

Attachment A:**Commercial Pack and Saddle Stock Services in
Sequoia-Kings Canyon and John Krebs Wilderness Areas****The Wilderness Act:
American People and Commercial Services
Public Law 88-577 ~ September 3, 1964**

- **"To establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes."**
- **"For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as 'wilderness areas', and these shall be administered for the use and enjoyment of the American people..."**
- **"Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use."**
- **"Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas."**

EXTENT NECESSARY

The 1964 Wilderness Act clearly provides for the inclusion of commercial services for recreation and other purposes. The Act states:

"Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas."

The *purposes* that are referred to are specified in the Wilderness Act:

"Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use."

Commercial packing services have a long and important history in Sequoia and Kings Canyon National Parks.

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I. The Wilderness Act of 1964 and Outfitter Services

The basis of the requirement for determining the 'extent necessary' is derived from the Wilderness Act specifically Section 4(c) which reads "Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas."

A review of the Congressional Record - leading up to passage of the 1964 Wilderness Act, subsequent legislation, and related literature provides guidance and direction for enabling the managing agency to allow for the continuation of commercial outfitting and guiding as a legitimate use.

This is consistent with the information provided when the High Sierra Packers Association inquired of Congress in 1959, as to the intent of the proposed wilderness bill as it related to commercial packing. In response to the inquiry, Congressman George Miller requested an interpretation from the Committee on Interior and Insular Affairs and provided the Association with the following information: **"I am advised by the staff of the Senate Committee on Interior and Insular Affairs that, in the hearing on the Senate legislation and in discussions thus far, it has been understood that this language would not be intended to prevent the continuation of the commercial operation of pack stock into the wilderness. (emphasis added).** In other words, it would not be expected that the enactment of S.1123 or a similar measure would necessarily cause any change in this respect."

Many of our country's leaders from President Theodore Roosevelt to Senator Frank Church spoke fondly and often of their outfitted experiences. There can be no doubt from reading the Congressional Record that outfitting and guiding was intended as an accepted use of wilderness.

Congress's intent of preserving for the future, without eliminating uses established at the time of passage, has been the subject of considerable debate between prominent legislators and the administering agencies, and has resulted in specific language and interpretation in subsequent wilderness legislation.

Senator Frank Church (floor manager in the Senate when the wilderness bill was passed by the Senate in 1961 and 1963), in an address at the University of Idaho, stated **"It was not the intent of Congress that wilderness be administered in so pure a fashion as to needlessly restrict its customary public use and enjoyment. Quite the contrary, Congress fully intended that wilderness should be managed to allow its use by a wide spectrum of Americans."** (emphasis added)

It is obvious from the Congressional Record that, unless the actions were specifically prohibited, **Congress intended that they would continue at a level not less than that which existed at the time the wilderness was included in the National Wilderness Preservation System.**

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History of Packing

Commercial packing in Sequoia and Kings Canyon National Parks has played an important role in the development and protection of the Parks. Commercial packing services began in the 1800's. Commercial pack operations are a well-established historical use and an integral part of the "wilderness character" of the Parks that Congress intended to be preserved through passage of the Wilderness Act.

Over the course of the last century, the services of guides, the transportation of goods and visitors, and the wide range of assistance and support that have been provided by the pack stations operating in the Parks is a significant factor in each and every aspect of the exploration and protection of the Sierra as we know it today. The history of both Sequoia and Kings Canyon National Parks is rich and interrelated with the services, equipment, and knowledge that have been provided by the packers and guides, and the horses and mules who carried men and women throughout the mountains for leisure and work, exploration and study.

- **1901:** Sierra Club Outings. Although some members would hike, many chose to ride.¹ "What better way to help preserve our few remaining wilderness areas and give our people a fine spiritual boost than to actually show them what a fantastically wonderful country we have? The Sierra Club outings have had that purpose since they were first started in 1901." An article in the Inyo-Mono Fishing Guide chronicles a Sierra Club Base Camp Trip that was located at the head of Minaret Creek Valley. "Counting the commissary group there were about 175 persons in this second two-week base camp period." The base camps were annual trips sponsored by the Sierra Club in which members could sign up from one to six weeks in the backcountry. In addition to having a camp naturalist who would identify the trees and plants, there were many who learned to fish. All of the gear, food and supplies were packed in on a regular basis.
- **1912:** Advertisements in the Inyo Register Magazine included:
 - The Nevada Stables, Bishop. "Tourists and Campers' Outfits"
 - Pioneer Livery Stable, Bishop. "All kinds of outfits for tourists' mountain trips"
 - Ben R. Ransome, the Guide of the Sierras – Big Pine. "Outing in the Sierras" 10 day, 15 day and 30 day trips
 - Mt. Whitney Hotel and Anton's Resort – Lone Pine. "We outfit parties at Lone Pine for Sierra trips – Saddle and pack horses for hire."
- **1915:** "The State of California approved \$10,000 for the construction of the John Muir Trail ... Hiking, camping and other forms of recreation had taken its place early on. The push to build the John Muir Trail reflected a growing interest in back country recreation."² Roy Boothe was the Ranger in charge of the construction. Roy was the father of Dudley Boothe, who owned Rainbow Pack Station for many years.

¹ "Sierra Clubbers in the Sierra" by Tom Henderson, Inyo-Mono Fishing Guide, 1956

² Sierra Centennial by Gene Rose, 1994.

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Many pack stations trace their history back to the 1920's and 30's. A study titled "The Tourist Packing Business of the High Sierra Region" by Norman B. (Ike) Livermore, Jr. conducted in 1935, reports there were 71 pack stations at that time serving the High Sierra area from Kernville to Yosemite, with over 2700 head of stock.

The historic role of the packing industry should be perpetuated for as long as their services are needed by the public as well as the hundreds of groups, universities, government agencies, institutions and others who use their services. It is because of the packers that many of the trails, bridges, and other resource improvements exist throughout the wilderness areas. The Park Service would be remiss to reduce or place any additional limits on the commercial packers.

As agreed to with Congressman Nunes, the Park Service should move forward with its promise to relocate and re-establish the pack station in the Wolverton area, and should re-establish the pack station at Mineral King. The General Management Plan calls for commercial packing at these locations, and it is imperative the Parks move forward with that commitment.

Present Day Packing

What is the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas? The wilderness resource was established for the "use and enjoyment of the American people." Without the services of the commercial pack stations, wilderness areas would be limited to only those who are skilled, knowledgeable about wilderness travel, have their own equipment, and are physically able to access the areas. More of today's society is untrained and unprepared for trips to rugged and isolated wilderness areas. This is evidenced by the increasing number of search and rescues conducted for lost hikers who are not associated with a commercial outfitter. The commercial pack stations provide access for all people to use and enjoy the wilderness.

Many of the backpackers from the 1970's are now fully engaged in their careers, are raising families, have limited time, no longer have specialized equipment for backpacking, live in urban areas and are not in physical condition to access higher elevations and traverse steep and rocky trails. In order for them to visit the wilderness, the services of a commercial pack station are necessary to properly equip them for wilderness travel, and to provide transportation of their gear and/or family members. Regardless of how long they stay and what they do – the services of the packers are necessary for them to "realize the recreational and other purposes of the wilderness area."

Grandparents – and great-grandparents – want to share and experience the wilderness with their children, grandchildren, and great-grandchildren. For many, the ruggedness of the Sierra is too formidable for some individuals to walk the trails and carry heavy loads, hence the services of the packers are necessary for these visitors to access the wilderness.

For individuals with infirmities or disabilities, the services of the commercial packers are necessary for them to access the wilderness. In fact, the commercial packers are the only entity that can provide trips to the wilderness for wheelchair dependent individuals, for paraplegic individuals, and for others with seriously debilitating handicaps.

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Many groups have been taking pack supported trips for decades, some even pre-dating the Wilderness Act (e.g. Sierra Club Outings - 1901). The services of the commercial packers are necessary for many groups to visit the wilderness, as the packers provide the specialized equipment, wilderness camping skills, and guiding.

Some wilderness trips are organized for a specific purpose, such as: education, photography, religious, research, wilderness medicine, etc. Agency trips are frequently supported by pack and riding stock, and include trail crews, search and rescues, fish stocking, survey crews, mapping specialists, military personnel, Congressional representatives, and many others. The services of a commercial packer are necessary to transport specialized equipment and/or the individuals who may not be 'wilderness' savvy.

Many visitors travel individually or gather with a small group of friends or family for their wilderness trip. There are often members of the group who lack the skills, equipment and knowledge to travel on their own. The services of the commercial pack station are necessary for them to be able to visit the wilderness.

II. *The Values and Benefits of Commercial Outfitting and Guiding.*

"Perhaps the ultimate riding adventure is a pack trip into one of the state's 129 National Wilderness Areas. Outfitters operate pack strings, sometimes with mules, into the backcountry for camping, fishing, and hunting."

Excerpt from "California Outdoor Recreation" published for the California Division of Tourism, California Trade and Commerce Agency, on behalf of the California Roundtable on Recreation, Parks and Tourism.

Outfitters and their customers play a vital role in the mix of constituents on public lands who support resource conservation. They are often the first link to the outdoors for many families and beginners. Outfitting fulfills deeply personal needs for many families. Some of the strongest childhood memories are derived from family outings and vacations. As the ethnic diversity of the American population undergoes significant changes, and as America becomes increasingly urbanized, the need for professionals to provide skills, equipment, facilities, and trip planning are constantly increasing.

Statistics from the Bureau of the Census indicate that the Asian and Hispanic ethnic groups are the fastest growing ethnic segments. It will be important to ensure these populations have connectivity with their public lands to help perpetuate and continue conservation goals.

As the population ages, the need for packing and riding services is increasingly important to enable visitors to travel into the wilderness. Various levels of physical disabilities and infirmities necessitate that these individuals have assistance from the commercial pack stations to transport themselves and their equipment into the wilderness.

An increasing number of international visitors come to experience the wilderness areas of Sequoia & Kings Canyon National Parks. The services of the commercial pack stations are necessary for many of these visitors to visit the Sequoia-Kings Canyon and John Krebs Wilderness Areas.

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The history of the commercial pack stations shows they have been operating continuously for over 150 years. Their practices and methods are consistent with current trends and techniques for taking proper care of the natural and cultural resources. The pack stations work hard to ensure the trails, campsites, meadows, vegetation, water, and wildlife are protected and sustainable for the future.

The number of wilderness related search and rescues shows the predominance of wilderness rescues are private users (hikers) – not customers of the pack stations. The Wilderness Stewardship Plan should consider requiring more people to utilize the services of a commercial guide to reduce life threatening accidents and risks to rescue teams. These rescues are very costly for state and federal agencies, with significant risks to the search and rescue team members and helicopter pilots.

Examples of rescues and evacuations include:

- ✓ 10/20/04: Two overdue hikers in the Sierra Crest Area of Sequoia & Kings Canyon National Parks. Four adults in the Mt. Whitney area, and an overdue lone hiker in the Bishop Pass area. These searches required search teams and helicopter use.
- ✓ 7/23/05: Two climbing fatalities on Mt. Whitney.
- ✓ 7/24/05: Hiker who was found submerged in a lake in Kings Canyon National Park wilderness. Another hiker went off-trail and his body was found submerged in the Marble Fork of the Kaweah River near the Pear Lake area.
- ✓ 7/28/05: Backpacker rescued for altitude sickness in Kings Canyon National Park wilderness. Helicopter and search teams were utilized.
- ✓ 8/4/05: One hiker killed and 11 others evacuated from the wilderness area of Sequoia National Park. Rescue included Park medics, multiple helicopters, and numerous rangers.
- ✓ 6/14/07: A couple was lost in Sequoia National Park (Mineral King wilderness area). Helicopter and 20-person search team were used.
- ✓ 10/16/09: 3 hikers rescued from a mountain ledge in Kings Canyon National Park wilderness. Helicopter and a 50-person search team were used.
- ✓ 10/21/10: Three hikers were rescued from Mt. Whitney. Two additional hikers were lost. Helicopter and a 45-person search team were used.
- ✓ 8/4/11: Two search and rescue operations in Sequoia & Kings Canyon National Parks. The second rescue involved 2 hikers who were lost, with injuries. A search team and helicopter were used for this evacuation.
- ✓ 7/25/12: Search teams were looking for a man who went hiking and did not return as planned from a day hike to Mt. Langley. Two helicopters and more than 20 staffers from Sequoia-Kings Canyon and Yosemite National Parks were searching for the man.

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- ✓ 8/10/12: A body found on Norman Clyde Peak was the man at the center of a massive search effort. Crews from Sequoia-Kings Canyon National Parks found the body with assistance from: California Air National Guard; California Emergency Management Agency; California Highway Patrol Helicopter; China Lake Mountain Rescue Group; Fresno County Sheriff's Office; Inyo County Search and Rescue; Inyo National Forest; Kern County Search and Rescue; Los Angeles County Sheriff's Department; Marin Search and Rescue; Montrose Search and Rescue; San Diego Search and Rescue; Sierra Madre Search and Rescue; Tehachapi Search and Rescue; and the Tulare County Sheriff's Office.
- ✓ 11/1/12: Efforts to locate missing hiker were suspended after an intense search revealed no clues. The search lasted for eight days, and utilized 56 personnel from multiple agencies, with 10 ground search teams, three dog teams, and five helicopters.

III. Commercial Services fulfill the Recreational, Scenic, Scientific, Educational, Conservation, and Historical purposes of the Wilderness Act.

Some of the pack stations pre-date the establishment of Sequoia and Kings Canyon National Parks, and nearly all pre-date designation of backcountry areas as wilderness. The pack stations are necessary as they serve diverse populations that would otherwise lack the means of accessing the wilderness. Individuals and groups without the proper equipment, skills, knowledge, or physical ability are able to access the wilderness for the purposes for which it was established: recreation, scenic, scientific, education, conservation, and historical uses. There are no other entities that serve as many different segments of the population as the commercial pack station operators. The commercial pack stations are necessary for Sequoia and Kings Canyon National Parks to meet the purposes of the Wilderness Act.

The following statements are from court records regarding the importance and validity of the commercial pack stations and the services they provide.

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I have personal knowledge of the facts described below:

1. I am writing today in regards to the letter sent recently about the court's ruling in the lawsuit against SEKI as it pertains to the Wilderness Act and pack stock usage.
2. I co-founded and have been operating Southern Yosemite Mountain Guides (SYMG) since 1991 in Oakhurst, Ca. SYMG guides hiking, backpacking, rock climbing, fly-fishing, and winter activities and holds OG permits in Yosemite, Sierra and Inyo National Forests, as well as SEKI. I employ between 15-20 people each year. I also have a unique insight into this issue because I am not a packer or pack station owner.
3. My experience is first hand and I can unequivocally say that pack stock usage is indeed necessary in order to allow access and usage of the SEKI. SYMG has shown thousands of people, over the last 20 years, the beauty of the wilderness areas all throughout the Sierra, with SEKI being arguably the most remote and most special of all those places. Some people don't need to use stock and can carry everything they need on their backs day after day and for those people we offer backpacking trips. But for many people – perhaps the majority of average Americans – additional support is needed, especially into the remote wilderness of SEKI.
4. By offering an option to have the help of pack stock on some of our departures, we aid certain populations of people to experience their own wilderness areas

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that they wouldn't normally get to see. Our two biggest user groups for pack-stock supported trips are families with young children and an "aging" population of Sierra lovers and enthusiasts. It isn't uncommon for us to lead trips that have 8-10 year olds on them with their parents. Another common demographic is the late 60-late 70 year olds.

5. This year we have a group scheduled for a trip that has 3 generations on it: A grandfather, his sons and his grandsons. In this example he has been on a few backpack trips with us. However, this year his knees and back weren't up for the rigors of backpacking so we decided to plan a pack trip. He is so excited to share the beauty of the wilderness with his extended family, especially his young grandsons. Pack stock is making this possible.
6. I had a woman on a trip last summer that had been in leg braces for nearly 20 years as she suffered from rheumatoid arthritis since she was a young adult. The trip we went on was the first thing of this nature she had been able to do. Pack stock made this possible for her. Needless to say it was an emotional trip for everyone and a lot of tears were shed. Life changing. Made possible by stock. On yet another trip we had a hiker with Sleep Apnea who needed his battery powered C-Pap machine to sleep for his health and safety. Each battery pack weighed 15 lbs and lasted 3-4 days without charging. He had to bring 4 battery packs (60 lbs worth) to make it for his 2-week journey through Sequoia Kings on the John Muir Trail. Pack stock made this possible. These are just a few of

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examples of the many, many people that we have taken to various parts of SEKI NP with the aid of pack stock.

7. In addition to these people, every one of our pack-stock supported trips is filled with people who believe that they are physically or emotionally unable to access SEKI or other wilderness otherwise. In my experience 85 to 95 percent of the people who travel with SYMG to visit the SEKI using pack stock would be unable to experience this wilderness if such trips were not available and they had to carry all of their gear and supplies on their backs.
8. To address the specific "restrictions" proposed by the HSHA, although I applaud their willingness to come to some sort of compromise on this issue, some of these requests are extreme and go way beyond the core issue at hand:
9. #1 Limit of commercial days = 80% of 2007 level. I would hope that the average would be chosen on a wider set of data. I know 2007 was a wet year resulting in low usage. Exact amount of usage should be regulated and limited, I agree, however what that limit is needs to be fair and balanced based on conditions, a factual study of impact to protect the resource coupled with demand and economic viability.
10. #2 and #3- Grazing in Meadows over 9700' including Evolution Valley. Again to this, I say show me evidence of the damage. I would hope that these decisions are based on factual impact studies not whether one person thinks Evolution Valley is more beautiful than LeConte Canyon for example. Remember too, if the

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mules can't graze, that means the packers need to pack in feed for the animals, which ultimately means more packing.

11. #4 A ban on transporting certain equipment, such as ice chest, chairs, tables, and amplified music. In my experience ice chests are needed to keep food and sometimes medicines cool and fresh. (Please note we have custom made bear proof panniers that carry our small coolers). We have had diabetics on trips that need insulin that we can store in the coolers. In addition to meds, it is important for people to eat well to be safe while traveling in the wilderness. As guides, we are always aware of nutrition and caloric intake/output, which are 2 very important factors for safe and enjoyable travel in the backcountry. To this end, we do use coolers when we have mules to pack them. If it is the potential "eyesore" of seeing a cooler in a wilderness camp setting, then perhaps a suggestion is that they are required to be packed away in their bear proof panniers when not in use (a practice we currently engage for bear safety). As for chairs, in addition to the obvious comfort-factor they serve as important "rests" for people's muscles. For most people in their 40's-70's, the joints and back don't bounce back like they used to. By having a simple lightweight chair to sit in each night versus sitting on the ground, it replenishes people's strength for the next day's hike. Again, as guides, we feel this is so important we supply them for our clients, so they have the best possible chance of enjoying their wilderness trip in a safe manner. Our chairs are very streamlined for camping and are not an eyesore.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. This document was executed on April 20, 2012, at Santa Cruz, California.

Sincerely,

/s/ Ian Elman, President

Southern Yosemite Mountain Guides

Attachment A:

I, Carol A. Hoefler submit this declaration pursuant to 28 U.S.C. 1746 and declare as follows:

1. I am a hiker that has signed up with Sierra Mountain Center to climb Mt. Whitney via Cottonwood in August 2012.
2. As a recreational user with a long time goal of hiking Mt. Whitney, I looked for an outfitter with pack animal support because I did not feel confident that I would be able to achieve my goal without the extra support with my equipment. Although I have my physician's go ahead for the climb and have other backpacking hiking experience, my low heart rate resulted in a pacemaker several years ago. At the age of 49, it was very difficult for me (as a person with an active lifestyle) to think that I would have physical limitations.
3. I would not feel confident taking on Mt. Whitney with a self-directed trip or via one of the more challenging routes. I do not see undertaking the climb hike without the trip itinerary or pack animal support offer by the local outfitters. In my case, Sierra Mountain Center.
4. It is difficult to describe the sense of accomplishment I feel post-pacemaker when I achieve the physical goals I set for myself. I continued to work to get into shape balancing work, my age, and adjusting to a regulated pulse rate. The use of pack animals would allow me to access a remote area of the National Parks, renew my sense of adventure and provide a sense of accomplishment that I used to take for granted.
5. I wish my pacemaker and the reason I have it did not cause me to second guess my abilities to do things on my own. However, I think it makes sense for me to seek out (and

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take advantage of) as much support that is available to me (in this case pack animals and an organized trip).

I declare under penalty of perjury under the laws of the United States that the foregoing statement is true and correct.

Attachment A:

I, Seth M. Hufstedler submit this declaration pursuant to 28 U.S.C. 1746 and declare as follows:

1. I live in La Canada – Flintridge and have been a resident of the state of California since 1928.

2. I graduated from the University of Southern California and Stanford Law school. I have practiced law in California since 1950, and now am a senior of counsel at the firm of Morrison & Foerster, in the Los Angeles office.

3. I have spent a good share of my life in the outdoors, and especially in the Sierras. My family and I have a cabin at Lake Huntington, which my mother acquired in about 1946 and has been in my name for many years. I have spent many happy years walking and camping in the surrounding mountains, and on many occasions have used packers to carry the equipment. I have walked the entire Pacific Crest Trail from Mexico to Canada, and about one-third of the trail south, from Canada to Mexico. In addition my wife and I have made 13 trips to Nepal, where we have trekked more than 1500 miles in the Himalayas. (There the “packers” are Sherpas, many of whom have become good friends.) In walking on the Pacific Crest Trail, our group has used packers on the John Muir trail both north to south and south to north. We have also used packers on several other stretches, including in the Cascades. However, we were walking and they carried the equipment.

4. Some years ago I started climbing Mt. Whitney on my birthday. On walking the Pacific Crest Trail, the second time on Mt. Whitney, it turned out to be my birthday. (The time before was a couple of days after my birthday.) So I later climbed it some more. On my 80th birthday, a group of friends and I climbed it from the West side, and were on top on my birthday. That seemed good, so on my 85th birthday, several of us went up again, also on the West side. However, we ran into a “rogue” storm which was not anticipated, and above Guitar Lake the temperature was 20 and the wind 50 mph. We had only light summer equipment and at about 13,000 my hands began to freeze. After restoring circulation three times, by rubbing them, it only made sense to come down, so we did and did not climb to the top. So on my 87th birthday we went up again, from the West. It was easy and we had a relaxing sunny lunch on top.

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5. The point of this is that on each of those trips to the top, we had excellent packers. They were careful to respect all of the rules. On the last trip, the animals could not be kept above 10,000 feet, so the packers had to take them back down when the walkers were camping above that. On many of the trips where we have had packers, the packers often were cleaning up debris that backpackers had left.

6. The Rangers at Rock Creek and Crabtree, who were excellent, reached the conclusion that I was the oldest male to climb Whitney. Not the oldest person – a woman of 91 climbed it about 15 years ago.

7. My 90th birthday comes up in September, and I plan to walk up to the top again, if that works out. The permits for September are already gone, and packers are not permitted on the Portal Trail to the top. At my age, climbing with a backpack is a little too strenuous, and making the trip in one day would be too much.

8. Naturally, therefore, I would like to take the Western trail again, and have packers carry the gear up to the “last water” which is a pool at almost exactly 12,000 feet. They still have to return the horses below 10,000, as before, at night.

9. If the new severe limitations are imposed, this cannot really occur. We could camp four nights, or so, going in, and need the camping equipment and food. Particularly, ice chests to keep some fresh food are necessary, and they do not cause litter or damage the “wilderness experience.” A folding camp chair and a table for the cook are not going to damage the wilderness. What these proposed limitations will do is greatly limit the ability of more elderly people to enjoy the experience.

10. I recognize it is not great loss to the world if I do not climb Mt. Whitney at 90, or at 92, if I am around that long. But depriving everyone of advanced age to have the ability to use pack services to carry equipment and suitable food is a tragedy. I confess I have had my share of fun and appreciation of the wilderness, but denying the elderly the right to have adequate use of the packers help would be unforgivable.

Attachment A:

I, C. Judson King (Cary Judson King III), submit this declaration pursuant to 28 U.S.C. 1746 and declare as follows:

1. I am a 49-year resident of Berkeley and then Kensington, California. For that same period of time I have been associated with the University of California, as Provost and Senior Vice President – Academic Affairs of the University (1995-2004), and previously Professor of Chemical Engineering, Chair of the Department of Chemical Engineering, Dean of the College of Chemistry, and Provost – Professional Schools and Colleges at the University of California, Berkeley. I am now retired, but re-employed part-time as Director of the Center for Studies in Higher Education on the Berkeley campus. I was also for eleven years (1976-1987) Scoutmaster of Boy Scout Troop 100 in Kensington, California.
2. I am seventy-seven years old. My wife of fifty-five years, Jeanne Antoinette King, lives with me, is seventy-six years old, and in 2011 suffered a shoulder break which required a partial shoulder replacement. She has limited mobility of the left shoulder joint as a result of that having happened.
3. Since we moved to California in 1963 we have been inveterate hikers and backpackers. This includes my having led eleven nine-day Boy Scout Fifty-Milers in all parts of the Sierra Nevada mountains, with much off-trail component. I have been on multiday trips in the Sierra Nevada mountains every one of the forty-eight summers that we have resided in California, and we have another such trip planned for the summer of 2012.
4. For sixteen years now, since reaching the ages of 60 and 61, respectively, my wife and I have been users of the services of Red's Meadow Pack Station, Rock Creek Pack Station, and Mt. Whitney Pack Trains for week-long trips in the Sierra Nevada mountains. For the past fourteen years we have organized groups of people in our age group, usually eight to twelve people in the group. Through me, our groups contract with the pack station for the trip.
5. Our trips typically enter from the east side of the Sierra Nevada over a pass, and then travel several days north or south along the John Muir Trail or other established trails, following which the exit to the east side of the Sierra Nevada mountains over another

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pass. Our trips have included the full north-south length of Kings Canyon and Sequoia National Parks, and the use of Cottonwood, Kearsarge, Sawmill, Bishop and Piute Passes, as well as Muir, Mather, Pinchot, Glen, Forester, and Guyot Passes. Our trip for the summer of 2012 will utilize New Army Pass as well.

6. For these trips, the pack train carries our gear and the food, and we carry day packs with what we need during the day. The packer supplies a cook and cooking services as well.
7. We and nearly all other members of our groups are now well past that point where we could do these trips and continue our enjoyment of the unique and magnificent high country of Sequoia and Kings Canyon National Parks in any other way. To remove or encumber pack stock access and through-trip capabilities from those areas would mean that we would be left with no way to continue our lifetime enjoyment of the prime, high Kings Canyon-Sequoia high country, which is the pinnacle of scenery and unique in the Sierra Nevada mountains. To my mind, that would be discrimination on the bases of age and infirmities. There are no good alternatives to these trips that move continuously through the prime and pristine areas of the Sierra Nevada mountains for a duration of order a week.
8. I am aware that prohibition of grazing above 9700 feet and in Evolution Valley has been requested as a remedy. To do this would effectively preclude through travel with pack stock in Sequoia and Kings Canyon National Parks, because of the great distances among places that would be allowable for grazing. That would again preclude the sorts of trips that we value and seek.
9. I am also aware that the exclusion of folding tables, folding chairs and ice chests has been requested as a remedy. The tables are necessary for preparation of breakfasts and dinners for a packer-supported trip that is economically viable. We regard light, folding chairs as essential too, given the physical conditions of myself, my wife, and most of the members of our group.
10. Having been on extended trips in the Sierra Nevada mountains (primarily in Sequoia and Kings Canyon National Parks) for forty-eight years now, and having led nearly all of those trips, I have seen many camps, many campers, and many sorts of groups traveling in the wilderness. I consider myself well able to judge environmental impacts of various types of usage. My conclusion is that current packer-supported trips are no more

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harmful, and probably substantially less harmful, to the environment that is the same amount of usage by backpackers. I base that statement on the much better control of human body waste by the packers, the fact that packer camps are defined and restricted as to location, the much better control of food wastes and wrappers by packers, and the fact that backpackers still often build and leave newly created fire rings.

I declare under penalty of perjury under the laws of the United States that the foregoing statement is true and correct.

Attachment A:

I. Karen Lorraine Merritt, submit this declaration pursuant to 28 U.S.C. 1746 and declare as follows:

1. I am a United States Citizen and I live in Alameda County, California, and have been a resident of this state since 1986.
2. I have been a Director of Academic Planning and Program Review for the University of California Office of the President and Director of Academic Planning for the University of California, Merced. I am now retired and live in Oakland, CA.
3. I have been hiking since the 1950's and backpacked in the 1960's through the early 1990's. Since 1993, the year of my 50th birthday, I have been hiking in the Sierras with the support of packers, as arranged by Sierra Club and, more recently, by private individuals, in addition to the Sierra Club.
4. The use of pack animals enables people like me to have access to some of the most beautiful back country in the Sierra National Parks. Pack animals carry my sleeping equipment, clothing, tent, and other necessities, and also carry for the groups I hike with cooking equipment, food and the means to safely and sanitarily dispose of our wastes. I can no longer carry the necessities for multiple day back country life: they are too heavy for me to carry any more and without them, I would not be able to travel to remote areas of the National Parks and or wilderness.
5. I have planned to go on a trip (High Sierra High, Sierra Club) during August, 2012, supported by pack animals, a packer and crew. While I am a slow hiker and have diagnosed arthritis in my knee and spine, I am still able to carry a daypack for several miles a day. I do not know how much longer I will have this ability and thus am very anxious about having stock support in order to go on the planned trip.
6. In recent years, as my hiking friends have grown older, some ride while the rest of us hike. Thus, we are all able to have access to beautiful back country in one another's company. Without stock, my friends who can no longer hike many miles during the day will also be denied access to the back country.
7. I respectfully urge that those of us who are older and in need of the support of stock and professionally trained packing crews not be denied access to the back country.

Attachment A:

Wilderness protection is the shared responsibility of packers, riders, hikers and backpackers. I believe it is incumbent on all of us to work together to protect our beautiful back country rather than prohibiting the means to allow older and physically limited people to share the wilderness with the young and fit.

8. I've experienced stock-supported trekking for the past nineteen years, almost every summer, sometimes on multiple trips during the summer. My observation is that packers and their crews are well trained professionals who practice responsible management of their stock and camping sites. In conversations with many of the crew members in camp, I've found them to be people who love the wilderness as I do and share my commitment to protecting it for future generations. They deserve to be part of the solution to wise management of the wilderness. They earn their livelihoods this way and I support their continued practice of this valuable and, for me, essential set of skills.

Impact on wilderness cannot be eliminated, but it can be managed. I am troubled that the threat to remove stock from the back country fails to recognize that all users, including backpackers and hikers, have an impact. I am also troubled that removing stock would discriminate against me and others like me because of my age and resulting lack of strength to carry a full backpack.

9. I have shared these concerns by letter with Sequoia/Kings Canyon National Parks Superintendent Karen Taylor-Goodrich.

I declare under penalty of perjury under the laws of the United States that the foregoing statement is true and correct.

Attachment A:

Recreational

As noted in the previous statements, the services of the commercial pack stations are necessary for many visitors needing help and assistance to access the wilderness. They seek advice and rely on the expertise of their guide to make sure they are relatively safe.

Scientific

Researchers contract with pack stations to provide trip support for personnel and equipment to collect data from field monitoring locations.

Educational

- 1) Documentaries
- 2) Natural History, Geology and Astronomy
Three Corner Round has been conducting courses in geology and astronomy for over 95 years. Joseph Wampler conducted education trips on the natural history of the area.
- 3) General Education
Many public and private schools bring students and classes for wilderness trips as part of their extended education programs.
- 4) Youth Enrichment
Utilize pack stations to help assist trips provided to inner city youth.
YMCA's have a long history of providing trips for youth into the wilderness.
- 5) Churches
- 6) Publications and Periodicals
Publications and periodicals feature articles about the wilderness areas of Sequoia-Kings Canyon National Parks. Staff from these publications have used the services of pack stations to help gather their story information and to help assist them with their trips.

Conservation

- 1) Conservation Groups
Pack stations provide services to national and local conservation groups. Some of the national and local organizations utilizing professional packing services include:
 - Sierra Club (Began High Trips in 1901)
 - Nature Conservancy
 - Wilderness Society
 - Nature Expedition
 - High Sierra Hikers
 - California Alpine Club
- 2) Trail Maintenance and Reconstruction Projects
Numerous cooperative efforts between pack station owners and volunteer groups have been conducted to perform trail maintenance and reconditioning projects.
Park Service trail crew support for personnel, equipment and supplies has been provided by pack stations for decades.

Attachment A:**3) Search and Rescues**

Pack stations participate in search and rescues each year, providing stock and guides for the searchers and for those being rescued. Rescues include those suffering from: high altitude pulmonary edema, heart attacks, fractures and pneumonia. Pack stations are also called on to pack out persons who have deceased while in the wilderness.

4) Federal Agencies

Pack stations have and continue to assist the Park Service in conservation projects. These have significantly contributed to resource protection, accomplishment of wilderness objectives, and improvement of visitor services.

Park Service specialists use the pack stations to help support their trips to conduct their regular work duties.

Historical**1) Rock Climbing and Mountaineering**

Many of the individuals who made first ascents of the peaks in the High Sierra region – and for whom the peaks are named – had pack stock support.

2) Sierra Club

Sierra Club Base Camp trips date back to 1901. In the 1950's, the Base Camps had 200 person in the camp at each period of the trip. Pack stations supplied these base camps with food and supplies on a regular schedule.

Sierra Club High Lite Trips were developed over the years and were trips that were oriented for hikers, with the food and equipment supplied by pack stock.

3) Place Names of the Sierra Nevada

- ✓ The Don Cecil trail is named after Don Cecil, who started the Cecil Pack Train in 1923.
- ✓ Rae Lakes and Crabtree Meadows are named for Rae Crabtree, who owned the Rae Crabtree Pack Stations.

4) Historic Trips

- ✓ During the 1939 World's Fair, customers from San Francisco brought their European guests on a trip to Mt. Whitney. The Cecil Pack Station provided the packing services.
- ✓ The Alpine Club from the San Francisco Bay Area would hike and have their duffel and supplies packed on mules. These trips took place in the 1950's.

Wilderness Areas for the use and enjoyment of the American people...

Over the past 100 years, pack stations have provided more opportunities for persons with disabilities to access the backcountry and wilderness than any other provider or group. Visitors' infirmities have included:

- Amputees
- Polio
- Muscular Dystrophy
- Cancer
- Blindness
- Deafness

Attachment A:

Mental Retardation
Downs Syndrome
Paraplegics
Cerebral Palsy
Lou Gherig's Disease

Wheelchairs have also been packed into the wilderness for those who require their use.

IV. *Levels of Commercial Service*

A review of the legislative intent of the 1964 Wilderness Act shows that Congress clearly intended outfitting and guiding be permitted to continue at a level not less than that which existed at the time the wilderness area was added to the system. The law provides for historical and pre-existing uses. The history of the pack stations clearly shows that they existed well before each wilderness area was designated.

Data shows that the largest increase in use over the past 20 years has been with hikers and day users, but limits have continued to be placed on the pack stations. It is a gross inequity to continue to restrict the commercial packers when the component of use that has changed the most is backpacking and day use.

Comment on preliminary draft alternatives for the Sequoia and Kings Canyon National Parks
Wilderness Stewardship Plan and Environmental Impact Statement (WSP/EIS) 11-19-12

From Greg Allen and Ruby Allen, Rainbow Pack Outfitters PO BOX 1791, Bishop, CA 93515 760-873-8877

Thank you for this opportunity to comment on the WSP/EIS, and thank you for your thoughtful organization/arrangement of issues to consider, and will try to respond in like kind.

In regard to Permits, we support Alternative 1 and feel that the current permit system has worked. Day use permitting will only restrict Park visitation rather than encourage it.

In regard to Quotas, we support Alternative 1, again feeling the current system is working. However it is not clear if more destination quotas will ultimately result in more administration and restrictions, as well as make trip planning even more difficult from a commercial stand point. If the Park feels it can increase certain trailheads then it should in order for the public to adhere to the NPS motto: "Experience Your America".

In regard to Trails/Bridges/Signs, we support Alternative 1 and feel current signage, and destination indicator signs are appropriate. Trails in class 2 and 3 to be maintained for safe stock use.

In regard to Campfires we support Alternative 1.

In regard to Food Storage we support Alternative 1 but feel that as long as someone is in attendance of the food (alert guard) it should be considered adequate.

In regard to Human Waste, we support Alternative 1.

In regard to Party size for People, we support Alternative 1, and feel that visitor numbers can still increase while maintaining the current party size, by increasing trail head quotas.

In regard to Party Size with Stock, we support Alternative 1, and feel that in Alt. 3-6; counting "heartbeats of both stock and people" discriminates against stock users, creates additional, unnecessary restrictions, limits the enjoy-ability of the Park, creates additional burdensome trip planning for commercial stock users and does not allow for equal access for the disabled.

In regard to Backpacker Campsites: We support Alternative 1, feeling that designated camp sites will add another layer of bureaucracy, make trip planning more complex, lead to additional quotas at campsites and allow for possible conflict between users.

In regard to Stock Use Camps we support Alternative 1, as we feel we have been able to work with on the ground rangers in a cooperative manner, with good results. Designated stock camps vs recommended stock camps may cause conflict between stock users if a designated stock camp is occupied and the next designated camp is 15 miles away. If designated stock camps will be

implemented, alternative stock camps should be available in the form of recommended stock camps to avoid additional travel to get to the next designated stock camp.

In regards to Night Limits for all Campers, we support Alternative 1. Additional night limits to the Dusy Basin area would greatly affect our business, possibly causing groups "switching" campsites in order to comply with the new night limits. Dusy Basin is a popular climbing and photography area, it requires most of a day to get in, and then another to get out, making a 4 day trip more like a 2 day stay, too restrictive on the enjoyment of the area. This restriction is possibly dangerous, as people may try to achieve their climbing goals in too short of a time frame, due to the night limit suggested. Many people require stock support to get into Dusy Basin, and use the large 10 gallon bear canisters. These are unwieldy and difficult to move, requiring further stock assistance to move them either down into Le Conte Canyon or back over Bishop Pass onto the Inyo Nat. Forest.

In regards to Stock Use Access and Travel: We support Alternative 2, and although have rarely kept stock overnight in the Dusy Basin area, would like it as a continued option for both stock and client safety and well being. Support no grazing, use pellets or cubes, but support overnighing as needed.

In regard to Stock Use Camps we support Alternative 1.

In regard to Stock Use/ Party Size we support Alternative 1.

In regard to Stock Use: Grazing we support Alternative 2, and feel the current SUMMP works well and is well managed. There may be additional grazing areas that were previously closed that could be appropriate to reopen for grazing. This would allow for more dispersed use. Elevational meadow closure is not an appropriate method of management, as it does not address the specific meadow condition itself, nor does it allow for on the ground management by meadow specialists. Alt. 5 the tie and feed only method increases the number of stock needed to supply a trip, with possible conflict of users if a stock camp is in use. Stock support facilities such as drift fences etc. should be maintained for both human and stock safety.

In regard to Ranger Stations we support Alternative 2, request to not reduce commercial use in order to increase administrative use. Consider using commercial users as partners for communication, knowledge and collaborative purposes as well as visitor support.

In regard to Other Facilities: We support Alternative 2

As the Park is under the Department of the Interior, and acknowledges historic resources, we request the Park to consider the Commercial stock users as an integral part of the history of the Park, in both building and maintaining trail, and providing access into remote wilderness area. Many trails could be considered for the National Register of Historic Places, uniquely traveled on by stock, mule trains, and the people that love them. We hope this traditional way of travel and transportation of goods for both work and pleasure will not be lost in this complex planning process.