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April 8, 2002

R. Clarke Cooper
Assistant Director of Congressional and Legislative Affairs
National Park Service
U.S. Department of the Interior
1849 C Street N.W., Room 4260
Washington D.C. 20240

Dear Director Cooper:

This letter is in reference to the currently enforced ban on backcountry parachuting in National Parks Service (NPS) units across the country. I recently reviewed a letter of denial for a permit to engage in this activity sent to me by a Korean War combat veteran who applied for a permit to parachute from a cliff in Yosemite National Park as a way of commemorating his 50th year of parachuting.

In reviewing that denial letter that he received last April from Yosemite superintendent David A. Mihalic, I was left with more questions than answers.

It is my understanding that the justification used for prohibiting this activity within NPS areas is a lack of adequate safety measures, and the argument that the activity is incompatible with appropriate uses in these units. On safety, Mr. Mihalic refers to NPS *Management Policies 2001*, declaring that the prohibition is necessary on grounds that backcountry parachuting is inherently unsafe. However, I have yet to see any clear and convincing evidence to buttress this claim. He does indicate that "Six deaths and numerous rescues have resulted from these activities" over the better part of the last two decades, however, that seems to add up to only about one fatality every four years – far less than the climbing and water-related fatalities that occur *each year* in Yosemite. While I am by no means an expert on the topic, it would seem to me that rescuing people from known locations at the bottom of cliffs would not be nearly as resource intensive or risky than the sometimes-massive searches conducted for lost campers and other backcountry recreationalists in Yosemite or vast wilderness areas throughout the system.

It is also my understanding that hundreds of jumpers have made thousands of jumps during that time frame at New River Gorge in West Virginia, and at Idaho's Perrine Bridge. Fatality and injury incidents at these locations have been far less numerous, and from what I understand, unrestricted and unregulated jumping is largely allowed to occur at these locations. There have, for several years, also been officially sponsored jumping from numerous tall buildings all over the world, where hundreds of jumps have been made, all with no fatalities or critical injuries.

Finally, the fixed object parachuting community itself has grown during the last two decades from a small, unorganized group of people trying something completely new, to a community with thousands of participants in dozens of countries. Numerous companies who specialize in the manufacture of equipment, as well as schools and organizations that offer basic and advanced training, also support the sport.

On the compatibility issue, the NPS *Management Policies 2001* Section 8.2.2.7, indicates that backcountry parachuting “is not an appropriate public use activity within national park areas and is prohibited by 36 CFR 2.17(3).”

This policy seems to be purely subjective, somewhat contradictory, and largely outdated. Moreover, the way the regulation is written seems to indicate that there is no regulatory or statutory barrier to permitting the activity. Instead, the refusal to permit this activity appears to be based on nothing more than an arbitrary NPS bias against this activity.

This seems to put backcountry parachuting on the same footing as what one would view as more conventional activities like hiking, rock and ice climbing, and rafting down the Colorado River in the Grand Canyon. All seem to be prohibited unless the participant gets a permit – permits which, in many cases, are routinely issued upon request, with no other requirements or qualifications.

It seems to me that this activity has evolved dramatically since 1980. Improvements in equipment and safety would appear to justify a lifting of the outright ban on backcountry parachuting in NPS units, or at the very least, a review of the permit policy. Backcountry parachutists are jumping legally and responsibly in national parks and wilderness areas all over the world – with the exception of NPS units in the United States.

There is an even larger problem with the NPS blanket prohibition of backcountry parachuting. It includes National Recreation Areas (NRAs) and National Monuments. While there may indeed be legitimate reasons for tightly regulating and even prohibiting parachuting at certain times in certain locations within National Parks, prohibiting it in all NRA units is something I find perplexing.

Lake Powell (or Glen Canyon National Recreation Area) is the premier example. Generally speaking, a wide range of recreational activities which are either heavily regulated or prohibited in other NPS units – including landing parachuting from and landing aircraft. Recreational cliff diving is a broadly permitted and largely unregulated activity. Jumping from those same cliffs *with* a parachute, however, is not permitted.

Despite the *Management Policies 2001* claim that fixed object parachuting “is not an appropriate public use activity within national park areas and is prohibited,” and the ban at venues like Lake Powell, NPS continues to permit hundreds of jumpers to jump from a bridge at New River Gorge and land on NPS property below. Even more puzzling is the fact NPS actually *promotes* fixed object jumping “within national park areas” on its New River website with a series of Bridge Day photographs dominated by jumping (<http://www.nps.gov/neri/bdgal.htm>). How can NPS ban this activity as incompatible on one hand, yet so zealously promote it on the other?

I am of the opinion that backcountry parachuting ought to be treated in much the same way as other recreational activities in most NPS units like whitewater rafting, ice climbing, and rock climbing. Moreover, I would like to see a separate, more relaxed permitting process for this activity in areas like Lake Powell where the primary focus is recreation. Given how much this sport has evolved in the last two decades – much like mountain biking or rock climbing – I believe it is a matter of fundamental fairness that NPS reassess its attitude toward backcountry parachuting.

Thank you in advance for your consideration, and I look forward to hearing from you on this matter.

Sincerely,

Tom Tancredo
Member of Congress