

The Alliance of Backcountry Parachutists, Inc.
fair access. responsible use. worldwide.

P.O. Box 38202

Atlanta, Georgia 30334

www.backcountryparachutists.org

September 1, 2005

Fran P. Mainella, Director
National Park Service
1849 C Street NW
Washington, DC 20240

Dear Director Mainella:

We at the Alliance of Backcountry Parachutists would like to extend to you a long overdue but heartfelt thank you for your July 2002 waiver of Management Policies Section 8.2.2.7, which allowed traditional parachuting to continue at the New River Gorge National River. Your action heartened the backcountry parachuting community because it signaled your willingness to examine backcountry parachuting on its merits instead of maintaining the blanket prohibition of your predecessors. Even more importantly, your action exposed the false premises underpinning Section 8.2.2.7: a) that parachuting is prohibited by statute; and b) that it is inappropriate in all cases in all locations within the national park system.

Despite this progress, your agency's policy prohibition of backcountry parachuting, as set forth in Section 8.2.2.7, means access discrimination against backcountry parachuting remains institutionalized and, as such, makes impossible the full and complete participation of parachutists in the planning process, regardless of the invitation and assurances extended to us in DOI Assistant Secretary P. Lynn Scarlett's July 1, 2004, letter to Congressman Tom Tancredo. The relevant excerpt reads:

"Director Mainella is committed to providing the public with appropriate opportunities for enjoyment of park resources and values, and to thoughtfully reviewing our policies and procedures when they are called into question. I am confident that she would expect park superintendents and other NPS decision-makers to give serious consideration to parachuting and similar activities as part of their normal responsibilities for managing recreational uses."

Unfortunately, said serious consideration simply cannot be given while Section 8.2.2.7 remains in effect and with this letter *the Alliance of Backcountry Parachutists petitions you to delete Section 8.2.2.7 from the new updated Management Policies document now undergoing revision.*

While we very much appreciate the deletion of the sentence "This is not an appropriate public use activity within national park areas, and is prohibited by 36 CFR 2.17," the fact that 8.2.2.7 remains in the Management Policies document at all means access discrimination against backcountry parachuting is *still* institutionalized because no other non-powered, recurring recreational activity is so singled out. Beyond the institutionalized discrimination inherent in such a categorization is the fact that backcountry parachuting is already adequately addressed in Section 8.2.2.4, *Backcountry Use*, and regulated under 36 CFR 2.17.

This section provides all the necessary regulatory and management authority and flexibility necessary for unit managers to address backcountry parachuting and thus the deletion of Section 8.2.2.7 from the policies manual will not only end a quarter century of institutionalized discrimination against this group of adventure athletes but also guarantee that they are treated the same way as other recreational users within national park service units, and able to operate on a level playing field when it comes to the planning process.

For your convenience, please find below a brief on the history of the NPS prohibition on backcountry parachuting in national park units, and its current status.

History

The prohibition is based on the results of a flawed 1980 test program, and on false claims about safety concerns and the "appropriateness" of this non-powered, non-polluting, minimally intrusive recurring recreational activity.

Appropriateness and Safety

Representatives of the National Park Service over the years have routinely cited the results of the 1980 test program as evidence why backcountry parachuting is inappropriate. The program was performed during the worst possible time at the worst possible "singled out" location.

Primary problems with the 1980 test program:

- 1) They only allowed jumps that were showcased at the worst possible place in its entire system (El Capitan).
- 2) The program commenced at the worst possible time (August, the height of Yosemite's infamously heavy tourist season).
- 3) The program had burdensome management policies, both from the standpoint of a park manager, and as a park user. The NPS decreed a specific time and location for the jumping, so spectators knew exactly where and when to go, and this, coupled with the fact that a paved road ran by the base of the cliff, made for traffic jams, overcrowding and resource damage that made the program untenable.
- 4) Backcountry parachuting was new as a sport and its adherents had not yet developed wilderness-specific training and practices and thus did not fit into the backcountry community.

Since 1980, backcountry parachuting doctrine, technique, training, and equipment have advanced dramatically. In 1980, for example, there were no organizations and no equipment dedicated to low altitude, fixed object parachuting. Today, there are several manufacturers in the U.S. and abroad who exclusively develop and produce low altitude-specific gear – and there are national organizations in more than a dozen countries that support the activity. More importantly from the standpoint of NPS, a wilderness ethic has been developed in the backcountry parachuting community that is on a par with – and often exceeds – the communal backcountry conduct of hikers, climbers and other backcountry users.

Management Policy

In a July 01, 2004, letter from DOI assistant secretary P. Lynn Scarlett to Congressman Tom Tancredo, assistant secretary Scarlett suggested that representatives of the parachuting community involve

themselves in the planning process that takes place at each park. The Alliance of Backcountry Parachutists and the backcountry parachuting community is eager to be involved in the planning process. Unfortunately, one big problem remains; the NPS policy prohibition of backcountry parachuting, as set forth in Section 8.2.2.7 of its 2001 edition of Management Policies. This policy prohibition means access discrimination against backcountry parachuting remains institutionalized and, as such, makes impossible the full and complete participation of parachutists in the planning process, regardless of the invitation and assurances assistant secretary Scarlett extended to them last July.

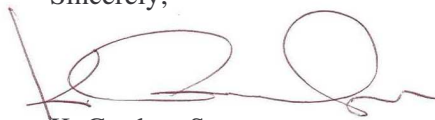
The addition of 8.2.2.7 to the management policy manual was done clandestinely. The only mention in the federal register was that of the management policy document in general. Representatives of the backcountry parachuting community were not included in this process even through park officials had contact information for representatives of the backcountry parachuting community. This policy is not backed by any backcountry assessment, review, or comment.

Conclusion

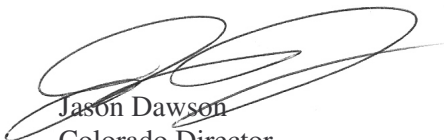
This is why the Alliance of Backcountry Parachutists petitions you to delete Section 8.2.2.7 from the new updated Management Policies document now undergoing revision. So doing will prevent repetition of the mistakes of the past (micromanagement of a recurring recreational activity) and allow the planning process to go forward in a fair and equitable way, on a unit-by-unit basis. At the same time, deleting 8.2.2.7 allows park managers to control backcountry parachuting according to the more appropriate and non-discriminatory outlines of Sections 8.2.2.4, and the permit structure detailed in 36 CFR 2.17.

Thank you again for your July 2002 waiver of Section 8.2.2.7 and we hope you will take the next logical step in this process to end institutionalized NPS discrimination against a group of adventure athletes so that each park superintendent can make a proper backcountry assessment to determine how to integrate this non-powered, non-polluting, minimally intrusive recurring recreational activity into their units.

Sincerely,



K. Gardner Sapp
Executive Director
Alliance of Backcountry Parachutists, Inc.
P.O. Box 38202
Atlanta, Georgia 30334



Jason Dawson
Colorado Director
Alliance of Backcountry Parachutists Colorado, Inc.
2535 Copper Ridge Drive, Suite B
Steamboat Springs, CO 80477