Comments on National Park Service Policy
Sylmar Hang Gliding Association, Inc.

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Prepared for:
National Park Service
Office of Policy

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I. INTRODUCTION

The Sylmar Hang Gliding Association, Inc., (SHGA) a chapter of the United States Hang Gliding Association, Inc., submits its comments on the update of policies governing National Parks and Recreation Areas. These comments are submitted to make a record of the facts relevant to the use of public lands by SHGA and its members relating to

• The historic use of public lands by hang gliders and paragliders
• the light impact of silent soaring,
• the need for express inclusion in the National Parks and National Recreation Areas.

The Sylmar Hang Gliding Association is one of the oldest and largest silent soaring clubs in the country, representing hundreds of pilots of hang gliders and paragliders, with members including some of the foremost pilots in the world. These comments are those of SHGA alone, but we believe they reflect the concerns of the silent soaring community at large, all soaring pilots, clubs and other associations of hang glider and paraglider pilots.

These comments relate to the blanket prohibition of “unpowered flight” in Title 36 Code of Federal Regulations, Section 2.17(a).

II. SUMMARY

The hang gliding and paragliding (“silent soaring” or “free flight”) community needs inclusion in the National Park System as a low-impact, low-visibility recreational user. Outside public lands, real estate development in California and nationwide has drastically reduced the number and variety of sites where hang gliding and paragliding have been possible.

Despite a long history of successful silent soaring on public lands a, persons ignorant of silent soaring confuse it, and its participants with other sports that they deem to be “thrill sports,” simply because it involves a measure of risk to its participants. However, silent soaring should never be confused with sports that involve recklessness, create noise and pollution, damage the land, frighten and injure wild life and damage riparian areas, sometimes in a manner that seems careless, immature and inconsiderate of other users.

On the contrary, pilots of hang gliders and paragliders undergo extensive flight and safety training in order to obtain their pilots’ licenses, invest substantial sums of money in training and equipment, and are generally more mature than most dirt bikers, OHV enthusiasts, snowmobilers, and other users that run their powered vehicles over the land.

We believe that the proper approach is to evaluate the impact of silent soaring on the land and on other National Park users. Because other users are rarely, and barely aware of our presence, we believe our use of public lands should be permitted and welcomed to the same extent as other recreational uses.

Accordingly, the SHGA requests policy changes that recognize that:

1. The blanket prohibition of “unpowered flight,” set forth in 36 CFR §2.17 is unnecessary and undesirable.
2. Grouping hang gliding and paragliding with a prohibition on powered aviation has no justification in public land management policy.
3. The decision whether to permit silent soaring in any individual National Park or National Recreation Area should be a decision committed to the discretion of the administrator of that facility, with input from the local hang gliding and paragliding community.
4. Individual National Park and National Recreation Area administrators should be informed by a national policy that recognizes that silent soaring has a low impact on the land and that liability concerns have been evaluated at the national level and have been found to be manageable.

5. Silent soaring should be included and fostered among other recreational uses of National Parks and National Recreation Areas.

III. DEFINITION OF TERMS

Silent soaring or Free Flight – Means the sports of hang gliding and paragliding. Both are unpowered flight using only air currents to remain aloft. Flight is launched on foot, by the pilot’s running forward until his speed enables his aircraft to fly. For purposes of these comments, silent soaring does not include sailplanes, which are larger, cannot be foot launched, and require powered ascent (usually by a tow plane) and relatively large landing strips. Silent soaring operations are authorized under Part 103 of the Federal Aviation Regulations (FAR), 14 Code of Federal Regulations (CFR) Part 103.

Hang Glider – A wing-shaped or delta-shaped, unpowered aircraft constructed of Dacron fabric stretched over a metal and/or composite (fiberglass or carbon fiber) frame. Although Federal Aviation Regulations (FAR) allow unpowered aircraft weighing up to 155 pounds, hang gliders typically weigh between 50 and 90 pounds. Their wingspan is typically about 30 feet, more or less. The hang glider pilot is suspended (usually head-forward) in a harness beneath the wing, within the triangular control frame, and controls the hang glider by shifting his or her weight forward, backwards and sideways. Hang gliders should not be confused with “ultralights,” which are hang gliders powered by motors and having landing gear. Nothing in these comments seeks the approval of any powered flight in National Parks or National Recreation Areas.

Paraglider - An unpowered aircraft resembling a parachute, constructed of Dacron with no frame, with the pilot suspended, feet forward in a harness beneath the canopy. The paraglider pilot controls the paraglider by pulling on the suspension lines, called “risers” and on control lines connected to various points on the canopy. Paragliders are functionally different from skydiving parachutes, which are also “ram-air” canopies, but are usually smaller and rectangular, and are generally incapable of soaring (staying aloft on air currents). Paragliding should not be confused with “parasailing,” where a large parachute-like canopy is towed by a power boat. Nothing in these comments seeks the approval of any powered flight in National Parks or National Recreation Areas.

Ultralight - Under Federal Aviation Regulations, 14 CFR Part 103, hang gliders and paragliders are included in the term “ultralight aircraft,” which also includes powered hang gliders and powered paragliders. Except where specifically indicated, NOTHING IN THESE COMMENTS is intended to apply to the operation of any powered ultralight aircraft. These comments apply only to unpowered hang gliders or paragliders, which stay aloft only by air currents.

USHGA – United States Hang Gliding Association, Inc., a nonprofit corporation organized under the laws of California, having its principal offices in Colorado Springs, Colorado, is the national association of pilots of hang gliders and paragliders. USHGA has chapters across the
United States. USHGA has established the standards for training of hang gliding and paragliding pilots and instructors. USHGA publishes a monthly magazine containing articles concerning safety, competition, products reviews, pilot proficiency, individual pilots and their accomplishments, soaring sites, instruction, legal issues, and other subjects of interest to pilots. USHGA maintains a $1 million liability insurance policy that indemnifies persons other than pilots against any personal injuries or property damage caused by hang gliding or paragliding. USHGA requires, as a condition of issuing a license to pilot a paraglider or hang glider, that all pilots execute a waiver, release, assumption of risk, and covenant not to sue with respect to injury to the person or property of that pilot in connection with hang gliding or paragliding.

USHGA – Sylmar Hang Gliding Association, Inc., is a nonprofit corporation organized under the laws of California, is a chapter of USHGA, and owns the Sylmar Flight Park, located at Gridley Street, Sylmar, California. SHGA is one of the oldest and largest associations of hang glider and paraglider pilots and is unique in owning its landing field property. USHGA membership is a prerequisite for flying privileges at the SHGA flight park.

IV. BACKGROUND INFORMATION
a. History
Hang gliding originated in Southern California in the late 1960’s. Historically, a large number of sites used for hang gliding were and are in public lands, often in National Forests. In 1978, the first United States National Hang Gliding Competition took place in Sylmar, California, in the Angeles National Forest, at the Sylmar 1500 launch, a site that has since been lost. The landing site has been lost because of real estate development -- Olive View Hospital was built on the property that was used as a landing zone. The use of the launch was lost when the Forest Service closed the access road because of vandalism and crime problems unrelated to hang gliding.

Since the United States Forest Service has never seen the need for any prohibition of silent soaring, it is permitted and practiced in National Forests throughout California and the rest of the country. In the ideal flying conditions of the Inyo National Forest, which include California’s Sierra Nevada, “century” flights (100 miles or more) are quite common. Those flights originate at a number of sites in the Sierra Nevada, the Inyo Mountains and the White Mountains. The 1996 United States National Hang Gliding Competition took place in the Inyo National Forest at the Gunter launch in the White Mountains.

In the past two decades, the sport has grown, and is now represented by the USHGA. Along the way, sport parachutes evolved from hemispherical military-style paratroop canopies, to steerable skydiving chutes, and then into paragliders, frameless canopies capable of soaring, and controllable to pinpoint landings.

During that time, the equipment and pilot training have improved vastly, making the sport far safer than it was in the 1970’s and early 1980’s, when fatalities were not uncommon. Among other things, the USHGA has an accident reporting system that permits reports of accidents to be analyzed in its monthly magazine “Hang Gliding and Paragliding,” so that dangerous locations, conditions, practices, and equipment can be discussed among pilots, and safety thereby improved.

Equipment and skills have improved to the point where the hang gliding distance record was set at over 300 miles in 2001.
b. Federal Regulation of Silent Soaring

The Federal Aviation Administration has promulgated a special part of its regulations, 14 CFR, Part 103, for powered and unpowered hang gliders and paragliders, collectively called “ultralight vehicles.” Other than issuing those regulations, the FAA has not felt a need to regulate pilot licensing, because the United States Hang Gliding Association has developed programs for training and licensing pilots and instructors that has eliminated the need for any state or federal government regulation in those areas. Thus, silent soaring has always been a singularly successful example of a “self-regulated” activity.

c. The National Park Prohibition of Silent Soaring

Under 36 CFR §2.17(a)¹ "The following are prohibited-
(1) Operating or using aircraft on lands or waters other than at locations designated pursuant to special regulations.

In the definitions section, § 1.4, "operating or using aircraft” includes powerless flight.

Part 7 of Chapter I contains the "special regulations," that pertain to specific sites. There are special regulations permitting "unpowered flight" at four National Parks or National Recreation Areas in California, as well as at five other sites.

The four California sites are:
Yosemite National Park (§7.16(c)
Point Reyes National Seashore (§7.81(a)
Whiskeytown Unit, Whiskeytown-Shasta-Trinity National Recreation Area (§7.91(c)
Golden Gate National Recreation Area, §7.97(b)

For all the California sites, the special regulation reads:
Powerless flight. The use of devices designed to carry persons through the air in powerless flight is allowed at times and locations designated by the superintendent, pursuant to the terms and conditions of a permit.

Under the definitions section (§ 1.4) the "superintendent" means the official in charge of a park area or authorized representative thereof.

The five sites outside California are:
Blue Ridge Parkway (North Carolina and Virginia) §7.34( c)
Lake Mead National Recreation Area (Nevada) § 7.48(b)
Lake Meredith Recreational Area §7.57(d)
Delaware Water Gap §7.7 1 (f)
Appalachian Trail §7.100)

The Lake Mead regulation allows powerless flight "except in locations designated as closed to this activity." So hang gliding doesn't require any special designation of location by the park superintendent, but he may prohibit it in specified areas. The-same is true of Lake Meredith.

¹ (All references are to Title 36 Code of Federal Regulations. The symbol § means “section.”)
d. The Sport and Its Participants

Participation in silent soaring requires substantial investments of time, money, and effort. To be licensed by the USHGA, pilots must train under USHGA-certified instructors. Pilot training includes piloting skills, rules of the road, safety, first aid, meteorology, Federal Aviation Regulations, USHGA regulations, aerodynamics and judgment. It includes practice launches and landings at a training hill site, as well as tandem flights with a certified tandem instructor, and supervised flights observed and controlled by an instructor on the ground in communication by radio. The minimum cost of training through proficiency level 2, when a pilot may fly unsupervised at limited sites, is presently more than $1,500.

A beginner’s equipment, including glider, harness, altimeter/variometer, air speed indicator, helmet and accessories typically cost a total of about $3,000. Advanced equipment costs more than twice a beginner’s equipment.

Because of the pilot’s investment of time and resources, by the time he or she is permitted to fly unsupervised, there is a level of maturity and experience that is not required in other forms of recreation that is practiced in public lands.

V. THE SITE PRESERVATION PROBLEM

Although the sky is vast, the number of sites where silent soaring can be practiced is surprisingly small. In the period 1970 – 2006, real estate development has restricted and eliminated silent soaring at most of the suitable sites, leaving only a few places where silent soaring is possible. No recreational activity has been affected by this encroachment more than hang gliding and paragliding. Here in the "wide-open" West, more and more sites are becoming closed to our use every year because of development. Rapidly diminishing numbers of suitable sites presently require us to travel for hundreds of miles, depending on the weather, to find a place to practice our sport.

a. Launch Site Criteria

Mother Nature's laws permit foot-launched flight only at a surprisingly limited number of sites.

1. Lift- A launch site must have the potential to produce the lift that supports us. Because they are unpowered, our wings require a hillside launch site that either faces the wind or is heated by the sun. We soar only through the natural lift produced by the wind or thermal (heat-produced) air currents, called "thermals." Unless the site has a strong wind, blowing at right angles into a ridge (which will produce "ridge lift") it must be high enough that thermals develop below the launch site, so that a glider launching can "get on board" a rising thermal. If the glider misses the thermal, it "sinks out," unless it finds another one.

2. Nearby Landing Zone ("LZ")

Even at suitable launch sites, depending on the weather, we are frequently unable to gain any altitude because the lift may be weak or absent that day, at that site. Consequently, every suitable launch site must be close enough to a safe landing zone (LZ) so that it can be reached "on a glide" – meaning, without any lift. Thus, the distance to an LZ should not exceed five times the difference in elevation between the launch and the LZ. Although most modern gliders have a glide ratio better than 5-to-1, we encounter “sink” (descending air currents) as often as we encounter lift. In Southern California, and particularly on the southern (facing the sun) slopes of the San Gabriel Mountains,

2 USHGA issues licenses for hang gliding and paragliding at five proficiency levels:

1 –Beginner, 2 – Novice, 3 – Intermediate, 4 – Advanced, 5 – Master. Hang glider pilots are designated H-1, H-2, etc. and paraglider pilots are designated P-1, P-2 etc.

3 Variometer - An instrument that tells altitude and rate of climb or descent.
real estate development has crowded houses right up to the mountains, eliminating vacant fields or slopes that could be used to land hang gliders. A safe LZ is one that is fairly open, and large enough so that the trees surrounding it will not create a turbulent "wind shadow" that can make landing dangerous. The safest landing for hang gliders is uphill and upwind, so that the speed over the ground is at a minimum, no faster than we can run with an 80-pound glider on our backs. Paragliders can land in smaller areas.

3. Proximity to roads

Finally, hang gliding launch sites are never in pristine, remote areas, because hang gliders weigh 60 - 80 pounds and are 14 -16 feet long when transported -- not something that can be carried long on a wooded, winding hiking trail. Practically, a hang glider launch site must be within a quarter-mile of a road. The same is true for the LZ. However, paragliders can be carried as a bulky backpack, and can be hiked in to roadless launches and out from roadless LZ’s.

b. Loss of Sites

In the past twenty years, most of the sites where hang gliding has been taught or practiced have been lost. In just the last ten years, at least ten sites have been lost in Los Angeles county alone because of real estate development and other causes. No new sites have been established.

For example, when Mount Wilson, in the Angeles National Forest had a usable LZ, there was only one place where landing was permitted within a 5:1 glide of the launch - - Victory Park in Pasadena, and only on pre-scheduled weekend days when, by paid permit, the Park administrator would close two soccer fields to permit landing for three hours on one weekend day, twice a month. That was only one LZ, unavailable at most times, in the 45 square miles surrounding mile-high Mount Wilson. That LZ also was lost about two years ago, so that Mount Wilson is no longer available as a silent soaring site.

Because sites are so scarce, we believe we must vigorously preserve those few that remain. Since many of the remaining sites are in public lands, we believe it is critical to the very survival of our sport that silent soaring be fostered in our public lands.

VI. SILENT SOARING HAS VERY LIGHT IMPACT ON PUBLIC OR PRIVATE LANDS

Silent soaring is an activity that neither damages the land nor infringes on the solitude of those who wish to enjoy a wilderness experience without any awareness of other recreational users. Silent soaring poses no threat to wildlife. The only wildlife we affect are soaring birds, and our only effect is that we sometimes share rising thermal currents, soaring aloft with them naturally. Where preserves for the breeding of endangered wildlife are present, landing zones are made available away from them.

Silent soaring does not physically degrade the forest as do, to various degrees, hiking, bicycling, off-road motoring, skiing, snowmobiling, fishing and hunting. Our activity truly adheres to the goal that we “Leave no trace.”

Silent soaring poses no threat to riparian areas. Wet areas absorb the sun’s energy and do not produce thermals, as do bare rocks and earth. Consequently soaring pilots generally have no reason to be near riparian areas.

Silent soaring produces no conflicts with other users. It makes no noise, and emits no exhaust, smoke, dust or vapors of any kind. As a recreational use of public lands, silent soaring has no similarity to noisy, polluting, destructive off-road vehicles, such as snowmobiles, dirt motorcycles and all-terrain vehicles, which are frequently accommodated by administrators of public lands, often at great expense. We cannot dismiss the possibility that industry lobbying has more to do with those accommodations than sound land use policy.
Not only is the impact light when silent soaring is going on, but the number of soaring pilots is small, and the times when atmospheric conditions permit soaring are limited. Silent soaring is possible only on days when the atmospheric conditions are right, and then, only during limited times of day. At most sites, the only source of lift is thermal currents. Because thermals do not develop until the sun has heated the ground for a number of hours, it is usually impossible to soar in thermals before about 11:00 a.m. on a summer day, or before 1:00 p.m. in winter. Although expert pilots are those who can stay aloft longer, flights average about an hour. Consequently, there is a very narrow “window” of time when soaring takes place each day, between 11:00 a.m. and sundown, and then only on days that are suitable.

It is possible to soar without thermals at sites where a steady wind blows into a ridge at right angles, producing a wave of lift above the ridge. These are frequently coastal sites on the Pacific Ocean.

Finally, the number of soaring participants is small. SHGA is the largest soaring club in Southern California, with about 200 members, and about 120 who fly regularly. Even at our Kagel Mountain flying site, where we own the LZ, the most heavily used soaring site in California, it is only on weekend days that one can expect to see hang gliders in the air for most of the afternoon, and as always, it depends on the weather.

Even where soaring is present, it is difficult even to see a soaring hang glider or paraglider unless you are looking for it. The 30-foot wingspan of a hang glider 1000 feet above the ground appears about the same length as the last joint of the thumb, held at arm’s length. Unless you are looking for a silent soaring craft, (and often when you are) you will not see it. In the air, we all soar silent and virtually invisible. Each pilot is completely alone, the higher (and farther from the other nature-lovers) the better. In the air, we do not detract from anyone else's enjoyment of nature.

Hikers and lovers of the outdoors who have seen us (and we meet many in the area of Mt. Whitney, in the Inyo National Forest, where soaring, camping, fishing and hiking happily coexist) uniformly tell us that their reaction to seeing us floating far above is a sense of wonder what it must be like to enjoy nature in that way. We literally soar with the birds -- tiny swifts fly in thermal updrafts because the thermals pick up insects from the ground. Red-tailed hawks, Coopers hawks, eagles and other raptors use thermals to go aloft for the hunt. Turkey vultures and condors soar with us as we share their thermals.

Our gliders do not touch the earth. We silently enjoy the wonder of the land from a distance, up there where you can see a lot of it! Like listening to a murmuring stream in the silence of the forest, soaring is a mystical experience that we seek to preserve for ourselves and make available to anyone who has ever thought, "I wonder what it would be like to fly with the birds?" We enjoy our remoteness from other forest users and do not make other users aware of our presence. In Yosemite National Park, however, it is fun to fly near enough to be seen by the rock climbers on the face of El Capitan, and exchange waves, “Hello.”

Naturally, soaring participants use roads to bring their gliders to launch sites. Many soaring participants have 4-wheel drive vehicles, which are less destructive to forest roads than 2-wheel drive vehicles, off-road vehicles (ORV’s), motorcycles, or even bicycles. However, since paragliders weigh less than 40 pounds, paraglider pilots frequently hike their equipment to launch sites, and consequently do not require roads. After launch, however, there is obviously no impact on the land, and there is virtually no awareness of silent soaring by other users of the forest until we land in a field somewhere near a road.
VI. LIABILITY PROTECTION

In California and many other states, landowners governmental and private, are protected in several ways against any liability for any injuries to persons or damage to property that may be caused by silent soaring. They are protected from any liability to participants by specific provisions of state law which protect landowners from liability to persons who are permitted to use land for recreational purposes, as well as by releases of liability that are signed by all participants. In addition, landowners and bystanders are protected against any injury to themselves or their property by $1 million in insurance, carried by the United States Hang Gliding Association.

State Recreational Use Immunity Legislation

Silent soaring poses no liability risk to the government land management agencies for several reasons. First, the laws of many states, (for example California Civil Code § 846)⁴ expressly immunizes any landowner (including government entities) from any liability to a person who is allowed to use the landowner's property at no cost, for recreational purposes. The California statute expressly and specifically includes hang gliding. The policy of those statutes is to encourage landowners to permit the use of their land for recreational purposes, by shielding them from the normal "premises liability" of landowners, so long as they are not exacting the payment of money for the recreational use of their land. Thus, all landowners, including Federal Agency landowners, are protected from any suit by a silent soaring pilot for any injury or property damage that may occur because he or she is permitted to use federally owned land for the purpose of hang gliding. Judicial decisions have expressly applied the protections of Section 846 to the U.S. Forest Service.⁵

Secondly, every person holding a pilot rating from the United States Hang Gliding Association has executed an assumption of risk and waiver and release of claims that releases anyone from any liability to the pilot for any injury or claim of any kind relating to hang gliding.⁶ That waiver contains a covenant not to sue, and an attorney fee provision, requiring any pilot who does sue to pay the attorney fees of the party he sues. That release and waiver expressly protects, among others,

(d) The United States of America and each of the city(ies), town(s), county(ies), State(s) and/or other political subdivisions or governmental agencies within whose jurisdictions Pilot launches, flies and/or lands.

Finally, the United States Hang Gliding Association carries a $1 million insurance policy for any claim of personal injury or property damage caused by hang gliding or paragliding. This insurance indemnifies a landowner whose crops or fences, for example, might be damaged, or an injured bystander, or someone’s personal property, such as a car, struck by a hang glider.

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⁴ See Appendix A
⁶ A copy of the USHGA waiver and assumption of risk is attached as Appendix C.
VIII. CONCLUSIONS

Silent soaring is a historical recreational use of public lands that has a very light impact, and which is virtually imperceptible to other users. This use should not be prohibited, but should be fostered by the same policy that encourages other outdoor recreational uses of National Parks and National Recreation Areas, and to the same extent.

Respectfully submitted:

Lawrence W. Chamblee
Vice President

Please reply to: bod@shga.com
Appendix A

California Civil Code

§ 846 Use of property for recreational purposes

An owner of any estate or any other interest in real property, whether possessory or nonpossessory, owes no duty of care to keep the premises safe for entry or use by others for any recreational purpose or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purpose, except as provided in this section.

A “recreational purpose,” as used in this section, includes such activities as fishing, hunting, camping, water sports, hiking, spelunking, sport parachuting, riding, including animal riding, snowmobiling, and all other types of vehicular riding, rock collecting, sightseeing, picnicking, nature study, nature contacting, recreational gardening, gleaning, hang gliding, winter sports, and viewing or enjoying historical, archaeological, scenic, natural, or scientific sites.

An owner of any estate or any other interest in real property, whether possessory or nonpossessory, who gives permission to another for entry or use for the above purpose upon the premises does not thereby

(a) extend any assurance that the premises are safe for such purpose, or
(b) constitute the person to whom permission has been granted the legal status of an invitee or licensee to whom a duty of care is owed, or
(c) assume responsibility for or incur liability for any injury to person or property caused by any act of such person to whom permission has been granted except as provided in this section.

This section does not limit the liability which otherwise exists

(a) for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or
(b) for injury suffered in any case where permission to enter for the above purpose was granted for a consideration other than the consideration, if any, paid to said landowner by the state, or where consideration has been received from others for the same purpose; or
(c) to any persons who are expressly invited rather than merely permitted to come on the premises by the landowner.

Nothing in this section creates a duty of care or ground of liability for injury to person or property.

[Emphasis added.]
Appendix B  

Legal Authorities On Recreational Use Immunity

Federal agencies sued under the Tort Claims Act enjoy the benefits of state recreational use statutes, such as California Civil Code Section 846. The Federal District Court in Sacramento, which has jurisdiction over Inyo County has specifically ruled that the United States Forest Service for the Inyo National Forest cannot be sued for personal injuries because of the recreational use immunity prescribed by Section 846.  Hannon v. U.S., 801 F.Supp. 323 (E.D. Cal. 1992)


Many of those decisions find the Federal government shielded even though state agencies would not be.  See, e.g., Woods v. U.S.  In the Hannon case, the Forest Service was shielded under the Civil Code Section 846, even though some California courts had held that “public entities” were not protected.  This is because the Federal Tort Claims Act makes the United States liable for negligence in the same manner and to the same extent as a private individual would be in similar circumstances.  The Court stated specifically, “Since California Civil Code Section 846 doubtless applies to private persons, so it must also apply to the United States in this case.”  Hannon, 801 F.Supp., at p. 326.
RELEASE, WAIVER AND ASSUMPTION OF RISK AGREEMENT

In consideration of the benefits to be derived from membership in the USHGA, ______________________ (Pilot) and the parent or legal guardian of Pilot, if Pilot is a minor, for themselves, their personal representatives, heirs, executors, next of kin, spouses, minor children and assigns, do agree as follows:

A. DEFINITIONS - The following definitions apply to terms used in this Agreement:

1. "PARTICIPATION IN THE SPORT" means launching (and/or assisting another in launching), flying (whether as pilot in command or otherwise) and/or landing (including, but not limited to, crashing) a hang glider or paraglider.

2. "SPORTS INJURIES" means personal injury, bodily injury, death, property damage and/or any other personal or financial injury sustained by Pilot as a result of Pilot’s PARTICIPATION IN THE SPORT and/or as a result of the administration of any USHGA programs (for example: the Pilot Proficiency System). If Pilot is under 18 years of age, the term "SPORTS INJURIES" means personal injury, bodily injury, death, property damage and/or any other personal or financial injury sustained by Pilot as well as personal injury, bodily injury, death, property damage and/or any other personal or financial injury sustained by Pilot’s parents or legal guardians, as a result of Pilot’s PARTICIPATION IN THE SPORT and/or as a result of the administration of any USHGA programs.

3. "RELEASED PARTIES" means the following, including their owners, officers, directors, agents, spouses, employees, officials (elected or otherwise), members, independent contractors, sub-contractors, lessors and lessees:

   a) The United States Hang Gliding Association, a California Non-profit Corporation (USHGA);

   b) Each of the person(s) sponsoring and/or participating in the administration of Pilot’s proficiency rating(s);

   c) Each of the hang gliding and/or paragliding organizations which are chapters of the USHGA;

   d) The United States Of America and each of the city(ies), town(s), county(ies), State(s) and/or other political subdivisions or governmental agencies within whose jurisdictions Pilot launches, flies and/or lands;

   e) Each of the property owners on or over whose property Pilot may launch, fly and/or land;

   f) All persons involved, in any manner, in the sports of hang gliding and/or paragliding at the site(s) where Pilot PARTICIPATES IN THE SPORT. "All persons involved" includes, but is not limited to, spectators, hang glider and/or paraglider pilots, powered ultralight pilots, assistants, drivers, instructors, observers, and owners of hang gliding and/or paragliding equipment; and

   g) All other persons lawfully present at the site(s) during Pilot’s PARTICIPATION IN THE SPORT.

B. I FOREVER RELEASE AND DISCHARGE the RELEASED PARTIES from any and all liabilities, claims, demands, or causes of action that I may hereafter have for SPORTS
INJURIES, however caused, even if caused by the negligence (whether active or passive) of any of the RELEASED PARTIES, to the fullest extent allowed by law.

C. I WILL NOT SUE OR MAKE A CLAIM against any of the RELEASED PARTIES for loss or damage on account of SPORTS INJURIES. If I violate this agreement by filing such a suit or making such a claim, I will pay all attorneys' fees and costs of the RELEASED PARTIES.

D. I AGREE THAT this AGREEMENT shall be governed by and construed in accordance with the laws of the State of California. All disputes and matters whatsoever arising under, in connection with or incident to this Agreement shall be litigated, if at all, in and before a Court located in the State of California, U.S.A. to the exclusion of the Courts of any other State or Country.

E. SEVERABILITY. If any part, article, paragraph, sentence or clause of this Agreement is not enforceable, the affected provision shall be curtailed and limited only to the extent necessary to bring it within the requirements of the law, and the remainder of the Agreement shall continue in full force and effect.

F. CONSTRUCTION. This agreement shall apply to any and all SPORTS INJURIES occurring at any time after the execution of this agreement. This agreement is in addition to and is not intended to replace any other agreements related to liability for SPORTS INJURIES that Pilot may have signed, either in the past or in the future. To the extent that there is any conflict between such agreements, Pilot intends to be subject to the agreement that provides the most expansive release of claims and assumption of risk allowed by law.

G. I REPRESENT THAT Pilot is at least 18 years of age, or, that I am the parent or legal guardian of Pilot and am making this agreement on behalf of myself and Pilot. If I am the parent or legal guardian of Pilot, I AGREE TO INDEMNIFY AND REIMBURSE the RELEASED PARTIES for their defense and indemnity from any claim or liability in the event that Pilot suffers SPORTS INJURIES as a result of Pilot’s PARTICIPATION IN THE SPORT, even if caused in whole or in part by the negligence (whether active or passive) of any of the RELEASED PARTIES, to the fullest extent allowed by law.

G. I VOLUNTARILY ASSUME ALL RISKS, KNOWN AND UNKNOWN, OF SPORTS INJURIES, HOWEVER CAUSED, EVEN IF CAUSED IN WHOLE OR IN PART BY THE ACTION, INACTION, OR NEGLIGENCE OF THE RELEASED PARTIES, TO THE FULLEST EXTENT ALLOWED BY LAW.

I ACKNOWLEDGE THAT I HAVE READ THIS AGREEMENT, FULLY UNDERSTAND THE POTENTIAL DANGERS OF ENGAGING IN HANG GLIDING AND/OR PARAGLIDING, AM FULLY AWARE OF THE LEGAL CONSEQUENCES OF SIGNING THIS AGREEMENT, AND THAT I UNDERSTAND AND AGREE THAT THIS DOCUMENT IS LEGALLY BINDING AND WILL PRECLUDE ME FROM RECOVERING MONETARY DAMAGES FROM THE ABOVE LISTED ENTITIES AND /OR INDIVIDUALS, WHETHER SPECIFICALLY NAMED OR NOT, FOR PERSONAL INJURY, BODILY INJURY, PROPERTY DAMAGE, WRONGFUL DEATH, OR ANY OTHER PERSONAL OR FINANCIAL INJURY SUSTAINED BY ME IN CONNECTION WITH HANG GLIDING/PARAGLIDING.
WARNING: BY SIGNING, YOU ARE WAIVING SIGNIFICANT LEGAL RIGHTS. DO NOT SIGN WITHOUT READING!

____________________________________________    ___/___/___                        _________________________________
Pilot’s signature                                                                            Date
                                                  Pilot’s USHGA Number

____________________________________________________________      ___/___/_____  
Signature of Pilot’s  Parent or legal Guardian if Pilot under 18 years of age                Date

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