



Backcountry Parachutist

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THE ABP IS BACK! (ACTUALLY, IT NEVER LEFT)

By Gardner Sapp, executive director

That's right. The Alliance of Backcountry Parachutists has been pretty quiet lately, at least on the surface. Outside the public eye, though, ABP has continued to work with the National Park Service to gain and maintain access to jumpable cliffs in its jurisdiction.

Details below, but in a nutshell: We're getting closer. Here's why:

Reason #1: Our members, benefactors and other allies. Period. Literally, without the support of all of you out there who joined up, contributed or just sent good vibes, the backcountry parachuting community would not be where it is today and that is:

We are part of the NPS backcountry management planning process just like any other current or potential user.

This is the accomplishment for which those of you who joined contributed and/or cheered on are responsible. Without your support, Jason Dawson would not have been able to set up and run his exceptional automatic letter writing system that allowed ABP to focus an enormous amount of political energy on the NPS in support of Congressman Tom Tancredo's direct

challenges to its policies on backcountry parachuting. Without your support, I would not have been able to negotiate with NPS policymakers from a position of strength. As a direct result of your letter writing:

- Department of Interior – NPS's parent agency – invited us to the management planning table; and
- NPS asked for our input during the revision of its policies manual.

We didn't get everything we wanted in the policies manual rewrite, but we got enough: Where before, Section 8.2.2.7 BASE Jumping, expressly declared BASE jumping to be "not an appropriate public use activity" prohibited by 36 CFR 2.17 (a)(3), that policy section now reads:

8.2.2.7 Parachuting

Parachuting (or BASE jumping), whether from an aircraft, structure, or natural feature, is generally prohibited by 36 CFR 2.17(a)(3). However, if determined through a park planning process to be an appropriate activity, it may be allowed pursuant to the terms and conditions of a permit.

That means:

- a) Blanket prohibition is dead.
- b) Decisions about backcountry parachuting are now back in the hands of individual superintendents, who can now say yea or nay without approval or input from HQ; and
- c) Parachuting is listed *by name* as an activity that can be an acceptable park use.

That was and remains a big deal in the larger picture. And again, while ABP laid the groundwork through Congressman Tancredo, and focused the letter writing campaign, none of the above would have happened without you, the people who joined, contributed and/or supported the ABP effort to gain access.

Now it's time for the next step, and that will take more than a couple of people talking on the telephone with NPS policymakers. ABP is going to need more educated, dedicated, motivated, focused people to do some work, re-commitment from all of you who previously joined and/or contributed, and support from those of you who are new to the sport and maybe haven't even heard of the ABP yet. (More on this later.)

One important reminder: The ABP is an access organization only. It is neither designed for nor interested in being a sporting association with license, ratings, qualifications and currency requirements. That's what skydiving and other aviation-based sports do, but that is not how things get done in the backcountry. The ABP's goal is to gain backcountry parachuting access where we blend in with other backcountry users by conducting ourselves according to accepted and traditional backcountry practices and etiquette.

The work has already begun, so without further ado, I'm honored to announce that Rick Harrison has joined the Alliance of Backcountry Parachutists as its general counsel.

Many of you know of Rick's parachuting accomplishments and his determined stewardship of the U.S. BASE Association and the numbers it issues. Others of you have had the privilege and joy of jumping with him. But because Rick kept his "real job" kinda quiet during the last 30 years, only a few of you know what else he brings to the access effort table. So let me start at the beginning.



Rick Harrison made his first skydive in 1972 and became an expert D-licensed skydiving instructor in 1973. He instructed skydiving through the University of Iowa Physical Education Department in the mid 1970's where he also earned his Bachelor of Arts along with a Phi Beta Kappa in Political Science. Rick also attended University of Iowa law school and earned his Juris Doctorate with honors in 1975. Rick's first backcountry parachute jump was in 1982 and he has been an active participant and supporter of the sport ever since. He has been the Executive Director of the U.S. BASE Association for the last 15 years and with his wife Joy still administers the USBA numbering system. His BASE qualifying number is BASE 38 and he also holds Night BASE 13.

Rick's legal career has been working for the United States Government as an attorney in real estate and environmental law. As a lawyer and manager for the Army Corps of Engineers, he was a key member of a Headquarters task force to author the Water Resources Development Act of 1986 which changed the way Civil Works Projects, such as navigation, flood control and environmental restoration, would be conducted.

Most of Rick's Federal land acquisition efforts were on behalf of the National Park Service where he helped acquire over 85,000 acres for the Big Thicket National Preserve in Texas and 575,000 acres for the Big Cypress National Preserve in Florida.

In 1987, Rick was appointed by the United States Attorney General as an Assistant United States Attorney for the Southern District of Florida. As a Federal trial attorney, Rick became an instructor for the Department of Justice in trial advocacy, real estate and environmental law. He became a main litigation attorney for the Miami U.S. Attorney's Office and helped lead a team of lawyers and scientists in the successful 1988 lawsuit by the U.S. against two Florida agencies for failing to control the pollution from large sugar cane farms which was slowly destroying Everglades National Park. The case set new nutrient standards for water delivery to the Everglades – and it was the only time the U.S. ever filed suit to protect its National Parks from pollution sources emanating from outside park boundaries. The precedent-setting nature of the case led *U.S. News and World Report* to call it the most significant pro environmental lawsuit ever filed by the U.S. Government.

Rick retired from government service this past year and now devotes more time to his wife, Joy, to jumping, bicycling and to gaining and maintaining fair access to jumpable cliffs in U.S. National Parks.

So there you have it. Rick Harrison isn't just a legendary jumper; he's a serious and seasoned federal lawyer who brings a lot to the access-negotiating table. Thanks, Rick!

WHAT WE SEEK AND WHAT'S NEXT

Many of you are asking, and I know I've had conversations with some of you about it: what, exactly, is the type of access the Alliance of Backcountry Parachutists seeks – and how exactly do we go about it?

The type of access ABP seeks is access based on the backcountry management model, not the special use permit management model. This is the key to the ABP approach and while it's a bit tedious, it's the only way I know to explain why we do not believe a "Special Use Permit" will work for jumpers, or for the NPS.

ABP wants jumpers to have the same routine, recurring recreational access enjoyed by climbers, hikers and picnickers in a given NPS unit. Most of the time, this access is completely uncontrolled except for unconditionally-issued wilderness or backcountry permits. In a few places, it carries certain conditions or even requires a special use permit. Regardless, ABP seeks access that treats jumpers the same way it treats other backcountry users.

Routine and recurring recreational access is the premise on which the ABP is founded. This is the type of access climbers enjoy when they show up at their local crag to spend the day working on their favorite projects, and is the same type of access that picnickers use when they want to have a nice lunch in a park unit with their families.

In contrast, the "special use permit" access model requires that access be controlled by both NPS and/or "outfitter"-type gatekeepers – who ultimately decide who participates and who doesn't. Such gatekeepers are a necessary part of the "special use permit" model because the permit can only be issued to one person.

In many cases, NPS uses the special use permit model to manage commercial activities and large gatherings and other activities, such as political protests. The purpose of these permits is to protect a park's natural and cultural resources, as well as to minimize conflicts between other park visitors and the parties to the special use permit.

While the criteria for requiring a “special use permit” vary from park unit to park unit, some generalities are obvious: the nature and purpose of the activity, the number of participants, the location where the activity will occur, and the duration of the activity.

The obvious example of the “special use permit” is the Bridge Day event held every year at the New River Gorge National River. The permit is issued to one person, who then becomes the gatekeeper to the event. Understandably, the gatekeeper must make certain that everyone who participates is properly credentialed, follows the rules and does not deviate from the guidelines specified in the permit.

The special use permit generally also requires that the special use permit holder reimburse the National Park Service for its expenses related to the issuance of the permit and the monitoring of the event.

Recurring recreational access is the type of access with which we are all most familiar. I’ll give you a hypothetical example to make my point. You and I decide, one morning, to throw our rigs in the car and drive to Arches National Park to jump the Eagle. We drop your car off at the LZ, then drive mine to the Arches visitor’s center.

Once there, we check in with the rangers and sign ourselves into the backcountry parachuting register, noting that there are three jumpers ahead of us that day (there may indeed be a user limit, but that has yet to be determined). We may or may not pay a user fee (depending on negotiations not yet held). One thing is clear: you and I only planned this trip this morning, and neither of us had to write to the park or wait for a permit that may or may not come in the mail. This is the access the ABP seeks.

Take a moment to consider everything the ABP has written over the years (be it to the membership, the NPS, the general public, etc.). We have always used the phrase, “recurring recreational activity” in some form or another since the September 2001

briefing to Congressman Tancredo that launched the ABP’s access campaign. Moreover, the ABP mission statement mirrors the same sentiment, to wit:

“The Alliance of Backcountry Parachutists has a simple goal: Access to national park systems in Australia, Canada, the United States, and other countries equal to that of other recurring recreational activities that are non-powered, non-polluting, non-damaging, and minimally intrusive.”

I’m repeating this to show that we’ve been consistent throughout our existence: we HAVE NOT and WILL NOT pursue the “special use permit” model, as we believe this is contrary to our mission, and would not work for NPS either. Special use permits are exactly that – special – and cannot be used routinely for any kind of access, parachuting or otherwise.

Accordingly, those who advocate the “special use permit” model as the primary means of parachuting access are either:

- uninformed about the way NPS and other related agencies operate,
- unaware of the consequences for jumpers *and* for NPS of jumpers having to apply for and get a special use permit every time they want to jump, or
- seeking to impose the special use system so *they* can determine who gets to jump – and when, and how much they get to pay for it.

Definitely a little different than throwing the rigs in the car and heading out to the park for wilderness flick.

The bottom line: Except for the roughly 2-3 minute period when we’re flying through the sky, we are in fact exactly the same as every other hiker or climber in the park. Period. As such, we believe that the access model for backcountry parachuting should mirror the type of access hikers and climbers enjoy.

The ABP has been making slow but steady progress for the past few years. We are now known and referred to by name in the NPS hierarchy, and in planning documents at one national park with which we have worked closely during the past few years. We have made this progress because we understand the manner in which NPS and related agencies operate, and what processes they use to make changes in their operations.

ABP will go about getting this access by continuing to do on the individual unit level what it has already done at the national level: work patiently, professionally and knowledgeably with NPS backcountry management planners in targeted units.

Please find below a couple of examples of our work at one NPS unit with a number of jumpable cliffs: The Black Canyon of the Gunnison National Park/Curecanti National Recreation Area in south-central Colorado.

This past October, Rick did his first ABP general counsel work when he submitted comments on the Curecanti National Recreation Area's draft Environmental Impact Study (EIS). At issue: Whether certain areas within NPS jurisdiction would be opened to recurring, routine paraglider and hang glider landings.

The issue arose from the fact that, at the western edge of Curecanti, a private landowner gave permission to hang glider and paraglider pilots to land on his property. Sometimes, of course, the flyers landed on NPS property because, for whatever reason, they could not land in the private landing area. These landings may or may not fall under the aerial delivery statute used to prohibit jumping, but the NPS solution is a proposal in the EIS to transfer some jurisdictional elements to the BLM. Here's what Rick had to say about it:

The Alliance of Backcountry Parachutists (ABP) very much supports the Proposed Action to add additional lands within the protection of the

Curecanti National Recreation Area (NRA). The ABP generally supports all efforts to protect the natural resources we have left in the United States and we firmly believe the Proposed Action Alternative outlined in the Curecanti study is a step in the right direction.

More specifically, the ABP applauds the joint NPS/BLM proposal to provide for safe, *legal* landing areas for hang gliders. Three reasons. First, non-powered aerial activities have very little to no negative impact on the environment. Second, the proposed alternative would enable the NPS to save valuable resources that would otherwise be used to apprehend recreationists who are generally persons who love and respect nature. Three, the equipment and skills for non-powered recreational flight are improving exponentially in the United States and elsewhere and these activities can be carried out more safely when legal landing areas are provided. Legal landing areas allow hang glider pilots to take the necessary precautions to ready their equipment and encourage them to use their best, state-of-the-art equipment without fear of losing the gear due to having to conduct their sport illegally.

It is also a very positive step in the Proposed Alternative for the NPS to recognize that non-powered flight can constitute an appropriate activity in some NPS units. We support the NPS conforming its policies and regulations to provide safe, legal landing areas as proposed in the document. We also believe this Proposed Action in the EIS is a step in the right direction to recognize that sometimes the best management of non-damaging activities such as non-powered flight is minimal management. As the document recognizes, this has usually been the BLM approach since they generally do not regulate non-powered flight. If the NPS prefers not to change its own regulations to promote legal hang gliding landing areas within the NRA, then we do support a transfer of administrative jurisdiction to the BLM in order to provide for this use. Both agencies under the

Department of Interior need to be able to expend their resources in a more positive way than trying to apprehend pilots of non-powered flight who have no criminal intentions and do not truly pose a threat to others or the environment. In these days of shrinking federal budgets, the NPS needs to be able to use appropriations to provide for habitat preservation and creation rather than using precious resources trying to police what should be considered as a legitimate recreational activity.

Thank you for the opportunity to comment.

Richard Harrison
General Counsel
Alliance of Backcountry Parachutists

The ABP was active at The Black earlier this year, too. ABP founder Robin Heid's family ranch lies about five miles north of this canyon and its 2,000-foot walls. He has made frequent visits there since he first jumped it in 1981 – and his mother Joan has probably filmed more Black Canyon jumps than anyone in the world.

Robin also left the rig at the ranch during several visits when he had direct talks with the Black Canyon superintendent and chief ranger, and several other rangers, some of whom he and I have also worked with on the “scoping process” of the Black Canyon's new backcountry management plan.

Part of that scoping involved figuring out how many current launch points there were in the park, and how that number might expand if jumping was allowed. Robin sent a related email to the backcountry planning ranger, then followed up with a personal visit last July to the North Rim Ranger Station.

He talked with the chief ranger on the phone to set up the meeting, then spent a couple of hours with North Rim law enforcement ranger Ryan Thrush. Thrush had tried to figure out the three primary launch points

from the email but couldn't quite picture it, and he was eager to learn more about jumping generally and specifically how the jumpers went about their site assessment.

At the first stop, on the Chasm View upstream overlook, Robin explained the pros and cons of the site – and why it had only been jumped a couple of times. Then they went downstream a couple of hundred yards to the Slater's Rock launch point. It was highly exposed, but Ryan joined Robin at the edge – where something interesting happened.



“He took one look and said, ‘this is a better place to jump than the first place,’” Robin said later, “and then he told me why. It was cool how fast he picked up the basics of what we do.”

Robin said Ryan also respected the jumpers a lot – especially the young hotshots who did it during the winter (even if they did leave smart-alecky notes in the comment box). He also understood that jumping The Black, like climbing, was seriously self-regulating backcountry activity because of the extreme terrain and remote location.

Ranger Ryan also wanted to know about noise and visual impacts that jumping would have on the canyon, so Robin pointed out a pickup truck 1,500 feet away on the south rim and said its approximately 10x22-foot dimensions were very similar to a parachute – and that 220 square feet sort of disappeared when the backdrop was a 5 million square foot granite wall. He also pointed out that while the opening parachutes did indeed sound like shotguns going off, the white noise roar of the turbulent Gunnison River below would overpower the pop of a parachute.

The net result: One more ranger who better understands backcountry parachuting and the issues surrounding its current status – and a park whose leadership enforces CFR 2.17 in a much more reasonable way: jumpers who get caught are cited, not arrested, and their gear is returned as soon as the case is adjudicated.

This “kinder, gentler” approach has reaped other benefits, too: When ABP advisory council members Jimmy Pouchert, Marta Empinotti and Jay Epstein Ramirez were grabbed two years ago, they asked the judge to give their fine money to the Black Canyon rescue fund. The judge agreed and their “contributions” literally doubled the park’s rescue budget for that year. More recently, two other jumpers did the same thing.

The ABP is now ready to move to the next phase of its access efforts: Expanding its NPS management planning assistance to include all parks, monuments and National Recreation Areas (NRAs) with jumpable cliffs. These parks lie almost exclusively within the NPS Intermountain Region and include the following units:

Arches National Park, Moab, UT
Black Canyon of the Gunnison National Park/Curecanti NRA, Gunnison, CO
Canyon de Chelly National Monument, Chinle, AZ
Canyonlands National Park, Moab, UT
Dinosaur National Monument, Dinosaur, CO

Glacier National Park, Kalispell, MT
Glen Canyon NRA, Page, AZ
Grand Canyon National Park, Grand Canyon, AZ
Rocky Mountain National Park, Estes Park, CO
Zion National Park, Hurricane, UT
Kings Canyon National Park, Bishop, CA (Pacific West Region)

You probably noticed that one jumpable NPS unit is missing from this list: Yosemite National Park, Merced, California (Pacific West Region).

The reason: It is basic common sense and standard management practice to test and prove new systems in smaller, less demanding environments first, then graduate to larger, more complex environments. Moreover, Yosemite is not just larger and more complex; it suffers from overuse and conflicting use issues far greater than any other targeted unit, and is the only park that has a major paved road running along the bottom of its most attractive cliff, El Capitan. The ABP understands the pressure faced by Yosemite managers due to these issues, along with the park’s high visibility and shrinking federal budgets for NPS generally.

Consequently, ABP is focusing its Phase II access efforts on areas not so heavily impacted by visitors and conflicting use, and will address Yosemite in a later access phase.

WHAT WE NEED AND HOW YOU CAN HELP

Phase I cleared the way for actually seeking access; with your generous support, a small group of operators convinced NPS to strip prohibitory and discriminatory language from its 2006 Management Policies Manual.

Phase II will be different. Its goal is to actually gain access to one or more NPS units for routine, recurring recreational access based on the backcountry management model. As we said at the top of this newsletter, ABP needs more than a couple of people on computers and

telephones to make this happen; we need a core cadre of dedicated, motivated, focused team players who know how to work professionally with federal agencies. We need:

- 1) Access coordinators for each targeted NPS unit;
- 2) Legal researchers and lawyers to resolve Forest Service, BLM and NPS interpretations of the 1964 Wilderness Act ban on “mechanized transport” in wilderness areas;
- 3) Website administrators;
- 4) ABP Green Card program managers; and
- 5) Paying members

As we also said earlier, we deeply appreciate the financial and letter-writing commitments so many of you made support of ABP’s Phase I efforts. Now we say: Please step up again so we can make Phase II just as successful.

Join or rejoin as a Gold, Silver or Bronze member, make donations, buy extra t-shirts to sell or give away, become a Research Action Member, or one of the ABP’s core cadres. Encourage your friends, neighbors and fellow parachutists to join too.

It is clear from recent developments in the backcountry parachuting community that there is a lot of interest in stepping up and making access a reality. The ABP has the accomplishments and infrastructure in place to get this done. We don’t grandstand and we talk like bureaucrats not cool dudes, but we get things done. If you want to join us, we’d be honored to have your support.

Sorry this newsletter is so long. I didn’t have time to write a short one.

Rock on... and then off!

Gardner
Base 311