kurth, Deputy Chief, Refuges
Nancy Roeper, National Wilderness Coordinator, USFWS
Dr. Benjamin N. Tuggle, Regional Director, USFWS, Region 2
Chris Pease, Regional Chief, Refuges, Region 2
Tom Baca, Regional Chief, Planning, Region 2
U.S. Senator James M. Inhofe
U.S. Senator Tom Coburn
U.S. Representative Tom Cole
Steve Matous, Executive Director, Access Fund
Lawrence K. Gustafson, Haynes and Boone, LLP

EXHIBIT "A"

- 1) WMAA's **"Public Comment for the Record – Draft Environmental Assessments" dated April 10, 1995**, including all scientific studies, collected data, and other technical information included with the response as Exhibits A to Q. A copy of the public comment letter is enclosed herewith. An official copy of the full response is maintained in the FWS records at the Refuge.
- 2) Refuge's **"Final Environmental Assessment for Technical Rock Climbing" dated November 16, 1995**, with a proposed action for climbing activity to be allowed throughout the public use portion of the Refuge with limited restrictions and Refuge-specific research.
- 3) FWS' **"Decision Notice and Finding of No Significant Impact (FONSI) for Technical Rock Climbing"** at the Refuge dated November 29, 1995. A copy of that decision is enclosed herewith.
- 4) Access Fund's **"Climbing and Fixed Anchor Reference Manual"** for the Refuge dated December 7, 1998 and addressed to Ms. Nancy Roeper, FWS Division of Refuges Wilderness Coordinator. A copy of the cover letter for the manual is enclosed herewith. Duplicate manuals were also provided to former Refuge Manager Sam Waldstein and Mr. Tom Baca, FWS Natural Resource Planner for Region II. The manuals are maintained in FWS records at the Refuge, Albuquerque and Washington offices.
- 5) Results of the **Refuge's 5-year study of the "Narrows" canyon**, as required under the approved Final Environmental Assessment for climbing, which determined there to be no significant impacts to Refuge resources as a result of climbing activity.
- 6) **Official letter from Refuge Manager Sam Waldstein to the WMCC dated July 7, 2003** recognizing current policies of other federal agencies regarding the use of fixed anchors in designated wilderness areas, lifting an earlier moratorium on the placement of fixed anchors in the Charons Garden Wilderness Area of the Refuge, and praising the efforts of the WMCC's Advisory Bolting Committee in its work to protect Refuge resources. A copy of that letter is enclosed herewith, as well as other relevant wilderness information, including (a) **letter dated March 7, 2003 from Access Fund Policy Director Jason Keith** concerning the Refuge moratorium and fixed anchor policies on other federal lands, (b) **WMCC Fixed Anchor Position Statement dated September 23, 2001**, (c) **article entitled "Defining Wilderness" by Access Fund Regional Coordinator and WMCC Board member Marion Hutchison** concerning the use of fixed anchors in designated wilderness areas, and (d) **letter dated July 7, 1995 from the Wichita Mountains Access Association Co-Director Marion Hutchison to Refuge Manager Sam Waldstein** concerning the use of fixed anchors in designated wilderness areas.

EXHIBIT “A” (continued)

- 7) Current “**Memorandum of Understanding**” (MOU) between the WMCC and the FWS dated May 19, 2006. A copy of the MOU is enclosed herewith. The official document is maintained in FWS records at the Refuge.
- 8) Section 1.11 of Chapter 603 FW 1 of the FWS Manual regarding Appropriate Refuge Uses, and more specifically sub-Section B. addressing appropriate use determinations, which states:

“B. Where we do not have jurisdiction over the use, there is no need to evaluate it further as we cannot control the use (a “no” response to criterion (a)). We may not find uses appropriate if they are illegal, inconsistent with existing policy, or unsafe. Therefore, if there is a “no” response to criteria (b), (c), or (d), immediately stop consideration of the use. If the answer is “no” to any of the other questions, we will generally not allow the use. **However, there may be situations where the refuge has exceptional or unique recreational resources, such as rock climbing, that are not available nearby, off the refuge, and the use requires insignificant management resources. In such cases, we may further consider a use.**”

The above-mentioned reference to rock climbing was specifically included in the manual as a direct reference to technical rock climbing on the Refuge, which is the only refuge in the system that contains such exceptional and unique climbing resources, and where it has been recognized that the climbing resources and the wilderness climbing experiences provided by the Refuge are not available anywhere else within this region of the country.

- 9) All official reviews, documents and information relating the WMCC’s Advisory Bolting Committee (ABC) and its successful efforts to manage and eliminate any significant impacts to Refuge resources from the occasional and necessary use of fixed anchors on the Refuge, and more specifically the latest “**Fixed Anchor Census**” for the Refuge which documents the fact that since the ABC began its work more than a decade ago, there has been no significant increase in the total number of fixed anchors on the Refuge, and that the majority of all approved fixed anchor applications have been for the replacement and upgrade of existing fixed anchors, with relatively few applications approved for new climbing routes requiring fixed anchors. Those documents are maintained in the FWS records at the Refuge.
- 10) Important information concerning climbing and natural resource protection found on the WMCC’s official website (www.wichitamountains.org), including past publications of the WMCC’s newsletter “Exposure” that include valuable articles relating to natural resource protection, minimum impact ideals and a “leave no trace” philosophy, as well as articles on numerous volunteer conservation projects organized by the WMCC at the Refuge.