



April 15, 2022

Donna Mickley  
Forest Supervisor  
Columbia River Gorge National Scenic Area  
902 Wasco Ave., Suite 200  
Hood River, OR 97031  
donna.mickely@usda.gov

cc: Stan Hinatsu, Recreation Staff Officer, stan.hinatsu@usda.gov  
Beth Wadsworth, Natural Resource Planner, elizabeth.wadsworth@usda.gov  
Casey Gatz, Resources and Planning Staff Officer, casey.gatz@usda.gov

**Re: Eagle Creek and Punchbowl Falls closures**

Supervisor Mickley,

We understand that the Columbia River Gorge National Scenic Area is considering lifting the current area and trail closure (Forest Order 06-22-01-21-09) and enacting a new closure for Punchbowl Falls on Eagle Creek. Both of these actions affect our interests and the interests of our members, some of whom enjoy exploring Eagle Creek, including Punchbowl Falls, in whitewater boats. We write to express our thoughts and concerns, and to highlight the procedures which we believe should be followed for enacting any such closure via a forest order.

In brief, we support lifting the current area and trail closure, we have concerns about loss of access to Punchbowl Falls and offer a solution, and we summarize agency regulations and directives that require a scoping process prior to any closure decision and request that the Forest Service conduct scoping prior to any decision regarding Punchbowl Falls.

## About American Whitewater

American Whitewater is a national river conservation non-profit founded in 1954. We are the nation's primary advocate for the preservation and protection of whitewater rivers, with approximately 50,000 supporters, over 7,000 dues-paying members, and 100 locally based

affiliate clubs. A significant percentage of our members live in or visit Oregon, and many of them visit the Columbia River Gorge National Scenic Area for boating, canyoneering, fishing, and hiking as well as for education, interpretation, inspiration, and for physical and mental well-being.

Our mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. Core to this mission is our belief that the public have legal access to their rivers. We focus on whitewater safety and we are a leader in accident analysis and safety education. We believe our unique expertise in this realm and our familiarity with the rivers and streams of the Columbia River Gorge National Scenic Area will be of considerable help to your management efforts.

## About Eagle Creek

Eagle Creek is a unique and exceptional whitewater stream that has long been enjoyed by expert whitewater paddlers who live in the Columbia River Gorge as well as those who visit the region. It is a documented whitewater run in American Whitewater's National Whitewater Inventory.<sup>1</sup> Additionally, Eagle Creek is a high quality classic canyon route with great educational value for intermediate canyoneers. The recreational opportunities this creek provides are unique among the rivers and creeks in the Columbia River Gorge.

In contrast to other whitewater boating runs such as Multnomah and Oneonta creeks that primarily offer a single waterfall to run, the Eagle Creek run contains approximately five miles of challenging, trail-accessible whitewater with several runnable waterfalls that include Grand Union Falls, Skoonichuk Falls, Punchbowl Falls, and Metlako Falls. Many of the world's best whitewater paddlers live in the Columbia River Gorge, and access to unique resources such as Eagle Creek are valued by this community and it contributes to the quality of life. It is a unique and spectacular waterfall run that is regionally significant and internationally known among whitewater paddlers.

## Rescission of the Eagle Creek Area and Trail Closure

We support the immediate rescission of the order closing the Eagle Creek area and trails.<sup>2</sup> As indicated in our letter to CRGNSA dated January 21, 2021, we believe that Eagle Creek itself should be legally accessible and that land further than 25 feet from the Eagle Creek Trail should be open to the public to facilitate this access.<sup>3</sup>

The Eagle Creek Fire started on September 2, 2017, and for the more than 4-½ years since then, CRGNSA has closed its portion of the burn area. Except for the one recreation area, three

---

<sup>1</sup> Eagle Creek, Twister Falls to Hatchery Weir, American Whitewater National Whitewater Inventory, <<https://www.americanwhitewater.org/content/River/view/river-detail/10437/main>>.

<sup>2</sup> Forest Order 06-22-01-21-09, <[https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd927834.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd927834.pdf)>.

<sup>3</sup> American Whitewater & The Mountaineers, Letter to CRGNSA Acting Forest Supervisor Christy Ann Cheyne, Jan. 21, 2021, <<https://www.americanwhitewater.org/content/Document/fetch/id/2582>>.

trailheads, and nine trails that are currently open, there has not been legal public access to the 17,368-acre closure area since the fire began. This includes Eagle Creek itself.

We understand and agree that the Forest Service has a duty to provide a safe environment for forest visitors at developed recreation sites such as campgrounds, trailheads, and facilities such as parking areas and visitor centers. We appreciate that CRGNSA has devoted significant effort to mitigating hazards at developed sites following the Eagle Fire; however, we do not believe that the agency has a mandate to mitigate hazards in undeveloped areas as a condition for allowing public access in the post-fire environment.

For these reasons, we support the immediate reopening of undeveloped areas of the CRGNSA that were affected by the Eagle Fire. CRGNSA should post appropriate advisory information at common entry points so that visitors are aware of the natural hazards that may be present. We offer our expertise to CRGNSA for the development of advisory information specific to whitewater recreation in a post-fire environment.

## Closure of Punchbowl Falls

While we are hopeful that CRGNSA will reopen access to Eagle Creek, we are troubled by the potential new closure of the Punchbowl Falls area. Closing this area to all entry would effectively re-close Eagle Creek to whitewater paddlers and other users such as canyoneers that have a long history of safe use of the area.

We are aware of the numerous cliff-jumping accidents that have occurred adjacent to Punchbowl Falls, and the repeated occurrences of these accidents suggests that it is generally not safe for inexperienced jumpers to jump from the natural rock platform above and beside the falls. In addition to the bodily injury and loss of life that has occurred, these accidents have placed a considerable stress on local emergency response resources.

In contrast to cliff-jumpers, whitewater paddlers have an excellent safety record at Punchbowl Falls in the 25+ years that they have been running it. There are no boating-related accidents at the falls recorded in the American Whitewater Accident Database.<sup>4</sup> In part, this is because only highly skilled, expert boaters paddle Eagle Creek, and Punchbowl Falls is a relatively straightforward waterfall that does not present unusual risk factors.



While cliff-jumpers jump 62.8 vertical feet from a natural rock platform adjacent to the falls without any protective gear, whitewater boaters paddle over the 29.7-foot-tall falls itself and are

---

<sup>4</sup> This is the definitive database on whitewater accidents and has comprehensive records dating to 1972, <<https://www.americanwhitewater.org/content/Accident/view/>>.

protected by their boats, a helmet, and a personal flotation device. Not only are boaters better protected, but due to the much lower height of their drop over the falls, they enter the water with velocity that is 31% lower than that of cliff-jumpers. Boaters land in aerated water at the base of the falls that further cushions impact, unlike the calm, dense water that cliff-jumpers often land in. Whitewater boaters who paddle Eagle Creek are trained experts whereas most cliff jumpers at Punchbowl Falls are amateurs. The two activities are fundamentally different, and the only commonality is that they both take place in the vicinity of Punchbowl Falls.

We do not raise issues with CRGNSA's desire to reduce the occurrence of repeated cliff-jumping accidents. However, we are concerned that the Forest Service may unnecessarily close Punchbowl Falls to all public entry in its effort to address concerns related specifically to cliff-jumping. A previous Forest Order, 06-22-01-20-02, signed by Forest Supervisor Lynn Burditt on November 4, 2019, did just this.<sup>5</sup>

Past experience shows that closing Punchbowl Falls does not deter amateur cliff jumpers and has not reduced accidents. The Forest Service has repeatedly closed the falls since 2013 or earlier, and this has not stopped people from jumping and being hurt or killed. The risk of jumping is greater than the risk of being caught and prosecuted, and individuals willing to take such risks are not deterred by a legal prohibition.

A pointed and detailed advisory is likely to have a better effect: a graphic sign placed at the jumping platform warning that many cliff-jumpers have been injured or killed at this site would likely provide as great a deterrent as possible and prove much more effective than a legal prohibition. This type of signage has been used at Lynn Canyon Park near Vancouver, British Columbia with messages such as "That was worth the spinal damage, said no one ever," and "Listen to that nervous feeling, don't cliff jump." Other signs detail the number of deaths and injuries at specific cliff jumping sites. See Attachment A for examples of signage from other areas compared to that from Punchbowl Falls. We suggest that CRGNSA review the ineffectiveness of past Punchbowl Falls closures and try a new education-based approach.



There is no need or advantage to prohibiting activities such as whitewater boating in order to address safety concerns related to cliff-jumping. It is appropriate and important for CRGNSA to take a focused approach in its effort to address cliff-jumping accidents rather than applying a broad closure that deprives other users of their ability to safely enjoy Punchbowl Falls and Eagle Creek.

Should the Forest Service pursue yet another Punchbowl Falls closure, it should exempt whitewater boaters so that paddling Eagle Creek, including Punchbowl Falls, is not

<sup>5</sup> Forest Order 06-22-01-20-02, <[https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd680690.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd680690.pdf)>.

unnecessarily prohibited. Although Forest Service regulations do not provide a prohibition specific to cliff-jumping, the agency may close an area to entry pursuant to 36 CFR § 261.50(a) *and* provide an exemption to persons engaged in whitewater boating activities within the closure area pursuant to 36 CFR § 261.50(e)(6).

We request that the Forest Service provide such an exemption to allow continued whitewater boating at Punchbowl Falls and suggest that the exemption requirements specify:

*“Persons possessing a craft designed for use on whitewater rivers, a helmet, and personal flotation device are exempt from this order for the purposes of navigating Eagle Creek.”*

This language ensures that the exemption applies only to whitewater boaters using proper craft and safety equipment. From an enforcement perspective, these requirements can be easily verified by visual inspection. Similar exemptions should be specified for other user groups with a history of safe activities at Punchbowl Falls, including canyoneers. Any closure order should also provide for exemptions via an FS-7700 permit.

## Public Notice and Scoping Requirements

We believe that Forest Service regulations and directives very clearly require the agency to issue public notice and conduct scoping prior to any closure or prohibition decision.

A categorical exclusion specifically provided in 36 CFR § 220.6(d)(1) may be applied to closure orders issued under 36 CFR § 261. This CE relieves the Forest Service of the requirement to prepare an EA or EIS, but it does not exempt the agency from conducting public notice and scoping required under 36 CFR § 220.4(e) and as directed in the Forest Service Handbook 1909.15 Chapter 31.3 (“Scoping is required for all Forest Service proposed actions, including those that would appear to be categorically excluded.”).

As part of scoping, the Forest Service is required to “invite the participation of likely affected Federal, State, Tribal, and local agencies and governments, the proponent of the action, and other likely affected or interested persons (including those who might not be in accord with the action)” and to conduct scoping outreach as described in 40 CFR § 1501.9(b) and (c).

Scoping is the process through which the Forest Service obtains public input, participation, and buy-in in the agency’s management of the public’s lands. Scoping allows the public to provide essential information for the Forest Service to use in its decision-making process, resulting in better decisions. According to the Forest Service Handbook 1909.15 Chapter 31.1, scoping is “the means to identify the presence or absence of any extraordinary circumstances.” The CE provided at 36 CFR § 220.6(d)(1) may only be applied if the Forest Service has determined that extraordinary circumstances are not present, and this determination requires the agency to conduct scoping.

We respectfully request that CRGNSA provide a public scoping process prior to making a Punchbowl Falls closure decision and that this scoping opportunity be properly noticed in the Scheduled of Proposed Actions.

## Conclusion

We appreciate your time evaluating our concerns and we look forward to further discussion as to how best provide public access to Eagle Creek and Punchbowl Falls while addressing safety concerns related to certain activities. Please contact Thomas O'Keefe at your earliest convenience, and in time to provide input to be used in the decision-making process.

Sincerely,



Thomas O'Keefe, PhD  
Pacific Northwest Stewardship Director  
American Whitewater  
[okeefe@americanwhitewater.org](mailto:okeefe@americanwhitewater.org)  
425-417-9012



Scott Harding  
Stewardship Associate  
American Whitewater  
[scott@americanwhitewater.org](mailto:scott@americanwhitewater.org)



# Attachment A

Examples of advisory signage from other cliff-jumping sites in the USA and Canada. The signage is specific and communicates the risk of jumping.



Examples of advisory signage from Punchbowl Falls circa 2013 & 2014. Signage does not communicate risk of jumping and focuses instead on regulation citation and fine.

