

April 16, 2001

James T. Guyer
152 Camelia Way
Laurel Park, North Carolina 28739

Dear Mr. Guyer:

Your requests for a Special Use Permit to parachute from Yosemite National Park's El Capitan were received. Although you have had many BASE jumping adventures throughout the world, I must deny your request to perform a BASE jump within the boundaries of Yosemite National Park based on the following information.

Because you indicated that the "CFR is a new world for me to learn about," I provide a bit of information regarding the *Code of Federal Regulations* (CFR). The CFR is a codification of the general and permanent rules published in the *Federal Register* by the Executive departments and agencies of the Federal Government. The CFR is divided into 50 titles that represent broad areas subject to federal regulation. Each title is divided into chapters that usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas. Large parts may be subdivided into subparts. All parts are organized in sections, and most citations to the CFR will be provided at the section level. "Parks, Forests and Public Property" is the title for 36 CFR.

The National Park Service updated our *Management Policies* in 2001. This volume is the basic Servicewide policy document of the National Park Service. Adherence to policy is mandatory unless specifically waived or modified by the Secretary, the Assistant Secretary, or the Director. National Park Service policy for managing the parks is consistent with the Constitution, public laws, Executive orders, and all other higher authorities. The following is taken directly from *Management Policies 2001* Section 8.2.2.7: "BASE (Buildings, Antennae, Spans Earth forms) jumping – also known as fixed object jumping – involves an individual wearing a parachute jumping from buildings, antennae, spans (bridges) and earth forms (cliffs). This is not an appropriate public use activity within national park areas and is prohibited by 36 CFR 2.17(3)." I've enclosed a copy of the pertinent section of 36 CFR for your information.

Yosemite National Park has not issued any permits to BASE jump since a brief trial period in 1980. Based on the results of that trial, the National Park Service decided that parachute jumping off the cliffs in Yosemite was not an appropriate activity in the park. This decision was made to protect the resources of the park, realizing that BASE jumping is spectacular in nature and tends to draw crowds of observers for an activity that has nothing to do with the values for which the park was established. Secondly, public safety considerations for both the jumpers and the public were part of the decision not to issue permits. Approximately 100 individuals in the last 20 years have been arrested and charged under 36 CFR after BASE jumping from El Capitan. Six deaths and numerous rescues have resulted from these activities.

Congratulations on the 50th anniversary of your first parachute jump. If you have any questions or require further information, please give me a call.

Sincerely

David A. Mihalic
Superintendent