



What do flying at Owens Valley, van sharing, and a picnic in Yosemite have in common? They're all part of a weekend that started out well, but ended up with a run-in with the federal government for six unfortunate paraglider pilots.

An Innocent Start

It started so innocently... We had traveled from the Bay Area to the Owens Valley for a weekend of flying. Six of us shared a van, driven by a guy who has a business running paragliding tours from the Bay Area. Saturday was great, with some of the pilots getting their first taste of cross country, and the more experienced pilots flying 20 to 30 miles. High winds on Sunday prevented flying, so the decision was made to head back home early.

On the way back, we checked out Mono Lake, a salt-water lake renowned for the tufa or calcium carbonate formations left by receded lake water, and then continued on through Yosemite National Park. We reached the scenic Tuolumne Meadows at lunchtime, stopped for a picnic lunch, and one of our group sug-

gested that it would be great to try some kiting. We had a short discussion about whether the meadow was open for public use, but we watched people hike across it and so concluded that kiting in it would be fine. If not, we thought that the rangers would come along and simply ask us to stop. In hindsight, that was very naive.

Reality Hits Home

The wind was gusty with challenging conditions and several of us were pulled slightly off our feet at times, but it was perfect for practice. After about 45 minutes, we'd had our fill of kiting on the beautiful meadow. During the course of packing up our gliders, a ranger came over and spoke to each of us separately. At first he wanted to know if we were under instruction or being guided. He initially seemed to be concerned that

a commercial business was operating illegally. Although our van driver has a business running guided tours, since we are all P-3 and P-4 pilots, we were just paying him to drive the van. Then the ranger wanted to know if we were parachutists or base jumpers. His demeanor quickly became threatening, and he told us that if we were lying, we would "be prosecuted to the full extent of the law."

Each of us related the same story, that we weren't being instructed, and that we were paraglider pilots and not base jumpers. We were all cooperative, polite, and went out of our way to explain the difference between paragliding and base jumping and sky diving. We explained over and over that we were kiting and that we were not trying to fly and, in fact, couldn't fly without going off a hill or being towed. But the ranger remained skeptical. It turned out that he had observed us for a half-hour, and in that time had called for backup, bringing in three other rangers with guns, and a pickup truck. After instructing us to put our gear by the truck, he obtained our identifications, and then took 2.5 hours to check them all out.

Class B Federal Misdemeanor

During that time, we continued to talk with the other rangers while being polite and trying to explain that we were not base jumpers and not attempting to fly. Up to then we had hoped that the rangers would understand, give us a

warning, and send us on our way. Instead, the ranger came back and handed us each a citation for a Class B Federal Misdemeanor for "operating and use of an aircraft in a national park," and then confiscated our gear as "evidence." The maximum sentence was \$5000 and 6 months in jail. Only our driver, who did not kite, did not receive a ticket.

The ranger went on to tell us that we would have a mandatory court date in Yosemite Valley in eight weeks. At that time, we could plead guilty or innocent. Should we plead "not guilty," they would

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schedule a trial in Yosemite in approximately another eight weeks after the first court date. That meant eight to sixteen weeks without gear. Needless to say, we were all thunderstruck by this. As P-3 and P-4 pilots, we knew that we couldn't fly in a national park or restricted area, but we never considered that kiting would be

considered "operating an aircraft" or illegal. On top of that, the ranger thought he was being lenient by not citing us for "endangering the protected environment" in Tuolumne Meadows.

Having our gear confiscated after what we thought was an innocent afternoon of kiting was absolutely appalling. But it was particularly difficult for one pilot to have his gear taken because he was about to go to an international competition in India in two weeks' time.

Plea Bargaining

During the course of the next 10 days, we managed to talk to the chief ranger at Yosemite (a hang glider pilot), several of the rangers, the Yosemite prosecutor, her deputy and her boss, three lawyers, several regional directors of USHGA, and many fellow pilots. Everyone was sympathetic, but it seemed there was little or nothing people could do to help us out. One lawyer said it would be an interesting and entertaining case, and he would defend us for \$5000 - each!

After repeated calls from each of us, the Yosemite prosecutor offered us what she thought was a equitable deal - in exchange for pleading guilty, she would move the court case up to the next week and give us a \$2000 fine (each) and a year's probation. She thought that this was generous because base jumpers get a \$4000 fine and often don't get their gear back. In comparison to the \$5000 lawyer's fee, it almost seemed acceptable, but this was not exactly the justice or reasonableness for which we had hoped. Instead, we became mired in the intricacies of the U.S. court system, requiring a lot of money to hire a lawyer, and time and patience to contest a ticket.

However, the U.S. court system also depends very much on legal precedent. Thankfully, one of the now infamous "Yosemite Six" did an Internet search and found out that four years ago, in 2000, a visiting paraglider pilot had taken off from North Dome in Yosemite and had managed to cross the valley and land at Wawona after an enviable flight of about an hour. Unbeknownst to this pilot, park and FAA laws had clearly been broken. His wing was held as evidence and he was cited and given a court appearance the following day. At court he was fined



confiscated as evidence, and the armed park rangers

\$500 and his gear returned. Armed with this precedent, our most savvy member called the prosecutor again and pointed out the discrepancy, but she was going on vacation and the case was turned over to her deputy. After several more calls, the fine was negotiated down to \$300 and a court date set for the next week.

Pleading Guilty

Although it rankled some of us to plead guilty to simply kiting a paraglider, it seemed the easiest, cheapest and most expedient path to getting our gear quickly returned. Also, even though according to FAA regulations paragliders are ultralights, under the federal rules of the National Park Service any craft capable of flight and carrying a passenger is deemed an aircraft. When interpreted this way, we were technically guilty of violating the law, but probably not the spirit of the law. Would it be worth the extended time, money, and work it would take to try to make a defense? Although each of us could have chosen to separate-

ly plead "not guilty," we each decided that the guilty plea was our best option.

So, 10 days after the innocent-seeming kiting in Tuolumne Meadows, we returned to Yosemite Valley in the season's first snowstorm to plead guilty. After cases of drunk and disorderly, driving under the influence of drugs, assault, and growing marijuana in the park, one by one we were called up for our crime, and the judge gave us each the \$300 fine, but added a year's non-reporting court probation. Of course, now being federal criminals, we were then fingerprinted and our mug shots taken, complete with holding up the number under our faces.

What You Should Know

National parks operate under federal laws, and in this political climate enforce the letter of the law. The rangers operate with a very heavy hand in the national parks. In Yosemite in particular, the rangers have a "no tolerance" policy. That means they are not lenient, and when given an opportunity, they will give you

at ticket. (As an aside, California allows people to be in possession of medical marijuana. Yosemite, although geographically in California, operates under federal law and prosecutes anyone with marijuana even if they have a medical marijuana card.)

Despite the fact that under the FAA regulations a paraglider is not considered an aircraft but a microlight or experimental aircraft, under the rules for the National Park Service a paraglider is an aircraft. Pilots have known for years that flying in a national park is illegal, but technically, kiting a paraglider can also be considered "operating an aircraft." Pilots beware. Don't kite your paragliders at a national park!



Safety Tips

Jim Reynolds: You go where you look, so look where you want to go.