

## Appendix 8: Special Park Uses: Permitting for Uncrewed Aircraft

All superintendents are required to insert closure language in the park compendium prohibiting launching, landing, or operating unmanned aircraft from or on lands and waters administered by the National Park Service (NPS), except in cases where UAS missions follow the guidance outlined in RM-60.

One of those allowances for UAS activities is under a special use permit (SUP) that specifically authorizes launching, landing, or operating an unmanned aircraft and that is approved in writing by the Regional Director.

As defined in Chapter 12, *Uncrewed Aircraft Systems*, an “uncrewed aircraft” means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or onboard the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g., model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.

This appendix is designed to help superintendents:

- Decide whether to request the Regional Director’s approval of an SUP allowing the use of uncrewed aircraft.
- Determine appropriate terms and conditions in the SUP.

### Decision Process – Whether to Request Approval for an SUP

Launching, landing, or operating uncrewed aircraft may or may not be compatible within a park. If presented with a request to launch, land, or operate an uncrewed aircraft on lands or waters administered by the NPS, superintendents must use their professional judgment to adequately evaluate the appropriateness of the requested activities and determine whether they will result in unacceptable impacts to park resources and values. Superintendents should consider the following criteria when determining whether the activity will:

- Violate Federal Aviation Administration (FAA) regulations for commercial use of uncrewed aircraft.
- Cause injury or damage to park resources.
- Be contrary to the purposes for which the park was established, or unacceptably impact the atmosphere of peace and tranquility maintained in wilderness, natural, historic, or commemorative locations within the park.
- Unreasonably interfere with the interpretive, visitor service, or other program activities, or with the administrative activities of the NPS.
- Substantially impair the operation of public facilities or services of NPS concessioners or contractors.
- Present a clear and present danger to public health and safety.
- Result in significant conflict with other existing uses.

Superintendents should consider the park’s enabling legislation, other applicable laws, [2006 NPS Management Policies](#), [Director’s Order-53](#), and [RM-53, Special Park Uses](#) in the decision process. Superintendents should complete an Environmental Screening Form to evaluate the level of necessary compliance with the National Environmental Policy Act of 1969 (NEPA). Issuing an SUP for launching, landing, or operating uncrewed aircraft may require compliance with NEPA and may fall within a categorical exclusion under the Departmental Manual or Director’s Order-12 Handbook. Superintendents

should also consider whether the issuance of the SUP would implicate any Endangered Species Act or National Historic Preservation Act concerns.

If the superintendent determines the requested activity is appropriate and compatible with the values and resources of the park, he or she may seek the approval of the Regional Director to issue an SUP that authorizes launching, landing, or operating uncrewed aircraft in the park. Requests for approval should be routed through the regional aviation manager and regional special park use coordinator before being submitted to the Regional Director and contain the following materials:

- Memorandum of request with entities having authority and responsibility to provide emergency and routine services in a national park and may utilize a UAS in the course of conducting those activities.
- Briefing statement that, at minimum, explains (1) the activities that would be permitted by the SUP; (2) why the permitted activities would be appropriate and compatible with the values and resources of the park; (3) the potential for controversy; and (4) contact information at the park for further questions.
- Copy of the proposed SUP with all terms and conditions.

### **SUP Terms and Conditions**

SUPs that permit launching, landing, or operating uncrewed aircraft from or on lands or waters administered by the NPS should clearly identify the designated area(s) for these activities within the park. SUPs should also contain appropriate terms and conditions to ensure the safe operation of uncrewed aircraft and mitigate any unacceptable impacts on the resources and values of the park.

See the Special Park Use Community of Practice SharePoint for additional assistance with terms and conditions and Permits.

In addition to the standard SUP conditions included on all permits, the following conditions are required:

- FAA Part 107 license.
- Uncrewed aircraft may not disturb or harass wildlife.
- Uncrewed aircraft may not interfere with NPS search and rescue, law enforcement, or other emergency operations.
- Uncrewed aircraft will not be flown in a reckless manner or outside the designated area(s).
- Operators may not operate uncrewed aircraft while under the influence of alcohol or drugs.
- Operators must avoid flying directly over people, vessels, vehicles, or structures and must avoid endangering the life and property of others.
- Operators must report as soon as possible all accidents involving injury (even minor first aid) and any resource or property damage to their NPS supervisor, RAM, and NAO. Notification to the NPS does not relieve the operator from reporting requirements under [49 CFR 830](#) or aviation mishap notifications required by the FAA. It is the responsibility of the pilot to submit a SAFECOM as soon as practicable.
- Uncrewed aircraft must be within visual sight, with no visual aids authorized, by the operator at all times during the flight of the uncrewed aircraft.
- Operators must have sufficient liability insurance or proof of membership in an organization such as the Academy of Model Aeronautics (AMA) which includes insurance coverage with membership.

- Optional conditions to consider (select as appropriate; may be revised based on individual park needs)
- Safety line(s) must be established. Only persons associated with flying the uncrewed aircraft are allowed at or in front of the safety line that separates the area of flight operations from non-flight areas.
- An area away from the safety line must be maintained for spectators. Intentional flying behind the safety line is prohibited.
- Time of day restrictions (consider no nighttime operations).
- Mufflers are required on all flammable fuel-powered models.
- Pilots/Operators will make the appropriate announcement when taking off, landing, or in emergency situations.
- First aid kits must be carried by pilots/operators.
- The SUP may prohibit the use of flammable liquids for fueling uncrewed aircraft. If the superintendent decides to allow flammable fuels, however, the following requirements should apply:
  - 1) All flammable fuels will be stored in containers that are Underwriters Laboratories (UL) listed and approved.
  - 2) No more than 5 gallons of all flammable liquid may be on-site at any time.
  - 3) A fully operational 10-pound class ABC portable fire extinguisher must be on site.
- All flight operations will be limited to times when there is no presence or threat of lightning or thunderstorms, no presence or threat of any type of precipitation, and no presence of sustained wind greater than 5 mph or threat of wind gusts greater than 10 mph.
- Size, weight restrictions.
- Uncrewed aircraft may not be launched, landed, or operated from or on areas that are eligible, studied, proposed, recommended, or officially designated as wilderness.
- One single pilot may not control more than one uncrewed aircraft at the same time.
- Educate Park visitors on why the flight is occurring to ensure there is no misconception that flying a UAS without approval is authorized.

#### **Note on FAA Guidelines and Requirements:**

Unlike the NPS, which does not distinguish between types of uncrewed aircraft, the FAA makes a distinction between model aircraft used by hobbyists for recreation and uncrewed aircraft operated commercially. FAA guidance for recreational or model aircraft operation is found in the [FAA Advisory Circular 91-57](#). This guidance may be useful when developing permit terms and conditions for uncrewed aircraft that qualify as model aircraft as that term is used in [Title 49 USC 44809](#) and the [FAA Advisory Circular 91-57](#) Exception for limited recreational operations of unmanned aircraft.

An SUP issued by the NPS does not exempt the operator from obtaining the appropriate authorization and permits from the FAA because the FAA has primary jurisdiction over the National Airspace System. Depending on the type of uncrewed aircraft, this may include a COA that authorizes flying outside of restricted airspace or an experimental certificate granted by the FAA for specific types of missions (e.g., research and development, training, marketing). To date, it is extremely rare for uncrewed aircraft to be flown under an experimental certificate for compensation or hire. As the FAA has primary jurisdiction over the National Airspace System, the NPS cannot issue a permit for a commercial uncrewed aircraft activity unless the FAA has sanctioned the flight. Thus, for the NPS to permit launching, landing, or operating commercial uncrewed aircraft within a park, the operator must have FAA approval and provide that documentation in the form of a COA prior to issuance of an SUP.

Please contact the NPS Special Park Uses Program Manager at [WASO\\_SPU\\_PERMITS@nps.gov](mailto:WASO_SPU_PERMITS@nps.gov) with any questions about SUPs. Your regional SUP POC will review your package to ensure it contains all necessary documentation for RD review.