

THOMAS G. TANCREDO
6TH DISTRICT, COLORADO

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Congress of the United States
House of Representatives
Washington, DC 20515-0606

WASHINGTON OFFICE:
1130 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
MAIN: (202) 225-7882
FAX: (202) 226-4623

DISTRICT OFFICE:
6099 SOUTH QUEBEC STREET
SUITE 200
ENGLEWOOD, CO 80111-4547
MAIN: (720) 283-9772
FAX: (720) 283-9776

LITTLETON OFFICE:
1800 WEST LITTLETON BOULEVARD
LITTLETON, CO 80120-2021
MAIN: (720) 283-7575
SENIORS: (720) 283-9026

CASTLE ROCK OFFICE:
240 WILCOX STREET, SUITE 111
CASTLE ROCK, CO 80104-2439
MAIN: (303) 688-3361

April 21, 2003

Mr. Richard G. Ring
Associate Director
Park Operations and Education
National Parks Service
1849 C Street, N.W. Room 3210
Washington, D.C. 20240

Dear Director Ring:

Thank you for your July 30 letter responding in part to concerns I voiced about the National Park Service policy and practices regarding backcountry parachuting.

Thank you in particular for your account of what happened with NPS and the New River Gorge National River (NRGMR) with regard to this policy. Having also reviewed Director Mainella's July 26 waiver letter to the NRGMR superintendent, I'm pleased to see that NPS has in fact reassessed its attitude toward fixed object jumping, if only at this site. Like the Director, I also appreciate very much the work done on this issue by the superintendent, chief ranger Gary Hartley, and others. Most of all, I appreciate Director Mainella's willingness to examine the fair access issue on its merits rather than abiding by the blanket prohibition policy of her predecessors.

As a result of this action, NPS has made a good start toward reassessing its backcountry parachuting policy across the board, and it's my hope that NPS and the jumpers can build on this success to expand fair access in logical steps, and in a careful, measured way, to include more and more NPS system as time goes on. To accomplish that, however, NPS needs to go beyond the unique circumstances associated with New River address the fundamental issues of fairness, appropriateness and compatibility that I raised in my April 2002 letter but to which you did not respond. So I raise these issues again.

In April 2000, Yosemite superintendent David Mihalic denied a parachuting permit to a Korean War combat veteran who wanted to parachute from a cliff in Yosemite National Park to commemorate his 50th year of parachuting for sport and country. When I reviewed Mr. Mihalic's denial letter, I was left with more questions than answers.

It's my understanding that the justification used for prohibiting this activity within NPS units 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 safely made thousands of jumps during that time frame at New River Gorge in West Virginia, which allows supervised and organized jumping one day a year; and at Idaho’s Perrine Bridge, where jumping is totally unregulated, and takes place 365 days a year. In more than 20 years, I am told, there have been four total fatalities between the two sites. And for more than a decade, there has also been officially sponsored jumping from numerous tall buildings in Europe, Asia, South America and the United States. Almost 3,000 jumps have been documented, all with no fatalities or critical injuries.

Finally, the fixed object parachuting community is no longer the small, unorganized, technically- and wilderness-ignorant group NPS dealt with in 1980. By any measure, it is an organized adventure athlete community, with thousands of participants in dozens of countries (many of which allow backcountry parachuting in their national parks and public lands). There are numerous companies who specialize in the manufacture of equipment, as well as schools and organizations that offer basic and advanced training, wilderness guide services, also support and promote the sport. Organizations promoting the sport include the NPS, which for years on its New River Gorge website has displayed photographs and positive coverage of Bridge Day parachuting.

In short, it seems to me that NPS policy is based on an obsolete paradigm no longer supported by common-sense. Whatever safety and compatibility issues did or did not exist in 1980, all indications are that they do not exist now – at least not to any great degree. I think these facts, if examined closely, will lead NPS to the same conclusion that has been reached by NPS personnel including Director Mainella who has moved away from the blanket prohibition to a fair access decision.

I applaud that decision, and I am hopeful that NPS will apply the same “current facts test” in stages to backcountry parachuting in other relevant NPS units.

I do, however, agree that there are important differences between the highly regulated, short-duration jumping at New River and the general use of parachutes within park units. I disagree, however, that those differences are properly addressed by blanket prohibition. Instead, I believe that more measured and case by case and park by park approach would be more appropriate.

To that end, I propose that the NPS adopt a process through which the agency and backcountry parachutists can work together to develop a mutually acceptable plan for certain park units predicated on good faith in providing fair access, and designed to meet the criteria outlined in your July 30, 2002, letter: A fairly conservative approach that grants approval for backcountry

parachuting in various NPS units consistent with regulations, planning documents, and the public interest. In essence, the same approach followed at New River.

The proposal is attached to this letter. Thank you in advance for your consideration, and I look forward to hearing from you on this matter.

Sincerely,

Tom Tancredo
Member of Congress

PROPOSED NEW NATIONAL PARK SERVICE PARACHUTING POLICY

What Backcountry Parachutists Seek

Backcountry parachutists have a simple goal: Fair access to the NPS system equal to that of other recurring recreational activities that are non-powered, non-polluting, non-damaging, and minimally intrusive. They want to be treated in much the same way as other recreationalists in the NPS system.

They support reasonable regulation, and will advise and work with NPS to devise the best ways for them to integrate into the system in its different areas.

Backcountry parachutists recognize that some NPS units and areas will, by nature, be more restricted and regulated than others, just as the use of motor vehicles, boats, horses, waterways, certain climbing equipment, and certain climbing areas is regulated and restricted depending on the NPS unit, the seasons, and the level of human use. They want to work with NPS to create a use plan that addresses all of those factors.

The Basic Proposal

The ultimate goal is to regulate backcountry parachuting in relevant national park units in a fashion similar to the climbing regulations that currently exist in those units, all of which have been developed over many years, some of which vary significantly between units. Using this regulatory template will:

- a) Lessen the new load on the overall administrative system;
- b) Create a sub-system whose basic structure is familiar and already-designed, fine-tuned and implemented; and thus
- c) Establish a good relationship between NPS and backcountry parachutists.

The BLM Example

The Bureau of Land Management (BLM) near Moab, Utah, and Twin Falls, Idaho, has during the last decade successfully established and pursued a backcountry parachuting policy almost identical to The Basic Proposal outlined above: Standard recreational access with minimal regulation, supplemented with formal and informal education programs to help jumpers learn about the wilderness and integrate them into BLM's multiple use picture. By all measures, this approach has been successful.

The Basic Proposal: Regulatory Structure and Timetable

Introduction

Backcountry parachutists want to work toward equal recreational access in all relevant NPS areas, regulated by the NPS unit in question in a manner generally based upon that NPS unit's climbing regulations. They recognize that this cannot happen all at once, and realize that they must work with NPS at specific sites – as they have at New River for more than a decade – to create plans and procedures that promote fair access and responsible use.

This fair access process began July 26, 2002, when NPS Director Francis Mainella granted a 10-year waiver of the NPS policy prohibition of fixed object jumping to the New River Gorge National River. It was the first time in 23 years that NPS has acknowledged, officially and in writing, that fixed object jumping is not entirely incompatible with Park values, and can, in fact, be integrated with other unit activities.

As outlined in the waiver, this acknowledgement is narrowly focused on the unique circumstances associated with annual Bridge Day activities at New River. Nevertheless, both the waiver and the local-regional-national process that led to its adoption can serve as a blueprint for the first stages of this fair access plan, to be phased in with a three-year, step-by-step integration of backcountry parachuting into the NPS system.

The Proposed Process

The National Park Service would:

- 1) Convene a meeting of NPS managers from Glen Canyon National Recreation Area and its regional office, and selected representatives of the backcountry parachuting community, to include European jumpers who have managed backcountry parachuting resources in their own countries. Meeting attendees will draft a provisional plan for backcountry parachuting at GCNRA that, depending on the outcome of the meeting, will range somewhere from highly regulated (with guided jump trips by approved outfitters only) to completely unregulated (with parachute cliff jumping treated the same way as no-parachute cliff jumping);
- 2) Open Lake Powell within three months of that meeting, and, within three more months, open all other relevant NRAs to backcountry parachuting;
- 3) Direct managers in relevant NPS-controlled National Monuments to design management plans to accommodate backcountry parachuting based on current unit rock climbing policies, upgraded with lessons learned from the NRA experience, and within one (1) year of the Lake Powell access date, open all relevant NPS-controlled national monuments to backcountry parachuting;
- 4) Direct managers in relevant National Parks to design management plans to accommodate backcountry parachuting based on unit rock climbing policies, upgraded with lessons learned from the NRA and National Monument experience, and within one (1) year of the Monument access date, open all relevant National Parks to backcountry parachuting;
- 5) Convene, six months after the National Parks access date, a conference wherein NPS officials and selected jumpers shall meet in conference and design a management plan to accommodate backcountry parachuting in Yosemite National Park. This plan will be based primarily on Yosemite rock climbing policies, but also draw on lessons learned and experience gained from regulated backcountry parachuting in all other NPS NRAs, National Monuments and National Parks; and
- 6) Six months after the conference starts, open Yosemite National Park to backcountry parachuting, subject to the rules and regulations of the management plan created by the committee.